



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** March 30, 2016  
**AGENDA DATE:** April 7, 2016  
**PROJECT ADDRESS:** Motor Village Automobile Dealership 350-352 Hitchcock Way (MST2014-00015 & MST2015-00090)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470, extension 4549  
 Beatriz Gularte, Senior Planner *BEG*  
 Andrew Bermond, AICP, Project Planner *ARB*

### I. PROJECT DESCRIPTION

The proposed project would subdivide an existing 5.08 acre lot at 350 Hitchcock Way into two lots; a 2.68 acre lot on the south (existing DCH Lexus of Santa Barbara) and a 2.80 acre lot on the north (proposed project site). The two lots would include a shared access easement for an existing automobile entrance at the proposed boundary between the two parcels. The proposed project lot includes a bicycle and pedestrian easement to the City of Santa Barbara granted on December 17, 2015.

The proposed project would also demolish a one-story automobile car dealership showroom and service center and construct a new 36,752 square-foot, two-story automobile dealership showroom and service center. On June 2, 2015 the City Council allocated 39,000 square feet of Community Benefit floor area for construction at the project site.

The proposed development includes an automobile showroom, office space, parts inventory storage, indoor vehicle storage and light maintenance area, and service bays. The project would provide 16 bicycle parking spaces and 99 automobile parking spaces; 58 standard, 29 valet indoor storage, 4 accessible, 6 clean air/vanpool, and 2 electric vehicle. The proposed project would employ a pager system to communicate with staff on site in order to avoid off-site noise impacts associated with a public address system. The project would also employ downward directional shielded light emitting diode (LED) outdoor lighting which would not introduce new off-site lighting in residential areas, but would expose Hitchcock Way and the adjacent auto dealership to minor increase in light pollution. This lighting system would be dimmed outside of operating hours (8:30 A.M.-8:00 P.M. for weekdays, 9:00 A.M.-7:00 P.M. for Saturdays, and 10:00 A.M.-6:00 P.M. for Sundays).

### II. REQUESTED APPLICATIONS

The discretionary applications required for this project are:

- A. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC Chapters 27.07);

- B. A Development Plan to develop 36,752 square feet of Community Benefit non-residential floor area (SBMC Chapter 28.85);
- C. A P-D Development Plan for a new automobile dealership in the Planned Development Zone (P-D) (SBMC Chapter 28.39).

### III. RECOMMENDATION

Staff recommends that the Planning Commission make the required findings to approve the Subdivision and Development Plan as proposed, because this community priority project is designed appropriately for the site, facilitates possible future pedestrian and bicycle improvements, and can be found consistent with applicable plans and policies.

#### VICINITY MAP



**IV. PROJECT BACKGROUND**

The proposed project site is in the Single Family Zone, Planned Development Zone, and Upper State Street Area (E-3/P-D/S-D-2). The site is currently developed with an existing car dealership (Lexus) and a vacant open service bay structure of approximately 15,000 square feet that supported the previous automobile dealership (Mel Clayton Ford).

On June 15, 2015 the City Council allocated 39,000 square feet of Nonresidential Growth Management Program (GMP) floor area from the Community Benefit Category. Community Benefit projects include three sub-categories: Community Priority Projects, Economic Development Projects, and Planned Development – New Automobile Sales Project. The proposed project was allocated floor area as a Planned Development – New Automobile Sales Project pursuant to SBMC §28.85.020.A.3.

On December 17, 2015 the applicant dedicated a non-exclusive bicycle and pedestrian easement approximately 40 feet wide along the west perimeter and 22 feet wide along the north perimeter of the property. The purpose of this easement is to facilitate a future pedestrian and bicycle connection between La Rada Way and Ardilla Drive. This connection would ultimately be part of a pedestrian and bicycle connection between Hope Avenue and Las Positas Road pursuant to the 2007 Upper State Street Study.

**A. SITE INFORMATION**

<b>Applicant:</b>	Maruja Clensay, SEPPS		
<b>Property Owner:</b>	Ralph Horowitz, Horowitz Family Trust		
<b>SITE INFORMATION</b>			
<b>Parcel Number:</b>	051-240-003	<b>Lot Area:</b>	5.08 acres (to be divided into 2.72-acre and 2.36-acre lots)
<b>General Plan:</b>	Commercial/Medium High Residential (15-27 du/ac.)	<b>Zoning:</b>	One-Family Residential Zone/Planned Development Zone/Upper State Street Area (E-3/P-D/S-D-2)
<b>Local Coastal Plan:</b>	Hotel-Related Commerce		
<b>Existing Use:</b>	Vacant Building	<b>Topography:</b>	0 – 2%
<b>Adjacent Land Uses</b>			
	<b>North</b> – Residential	<b>East</b> – Residential	
	<b>South</b> – Automotive Sales	<b>West</b> – Commercial and Residential	

**V. TENTATIVE SUBDIVISION MAP**

The proposed project would subdivide the existing 5.08 acre lot into two lots; a 2.68 acre lot on the south and a 2.80 acre lot on the north. The two lots would include a shared access easement for an existing automobile entrance at the proposed boundary between the two parcels

**Standard for Review of the Tentative Subdivision Map.** Compliance with the Subdivision Map Act and SBMC Chapter 27.07 are required prior to approval of Tentative Subdivision Map.

The proposed project would divide the parcel at 350 Hitchcock Way (APN 051-240-003) into two lots of roughly equal size. On March 10, 2016 a revised Tentative Subdivision Map was submitted to the City meeting the requirements of the Subdivision Ordinance and the Subdivision Map Act according to Planning and Engineering Staff. The proposed subdivision would create two lots of appropriate size that would reasonably accommodate existing and potential future land uses envisioned in the General Plan.

In the 2007 Upper State Street Study Report a pedestrian and bicycle trail is proposed to be constructed connecting Las Positas Road and Hope Avenue between Calle Real and State Street providing non-motorized access between several auto-dependent neighborhoods. While such a project is not designed or proposed as a part of this application, the easement provides an important step toward future implementation.

The proposed project would continue a previous automobile dealership use at the site. A shared access agreement between the two new lots is recommended as Condition I.E.3. for the driveway on the southern boundary of the proposed project site. Such an agreement would avoid future access concerns for uses on either lot.

## **VI. DEVELOPMENT PLAN**

A nonresidential project that involves the construction of more than three thousand square feet of new nonresidential floor area requires Development Plan approval from the Planning Commission pursuant to the Nonresidential Growth Management Program (SBMC Chapter 28.85). Additionally, a project proposed in the Planned Development Zone (P-D) requires approval from the Planning Commission pursuant to SBMC Chapter 28.39.

**Nonresidential Square Footage Allocation.** The project received a designation as a Community Benefit project and an allocation of 39,000 square feet of nonresidential floor area from the Community Benefit category by the City Council on June 2, 2015.

**Standard for Review of the Development Plan.** Compliance with the following summarized findings is required prior to approval of the Development Plan.

1. The project complies with the Zoning Ordinance;
2. The development is consistent with the principles of sound community planning;
3. The development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria; and
4. The development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy for the Upper State Street Area.

### **A. ZONING ORDINANCE CONSISTENCY**

#### **1. One-Family Residence Zone (E-3) and Planned Development Zone (P-D)**

The proposed project site is in both the One-Family Residence Zone (E-3) and the Planned Development Zone (P-D). The intent of the P-D is to provide for the orderly development of land in areas where disparity between zones (i.e. one-family residential to commercial) warrants special features to avoid conflict. New automobile sales and automotive repair and servicing are both expressly allowable uses in the P-D.

Standard	Requirement/ Allowance	Existing	Proposed
<b>Setbacks</b>			
-Front	10 feet	5 feet	10 feet
-Interior	6 feet*	10 feet	0 feet (south)
<b>Building Height</b>	45 feet	~18 feet	33'-8"
<b>Parking</b>	99 automobile spaces 15 bicycle spaces	~200 auto spaces 0 bicycle spaces	99 automobile spaces 16 bicycle spaces
<b>Lot Coverage</b>			
-Building	N/A	18,866 sf 15.5%	30,036 sf 25.5%
-Paving/Driveway	N/A	85,246 sf 69.8%	66,796 sf 54.8%
-Landscaping	N/A	18,000 sf 14.7%	25,280 sf 20.7%

\*The interior setback in the E-3 is 6 feet. However in the P-D it is "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 proposed project would include vehicle movement and parking along the new proposed boundary between the project site and the Lexus dealership to the south. This configuration avoids visual conflicts with the street and residential site boundaries and facilitates the use of the proposed shared access on the southern boundary of the proposed project site.

## 2. Upper State Street Area Zone (SP-2)

The proposed project is also in the Upper State Street Area Zone (SP-2). The proposed project meets parking requirements for its intended use, and does not include a drive-through component, consistent with SP-2 requirements. Additionally the proposed building is setback 55 feet from Hitchcock Way, exceeding the requirement of 20 feet for multi-story buildings in SP-2.

The Upper State Street Study Report (2007) made parking recommendations, including providing employee parking, retaining on-street parking, and providing continued policies and programs to encourage walking, biking, and transit, especially for employees. The proposed project incorporates required bicycle parking and dedicated off-street employee parking spaces.

The Upper State Street Study Report also identified a need for a new off-street pedestrian/bike trail south of the Upper State Street Area connecting Hope Avenue and Las Positas Road via La Rada Way, Ardilla Drive, Peach Grove Lane, and McCaw Avenue connecting via easements over golf course and auto dealership property. In order to facilitate future implementation of this long-term improvement, the applicant entered into a pedestrian and bicycle access easement over the north and east edges of the

proposed project site. Design, permitting, and construction of a future path would be the responsibility of the City of Santa Barbara.

## **B. CONSISTENCY WITH THE PRINCIPLES OF SOUND COMMUNITY PLANNING**

### **1. GENERAL PLAN CONSISTENCY**

The proposed project is located in the Upper State Street neighborhood abutting the Hitchcock Neighborhood to the north and east. The project site has a General Plan land use designation of Commercial/Medium High Residential 15-27 dwelling units per acre. This project vicinity is a mix of commercial (automobile sales) and low and medium residential. The new automobile dealership would remain consistent with the previous use. The following is a discussion of the project's compatibility with the relevant General Plan elements:

#### **a. Land Use Element**

The Land Use Element has several policies applicable to the proposed project. Policy LG 2 and LG 7 provide for the Non-Residential Growth Management Program and Community Benefit Land Uses. These programs are discussed in Section V.D.3. of the Staff Report.

Policy LG 11 encourages a healthy urban environment by proposing consideration of health in land use and circulation decisions. The proposed project would generate an increase in automobile traffic, however the trip generation would be consistent with the assumptions in the General Plan for an automobile dealership at the site. The dedication of a bicycle and pedestrian easement provides for future non-motorized access between automobile-dependent communities and La Cumbre Plaza or MacKenzie Park. By incorporating this easement into the proposed project, the application can be found consistent with this policy.

#### **b. Environmental Resources Element:**

City Environmental Resources Element policies provide that important environmental resources of the City be preserved and protected, including archaeological, visual, biological, and open space resources; specimen and street trees; air and water quality; and minimizing potential drainage, erosion and flooding hazards. The project proposes to construct solar panels on the roof under a future project consistent with Policies ER5 and ER6 providing for energy efficient buildings and on-site renewable energy generation.

Policy ER11 provides for the protection of trees and landscaping. The proposed project's retention of the eucalyptus trees (though non-native) meets the intent of this policy.

### **(1) Storm Water Management Program (SWMP)**

Policy ER20 incorporates the City Storm Water Management Program into the General Plan. The proposed project is subject to the “Tier 3” on-site storm water treatment requirements in the Storm Water Management Program. Storm water run-off is proposed to flow into precast concrete catch basins with traffic grates. From these basins storm water would flow through storm drain pipes to one of two sub-surface storm water chamber clusters. The storm water chamber clusters are sized to retain up to a one-inch rainfall in a 24 hour period and allow the water to gradually percolate underground. Excess storm water would flow into the storm drain pipe below Hitchcock Way. This system was reviewed by the Creeks Division and deemed compliant with the Storm Water Management Program.

#### **c. Circulation Element**

The Circulation Element of the General Plan contains goals, policies, and programs for the City's street system and parking, sidewalks, bikeways and transit. Land use and planning strategies are also established that support the City's mobility goals.

Policy C1 provides for the assessment and installation of new alternative transportation infrastructure and facilities. The bicycle and pedestrian easement would facilitate future development of a non-motorized transportation mode between currently auto-dependent land uses.

Policy C8 provides for the maintenance of emergency evacuation and access routes. Because of safety concerns with the proposed loading and unloading of vehicles from transport trucks in the two-way center turn lane in Hitchcock Way, Staff recommends Condition I.B.4. requiring off-street loading and unloading. The applicant has indicated that off-street loading and unloading is feasible.

### **C. PROJECT COMPATABILITY ANALYSIS**

The proposed project was reviewed by the Architectural Board of Review (ABR) on July 20, August 17, and August 31, 2015. At each meeting ABR received public comment with concerns about size, bulk, and scale as well as neighborhood concerns about safety and access regarding the then-proposed bicycle and pedestrian easement.

On August 31, 2015 the forwarded the project to Planning Commission making the following Project Compatibility Criteria findings:

1. **Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines:** The Board made the finding that the proposed development project's design complies with all City Regulations and is consistent with ABR Design Guidelines.
2. **Compatible with Architectural Character of City and Neighborhood.** The proposed design of the proposed development is compatible with the distinctive architectural character of the Santa Barbara and of the particular neighborhood surrounding the project.
3. **Appropriate size, mass, bulk, height, and scale.** The proposed development's size, mass, bulk, height, and scale are appropriate for its neighborhood.

4. **Sensitive to Adjacent Landmarks and Historic Resources.** The design of the proposed development is appropriately sensitive to adjacent City Landmark/designated historic resources, historic sites or natural features and mitigation measures are adequate to reduce adverse impacts.
5. **Public View of the Ocean and Mountains.** The design of the proposed project responds appropriately to established scenic public vistas.
6. **Appropriate Amount of Open Space and Landscaping.** The project's design provides an appropriate amount of open space and landscaping.

The ABR majority appreciated the design and massing of the project and the retention of the eucalyptus trees on site. The ABR wished to see brown trunk palm trees next to the porte cashere of the project site and to see further study of texture and color changes on the rear second floor to reduce apparent mass on the second floor in the back.

#### **D. TRAFFIC MANAGEMENT STRATEGY**

The proposed project site is in the Upper State Street Area according to the City's Traffic Management Strategy. Because of traffic concerns in this area, the Traffic Management Strategy and the Non-Residential Growth Management Program (GMP) allow different uses than those in the Downtown Area. Both Community Priority Projects and Planned Development – New Automobile Sales are expressly allowed in the Upper State Street Area. Transportation staff found the project to be consistent with the assumptions in the City traffic model for the project site and did not identify any project specific traffic impacts.

### **VII. P-D DEVELOPMENT PLAN**

The proposed project site is in the Planned Development Zone (P-D). Most of the uses allowed in the P-D are special uses and are of such a nature that the Zoning Ordinance deems it impractical to establish in advance the minimum requirements for parking, site area, setbacks, hours and manner of operation, lighting, and landscaping. Therefore, in addition to a Development Plan to develop GMP floor area, the project would also require a P-D Development Plan.

**Standard for Review of the P-D Development Plan.** Compliance with the following summarized findings is required prior to approval of the P-D Development Plan.

1. That 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;
2. That prescribed hours and days of operation of the facilities are such that the character of the area is not inappropriately altered or disturbed;
3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area;
4. That 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 and of the City.

#### **A. SETBACKS**

As described in Section VI.A.1. the front setback in the E-3 is 10 feet, which the proposed project would comply with. Additionally, the building is proposed to be setback 55 feet from Hitchcock Way, providing visual separation from the roadway.

Required interior setbacks in the E-3 are typically 6 feet, therefore the proposed 22 feet on the north and 40 feet on the west would provide additional separation from residential uses. The bicycle and pedestrian easement area includes existing trees which visually screen the project site from residential areas. The proposed parking on the south side of the project site would abut the new lotline resulting in a 0 foot setback from the Lexus dealership. This setback would not adversely impact that new lot because these proposed lots would have identical uses and shared automobile access consistent with the previous use on the proposed project site (Mel Clayton Ford).

#### **B. HOURS OF OPERATION**

The applicant proposes prescribed hours of 8:30 A.M.-8:00 P.M. for weekdays, 9:00 A.M.-7:00 P.M. for Saturdays, and 10:00 A.M.-6:00 P.M. for Sundays. The adjacent Lexus automobile dealership maintains similar hours (opening at 8:00 A.M. Monday-Saturday). Because the proposed project is consistent with adjacent uses, it would not inappropriately alter the character of the neighborhood.

#### **C. LIGHTING**

A lighting plan was prepared for the project showing no off-site light pollution in residential areas to the north and east. Some light generated from the site would illuminate portions of Hitchcock Way and the adjacent automobile dealership. The proposed lighting would be downward directional light emitting diode (LED) facilitating that applicant's proposed overnight dimming. This lighting system is not likely to present a nuisance to adjacent properties.

#### **D. NEIGHBORHOOD COMPATABILITY**

The proposed project site is in an area with several automobile dealerships. The proposed project site was previously an automobile dealership service area. However, the project site is located at the boundary between auto dealership uses and other neighborhood uses (office/retail, and residential). The applicant proposes to employ a paging system in place of a public address system for employee communication, and proposes to conduct maintenance in enclosed indoor service bays. Therefore, the project would not likely contribute significant noise pollution.

### **VIII. ENVIRONMENTAL REVIEW**

The proposed project is within the scope of the 2011 General Plan and the Program Environmental Impact Report (EIR) analysis for the General Plan. The project and designations are consistent with the development density designated and analyzed by the Program EIR. Potential minor project environmental effects are addressed with existing development standards and regulations (e.g., design review, construction regulations, Storm Water Management Program Tier 3 provisions, noise regulations and conditions, etc.). Based on City Staff analysis, 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-

Projects Consistent with the General Plan). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project. A decision-maker finding that the project qualifies for the §15183 CEQA determination is required.

## **IX. FINDINGS**

Staff recommends that the Planning Commission make the following findings:

### **A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)**

1. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning, based on the CEQA certificate of determination on file for this project.

### **B. TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)**

Finding to Approve:

1. The tentative subdivision map is consistent with the Subdivision Map Act, Santa Barbara Municipal Code Chapter 27.07, and the General Plan because it is in conjunction with development of an automobile dealership and all required information, reports, plans, and agreements have been submitted;

Findings not to Deny:

2. The project is consistent with the General Plan and the Upper State Street Area Specific Plan including the objectives, policies, general land uses and programs specified therein because it would construct an automobile dealership in the Planned Development Zone and would provide for future pedestrian and bicycle circulation connections;
3. The project site is physically suitable for the type and density of development. The project would not cause substantial environmental damage nor would it substantially injure fish or wildlife or their habitat. The project is not likely to cause serious public health problems. The project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development;
4. The project provides for reasonable public access to public natural resources as required by Article 3.5 of Chapter 4 of the Subdivision Map Act, and;
5. The project would not discharge of waste from into an existing community sewer system in violation of existing requirements prescribed by a California Regional Water Quality Control Board.

### **C. DEVELOPMENT PLAN (SBMC §28.85.040)**

1. The project complies with the Non-residential Growth Management Program Requirements by constructing a new automobile dealership in the Planned Development Zone and receiving Community Benefit floor area allocation from City Council;
2. The project is consistent with the principles of sound community planning because it is consistent with applicable plans and policies that allow auto dealership in this location and would not adversely affect the character of the neighborhood;

3. The project will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk, and scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in SBMC Sections 22.22.145 or 22.68.045 as found by the Architectural Board of Review on August 31, 2015; and
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050.

**D. P-D DEVELOPMENT PLAN (SBMC §28.39.130)**

1. That 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;
2. That prescribed hours of 8:30 A.M.-8:00 P.M. for weekdays, 9:00 A.M.-7:00 P.M. for Saturdays, and 10:00 A.M.-6:00 P.M. for Sundays do not inappropriately alter or disturb the character of the area;
3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area; and
4. That 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 and of the City as determined by the Architectural Board of Review on August 31, 2015.

Exhibits:

- A. Conditions of Approval
- B. Project plans and tentative parcel map
- C. Applicant's letter dated January 21, 2016
- D. ABR Minutes dated July 20, August 17, and August 31, 2015
- E. Bicycle and Pedestrian Easement dated December 17, 2015
- F. Relevant Policies



**PLANNING COMMISSION CONDITIONS OF APPROVAL**

350 & 352 HITCHCOCK WAY  
DEVELOPMENT PLAN, PD DEVELOPMENT PLAN, AND TENTATIVE SUBDIVISION MAP  
April 7, 2016

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **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 that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Comply with Condition I.F “Construction Implementation Requirements.”
  4. Submit an application for and obtain City Council approval of the Final Map and Agreement and record said documents.
  5. Permits following recordation of Final Map.
    - a. Submit an application for and obtain a BLD for construction of Approved Development.
    - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.

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

- B. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map and Development Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director, and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 7, 2016: The approval is limited to a subdivision of the 5.08 acre lot into a 3.0 acre lot (Proposed Lot 1) and a 2.8 acre lot (Proposed Lot 2) and the construction of a new two-story 36,752-square foot automobile dealership and the improvements shown on the project plans and the Tentative Subdivision Map signed by the Planning Commission on said date and on file at the City of Santa Barbara as well as a new 36,752 square foot, two-story auto dealership showroom and service center on proposed Lot 2.
  2. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private

property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed 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) for Proposed Lot 2. 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. **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.
  7. **Loading/Unloading Off-Street.** Loading and unloading of automobiles transported by truck shall occur on site on Proposed Lot 2 in order to not cause congestion on Hitchcock Way.
  8. **Employee Parking Off-Street.** The 23 parking spaces designated for employees shall be posted "Employees Only" on Proposed Lot 2.
- 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:**Parks and Recreation Commission Tree Removal Approval.** Submit to the

Planning Division verification of approval from the Parks and Recreation Commission for the removal of 5 queen palm street trees along Hitchcock Way.

2. **Screened Backflow Device.** The backflow devices for fire sprinklers 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 Proposed Lot 2 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. **Public Works Submittal for Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval prior to processing the approval of the Parcel Map or shall submit an Agreement to Secure Public Improvements (see Condition D.5). **Parcel Map.** The Owner shall submit to the Public Works Department for review and approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance. The parcel map will include a shared easement for both properties for use of the communal driveway.
2. **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.
  3. **Private Driveway Maintenance Agreement.** The Owner shall submit a copy of the *Agreement for Maintenance* of the driveway. Said Agreement is subject to the review and approval of the Public Works Director and City Attorney.
  4. **Hitchcock Way Public Improvements.** The Owner shall obtain a Public Works Permit(s) to construct all public improvements prior to construction. All public improvements shall conform to City design and construction standards. Public improvements shall include the following:
    - Reconstruction of driveways as needed to meet State Title 24 standards.
    - Removal of cobra head style street lighting and replacement with City standard street lights along the frontage of the property.
    - Provide separate water services for domestic, irrigation and fire services as required by the Santa Barbara Municipal Code.

- Provide a manhole for access to the proposed private storm drain connection in Hitchcock Way.
  - All public improvements shall be completed prior to recordation of the Parcel Map or owner shall agree to complete public improvement per Santa Barbara Municipal Code Section 27.09.070. This code requires an agreement and providing securities to guarantee the completion of the public improvements.
5. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
- E. **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 issuance of any permit for the project. Some of these conditions may be waived for public improvements permits pulled prior to recordation of the Parcel Map. Please note that these conditions are in addition to the standard submittal requirements for each department. Public Works Department.
- a. **Public Improvement Plans.** Public Improvement Plans as identified in Condition I.D.4 "Hitchcock Way Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of securities and a Land Development Agreement, a Public Works Permit shall be issued.
  - b. **Tree Trimming and Removal.** Approval from City arborist is required before removal or trimming of any trees in the public right-of-way.
  - c. **Soil and Sediment Migration.** Include a plan that prevents possible future soil/sediment migration from the sloped eastern side of the property to the adjacent right-of-way (Ardilla and Cordero Drive) or demonstrate that soil/sediment migration will not be an issue.
  - d. **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.
  - e. **Drainage and Water Quality.** The project is required to comply with Tier III of the Storm Water Management Plan treatment, rate and volume. The Owner shall submit a hydrology report 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, storm water

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, or groundwater pollutants would result from the project.

2.

- 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 I.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 Condition I.C “Design Review,” and all elements/specifications shall be implemented on-site.
- c. **Transportation Demand Management.** The following vehicle-use disincentives shall be incorporated into the project on Proposed Lot 2. Such provisions shall be included in the lease/rental agreements of future tenants:
  - (1) **Shower/Locker Facilities.** Shower and locker facilities for male and female employees shall be provided and be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired.
  - (2) **Ride-Share.** Employees shall be made aware of the Ride-Sharing Program available at [www.smartride.org](http://www.smartride.org) or similar successor programs administered by the Santa Barbara County Association of Governments.
  - (3) **Break Room.** The employee break room shall be available to each employee and shall include the following amenities: sink, refrigerator, tables, chairs, and microwave oven.
  - (4) **Bicycle Parking.** At least 16 bicycle parking spaces shall be provided. At least 8 spaces shall be covered and secure long-term bicycle parking.
  - (5) **Shuttle.** A shuttle bus service shall be provided for service department customers.

- (6) **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
- 3. **Paging System.** The applicant will provide evidence of an employee paging system on Proposed Lot 2 that avoids amplified sound, bells, or other devices that could adversely affect adjacent property occupants.
- 4. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets for Proposed Lot 2. 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.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors' names, contractors' telephone numbers, 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.

3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
George Washington's Day	3rd Monday in February
Cesar E. Chavez Day	March 31*
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact

the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. **Construction 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 Engineer with a Public Works permit.
5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
6. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution

Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).

i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.

k. Diesel powered equipment should be replaced by electric equipment whenever feasible.

l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.

m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

n. All construction equipment shall be maintained in tune per the manufacturer's specifications.

o. The engine size of construction equipment shall be the minimum practical size.

p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

7. **Asbestos & Lead-Containing Materials.** Pursuant to Air Pollution Control District (APCD) Rule 1001, the applicant is required to complete and submit an Asbestos

Demolition / Renovation Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained from the Santa Barbara County APCD prior to commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:**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.
- H. **General Conditions.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. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City. 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. **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.
4. 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.

**II. NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:**

The Planning Commission action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

**III. NOTICE OF DEVELOPMENT PLAN TIME LIMITS:**

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

**IV. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.





# City of Santa Barbara California

Exhibit B: The site plan for 350-352 Hitchcock Avenue has been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.

**EXHIBIT B**



21 January 2016

Planning Commissioners  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

**RE: 350 – 352 Hitchcock Way – Project Description/Applicant Letter  
APN 051-240-003; MST2014- 00166 and MST2015-00090**

Dear Planning Commissioners,

On behalf of DCH California Investments, LLC, also known as New Century Group and the Horowitz Group, applicants of 350 Hitchcock Way, we are pleased to submit this project description as part of the application completeness package for a subdivision to create two lots and a Development Plan to construct a new automobile dealership.

### **Site Information and Development History**

The property is located at 350 Hitchcock Way (APN 051-240-003) and is zoned Single Family, Planned Development, and Upper State Street Special District (E-3/PD/SD-2). The total property area is 246,579 SF and is currently developed with an existing car dealership (Lexus, located on proposed Lot 1) and a vacant open service bay structure of approximately 15,000 SF that previously supported an adjacent car dealership (located on proposed Lot 2). The site is adjacent to other automobile dealerships to the south, commercial development to the west, and residential development to the north and east.

### ***Proposed Project***

Proposed Lot 2 The subject property is currently developed with three buildings; one automobile showroom of approximately 23,406 SF (with a 2,548 SF service canopy), a service garage of 7,862 SF, and a one-story building with a connected service garage which was originally constructed to serve the adjacent showroom/dealership (total building footprint is 15,212 SF). The Lexus dealership occupies the buildings located on the south side of the property or proposed Lot 1. The third building is unoccupied and was originally developed as the Mel Clayton Ford dealership. The existing parcel has three ingress/egress points from Hitchcock Way. The project proposes to create a property boundary that will separate the existing operating dealership from the vacant portion of the property along an existing ingress/egress point. This ingress/egress point is proposed to become a shared driveway between the two proposed lots. Both lots will be individually metered and each will be responsible for maintaining an existing landscape buffer strip easement located along the perimeter of the property per Tract Map No. 11,054. The Lexus dealership will remain on proposed Lot 1.

The proposed subdivision statistics break down as follows:

Existing Parcel	Proposed Parcel 1	Proposed Parcel 2
246,579 gross SF	129,807 gross SF 116,668 net SF	122,050 gross SF 104,377 net SF

As noted above, proposed lot 2 contains a vacant building consisting of a 2,363 SF office/showroom and 567 SF of storage area (gross areas). There is also a vacant service bay structure of approximately 15,936 SF. The project also proposes to demolish the existing structures and construct a new two-story dealership building of approximately 36,752 net SF. The proposed project was designated as a Community Benefit by City Council on June 2, 2015 and was allocated 39,000 net square feet from the Planned Development – New Automobile Sales Project subcategory from the Nonresidential Growth Management Program.

The new building will contain automobile showrooms (totaling 9,993 SF), business and automobile parts (6,396 SF), enclosed service bays (8,478 SF), restrooms (785 SF) and interior car inventory storage (11,100 SF). The project includes 25,280 SF of landscaping throughout the property, including a large landscaped buffer approximately 40 feet wide along the eastern property line. The project proposes 99 parking spaces, including four ADA spaces, for customers, service, and staff. Car inventory will be stored along with property frontage, in the rear of the property, and inside the new building. The car inventory storage proposed along the property frontage will be located in the same location and configuration as the previously permitted and approved car inventory for Mel Clayton Ford. The following table provides an automobile and bicycle parking breakdown of the proposed project:

Parking Category	Allocation	Required	Proposed
Showroom	9,993 SF / 250 SF	40	40
Business	3,396 SF/ 250 SF	14	14
Parts	3,000 SF/500 SF	6	6
Service Bays	12 hoists x 3	36	36
Warehouse (storage)	11,100 SF / 5,000 SF	3	3
<b>TOTAL AUTOMOBILE SPACES</b>		99	99
<b>Bicycle Parking = 1 per required automobile space</b>		15	16

Of the 99 parking spaces proposed, there are four ADA spaces and eight Clean Air/Vanpool/EV spaces. The proposed project will provide one more bicycle space than required.

The new building proposes ample buffers from the northern and eastern property lines to protect private views and to minimize noise pollution. The project received positive feedback from the Architectural Review Board for its proposed siting; acknowledging the relief from the neighboring residences (see additional detail regarding design review below).

### **Dealership Operations**

The Santa Barbara Alfa Romeo and Maserati dealership proposes completely enclosed service bays to minimize potential noise impacts to adjacent land uses. The proposed hours of operation are consistent with other dealerships in the area (Monday through Friday; 8:30 AM – 8:00 PM), with reduced hours on the weekends (Saturday 9:00 AM - 7:00 PM, and Sunday 10:00 AM – 6:00 PM). In addition, the proposed dealership does not have an outdoor public announcement (PA) system but rather utilizes a pager system for its day-to-day operations.

Similar to the existing dealership vehicle transport trucks, trucks will use the two way turn lane on Hitchcock Avenue just south and in close proximity of the project site. Please note that vehicles will be delivered in significantly lower volumes as compared to other dealerships in the vicinity. Vehicular turnover is not as frequent or as sizeable in scale as compared to other dealerships.

Customer parking is reserved in the front of the showroom building. All other parking spaces along the northern, southern and eastern portions of the property are reserved for employees, service vehicles, and inventory.

### **Storm Water Management and Drainage**

According to the Preliminary Tier 3 Storm Water BMP report, prepared by MAC Design, the proposed project will not cause any water quality impacts. The Tier 3 storm water quality standards of the City of Santa Barbara will be fully satisfied as the project will provide a decrease in impervious area. Please see enclosed report for more information.

### **Soils/Geotechnical Analysis**

According to the Preliminary Geotechnical Investigation prepared by Pacific Materials Laboratory dated August 31, 2015, the proposed project is feasible from a soil-engineering perspective provided that the recommendations in said report are incorporated into the project design and followed. These include recommendations for grading, for the foundation, and retaining wall. Please see the enclosed report regarding these recommendations.

### **Design Review- Architectural Board of Review**

The project was reviewed by the Architectural Board of Review (ABR) on three occasions. The current design incorporates ABR comments. At the second conceptual review by ABR on August 17, 2015, the ABR stated appreciation of the project's retention of the eucalyptus trees in the rear of the property, the composition of the building, and noted that the proposed materials were very elegant.

At the project's third conceptual review on August 31, 2015, the ABR stated the Project Compatibility Criteria. Comments received included appreciation of the stepping back

of the building and relief of massing, the building façade articulation, and the increase in landscaping.

### **Discretionary Approvals for Consideration**

The proposed project requires City approval of a Development Plan, see description below. City Council approved the requested designation as a Community Priority project on June 2, 2015.

- Tentative Subdivision Map Approval to allow the division of one (1) parcel into two (2) lots per SBMC §27.07.
- Development Plan Approval to allocate 36,752 net square feet from the Community Benefit category per SBMC §28.85.
- Development Plan Approval for a new automobile dealership in the PD zone per SBMC §28.39.

### **Project Justifications**

The project as proposed complies with the zoning regulations of the E-3/PD/SD-2 zones and applicable General Plan policies. Further the proposed project is consistent with the findings required for TPM approval as outlined below:

1. The proposed map is consistent with applicable General and specific plans.
2. The design or improvement of the proposed development is consistent with applicable general and specific plans.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the development or the proposed improvements is not likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the development or the type of improvement is not likely to cause serious public health problems.
7. The design of the development or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

### **P-D Zone Development Plan Findings**

The project meets the intent of the development plan findings required in the P-D zone in that the total area of the site and proposed setbacks from the new building are sufficient in magnitude considering the surrounding character of the land, thereby avoiding any detrimental impact on the surrounding areas. The proposed hours and days of operation of the facilities are consistent with the existing operations of neighboring dealerships and should not alter or disturb the character of the area. All

outdoor lighting is compliant with current code, and will have automatic dimmers to prevent light pollution during closed hours. According to the photometric plan provided in our plan package (Sheet A1.2), the project will have 0.0 foot candles at the northern and eastern property lines, adjacent to the neighboring residences. Lastly, the appearance of the proposed project is compatible with the character of the area and of the City as it was found consistent with the project compatibility analysis criteria by ABR.

### **Non- Residential Growth Management Program**

The project can also be found consistent with the Development Plan findings per §SBMC 28.85.040 in that the project is in compliance with the applicable development standards, the project is consistent with the principles of sound community planning such that the site is appropriately zoned for the proposed use, the operational parameters will be carried out to minimize potential impacts to adjacent uses, and the development has been reviewed by the City's ABR concluding that the compatibility criteria have been satisfied. It is our understanding that with the reduction in proposed floor area, the project will be consistent with the policies of the City of Santa Barbara Traffic Management Strategy.

The project was revised as part of the design review process resulting in a development that is sensitive and compatible with the surrounding area. The project can be found to be consistent with the intent and purposes of applicable General Plan policies and the standards established in the Zoning Ordinance. As evidenced by the discussions and conclusions contained in the technical studies provided, the project will not result in a significant effect on the environment.

■ ■ ■

On behalf of the applicant project team, we thank you for your consideration of this project.

Sincerely,

**SUZANNE ELLEDGE**

**PLANNING & PERMITTING SERVICES**



Maruja Clensay  
Associate Planner





# City of Santa Barbara Planning Division

## 30-DAY DEVELOPMENT APPLICATION REVIEW TEAM (DART) COMMENTS – SUBMITTAL #2

February 20, 2015

Trish Allen  
SEPPS  
1625 State Street, Unit 1  
Santa Barbara, CA 93101

**SUBJECT: 350-352 Hitchcock Way, MST#2014-00166, APN: 051-240-003**

**DART MEETING DATE: Tuesday, February 25, 2015, from 2:15 p.m. to 2:45 p.m.,  
630 Garden Street, CD 2<sup>nd</sup> Floor Conference Room**

Dear Ms. Allen:

### I. INTRODUCTION

The City received the development application for the subject project for 30-day review on January 23, 2015. This 2<sup>nd</sup> DART submittal is in response to staff's incomplete letter dated May 7, 2014. The current project remains the same as the project originally submitted on April 10, 2014 and consists of subdividing a 5.8 acre lot into two lots. Proposed Lot 1 would be 3.0 acres and proposed Lot 2 would be 2.8 acres. The project site is currently divided into two lease areas: the southern portion of the parcel contains an auto dealership showroom, uncovered car storage, and separate service building, all operated by Lexus of Santa Barbara; the northern portion, which is currently unoccupied, contains an open carport-style service bay with a manager's office, small warehouse, and an uncovered vehicle storage area.

The information reviewed by the DART included a response letter from Suzanne Elledge Planning and Permitting Services dated January 23, 2015, a Tentative Subdivision Map prepared by Waters Land Surveying Inc., updated January 2015 and Civil Engineering drawings prepared by MAC Design Associates, dated January 22, 2015.

Also, during the 30-day application review period, I was assigned as the lead contact regarding this project. Any questions or concerns you may have relative to the processing of the development application should be directed to me at (805) 564-5470 ext. 4550 or by e-mail at [dgullett@SantaBarbaraCA.gov](mailto:dgullett@SantaBarbaraCA.gov).

### II. REQUIRED DISCRETIONARY APPLICATIONS

You have applied for

A Tentative Subdivision Map to allow the division of one (1) parcel into two (2) lots (SBMC Chapter 27.07).

### III. STAFF SUPPORTABILITY

Staff reviewed the subject application and supports the subdivision. The property has a Planned Development Zone (P-D) designation, which is the only zone that allows new auto sales, and the proposed parcels would provide adequate area for independent auto dealerships on each lot.

### IV. COMPLETENESS DETERMINATION

The purpose of this letter is to notify you that the development application for the subject project is "incomplete," and additional information is required. The required additional information is specified below.

### V. ADDITIONAL INFORMATION REQUIRED FOR APPLICATION COMPLETENESS

Staff has identified the following information as necessary in order to adequately review the proposed development project. **Subsequent applications will not be accepted without this information.**

#### A. Planning Division

1. **Dedication.** Please include on the Tentative Map a proposed 15 foot wide easement for an off-street pedestrian path/bicycle trail that would connect Hitchcock Way with Ardilla Drive consistent with the Upper State Street Study and City Council Resolution 07-032. To provide for a landscaped buffer, the easement should be located five feet from the northern property line and 25 feet from the eastern property line. The trail terminus along the eastern property line should be centered on the Ardilla Drive centerline.
2. **Letter of Withdraw.** Please submit a letter withdrawing the application for the tenant improvement for Tesla (MST2014-00015) if that project is no longer being pursued.
3. **Response.** Please submit a copy of this letter, indicating how each of the comments contained herein have been addressed.
4. **Project Changes.** If, when you resubmit your DART application, your project changes in any way from the current proposal (change in the number of dwelling units, floor area, parking spaces, building height, window location, etc.), please provide a concise explanation of all of the changes. Be advised that changes to the project may result in additional requests for information, and if deemed significant, may require submittal of a revised application (at staff's discretion) and associated fees.

#### B. Engineering Division

1. **Subdivision Boundary.** Please show boundary of subdivision consistent with Lot 3 of Tract 11054. It appears that Parcel "B" & "C" were included in this subdivision boundary and should be excluded.
2. **Cross Section.** Please show a typical cross section of Hitchcock Way from right of way to right of way per Santa Barbara Municipal Code (SBMC) 27.07.030 (b) (4).

3. **Dedications.** Please show the pedestrian path/bicycle trail dedication requested by City staff per (SBMC) 27.07.030 (b) (7).
4. **Basis of Elevation.** Please show the basis of elevation (using City datum) per (SBMC) 27.07.030 (b) (1).
5. **Streetlights.** Please show that the existing street lights along the frontage of the subdivision will be removed and replaced to meet City street light standards.

## VI. ENVIRONMENTAL REVIEW

Once the application has been deemed complete, Staff will begin the environmental review of the subject project. Based on staff's initial review, it appears that the subject project may be Categorically Exempt from environmental review. A final determination on the appropriate level of environmental review will be made once all necessary information has been submitted.

## VII. ADVISORY COMMENTS (THIS MAY INCLUDE INFORMATION OR SUBMITTALS THAT WILL BE REQUIRED AT SOME FUTURE DATE)

### A. Planning Division

1. **Additional Fees.** Please be aware that projects that each subsequent DART after the second submittal requires an additional application fee equal to one-fourth ( $\frac{1}{4}$ ) of the highest fee for the project. In this case, the fee is \$2,307.50.
2. **Subdivision Order of Development.** There are two post-approval tracks: A-Track (Complete public improvements prior to recordation of the Final/Parcel Map) or B-Track (Record the Final/Parcel Map prior to completing public improvements). The A-Track is usually used for dry-lot subdivisions, where private improvements are not being built. The B-Track is usually followed for subdivisions where private improvements are proposed to be built. Based on the information provided in your application, Staff assumes that your project will be developed following the "A" track, and all public infrastructures (if necessary) shall be built before the recordation of the Parcel Map. Please confirm or provide additional information on your anticipated/proposed sequencing if this is not the case.
3. **Nonresidential Growth Management Program (GMP).** Since the adoption of the new General Plan in 2011, the Measure E program was replaced with the Nonresidential Growth Management Program (GMP). Effective April 11, 2013, until December 31, 2033, the amount of new nonresidential floor area available for nonresidential construction projects shall be restricted to no more than one-million three-hundred fifty thousand (1,350,000) square feet. SBMC Chapter 28.85 implements the GMP and provides details on the allocation of nonresidential square footage each year, categories of nonresidential square footage and development areas. Depending on where the project is located and at what time of year the application is submitted, the project may not be eligible for a nonresidential square footage allocation.

The GMP provides a number of categories for allocating additional nonresidential square footage on a lot based upon its location. This lot is in the Outlying Development Areas (Upper State Street, Mesa, Coast Village Road,

and Riviera Development Areas) as described in the Traffic Management Strategy. This Development Area is limited to Prior-Approved Projects, Prior-Pending Projects, Vacant, Minor Addition, Community Priority Projects or Transfer of Existing Development Rights.

This property cannot be allocated Prior-Approved or Prior-Pending Projects square footage, nor is the site considered Vacant. A Minor and Small Addition totaling 1,521.5 square feet was allocated to the existing building on proposed Lot 1 that was approved and received occupancy clearance under BLD2008-01815. This addition exhausted the 1,000 square feet of Minor Addition allocation category and approximately 500 of the allowed 2,000 square feet of Small Addition allocation category under the previous Measure E Program. With the adoption of the GMP on April 11, 2013, the Small Addition Floor Area category was eliminated for this part of the City (Outlying Development Area).

Staff understands that no development is proposed with the subdivision request. However, please be aware that any additions to the existing structures in the future would require a square footage allocation from the Community Benefit category by the City Council, or purchasing additional square footage through the Transfer of Existing Development Rights (TEDR) category. Any Transfer of Existing Development Rights would also need to come from the Upper State Street Development Area.

In summary, the buildings on the resultant parcels cannot be increased in size without a Community Benefit allocation from City Council or purchasing additional TEDR square footage.

**B. Building & Safety Division**

1. **Improvements.** Any improvements to existing structures or new construction will be required to comply with 2013 CBC.
2. **Exterior Wall Protection.** The existing buildings on each newly created parcel will need to comply with exterior wall protection per CBC Table 602 and opening protection per CBC 705.8.
3. **Current Building Codes.** The currently adopted building codes in effect are the 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Code, 2010 California Energy Standards (the 2013 California Energy Standards will be adopted on July 1, 2014) and the City of Santa Barbara Municipal Code #5639.

**VIII. ADDITIONAL APPLICATIONS REQUIRED**

Based on the information submitted, the subject project requires the following additional applications for the following reasons:

**A. Engineering Division**

*Following Staff Hearing Officer approval:*

1. Application for subdivision map review.

2. Application for review of Public Improvements.
3. Application for Permit to Construct and Traffic Control for construction in the right of way.

**IX. FEES**

Please be informed that fees are subject to change at a minimum annually. Additionally, any fees required following Staff Hearing Officer Approval will be assessed during the Building Plan Check phase and shall be paid prior to issuance of the building permit. Based on the information submitted, the subject project requires the following additional fees for the following reasons:

A. Planning Division

*Prior to the application being deemed complete:*

Third DART Submittal Fee ..... \$2,307.50

*Following Staff Hearing Officer approval:*

Plan Check Fee ..... TBD

LDT Recovery Fee ..... 30% of all Planning Fees

B. Engineering Division

*Following Staff Hearing Officer approval:*

(The following is estimated based on current City fee resolution and estimated construction cost and size of facilities.)

Public Improvement Application Fee..... \$39.00

Public Improvement Review Fee ..... \$441.00

Public Improvement Permit to Construct..... \$391.00

Traffic Control Application..... \$39.00

Traffic Control Permit ..... \$112.00

Technology Fee ..... 6% of the above Fees

Sewer Service Connection Fee..... \$704.00

Sewer Buy-in Fee ..... To Be Determined

Water Service Connection Fee ..... \$2,282.00

Fire Line Service Connection..... \$2,532.00

Water Meter Set Fee..... \$158.00

Water Buy-In Fee ..... To Be Determined

Subdivision Map Review Fee..... \$3,266.00

C. Transportation Division

*Following Staff Hearing Officer approval:*

Plan Check Fee ..... \$172.00

D. Building & Safety Division

*Following Staff Hearing Officer approval:*

Plan Check Fee ..... TBD

X. **PRELIMINARY CONDITIONS OF APPROVAL**

At this time, a list of preliminary conditions of approval has been prepared by your project’s Development Application Review Team. Please refer to Attachment 1 for a preliminary list of anticipated conditions of approval for the subject project. In many cases, other conditions of approval will be developed after the application is deemed complete and environmental review has been completed. In general, the conditions shall be satisfied after Staff Hearing Officer approval, but before any Public Works permits are issued, or during the construction process once the Public Works Permits are issued. The conditions will be finalized at the time the staff report is written.

XI. **NEXT STEPS:**

Please make an appointment with me to submit the required additional information, specified in Section V of this letter, at the Planning and Zoning Counter. This information should be submitted within 30 days of the date of this letter<sup>1</sup>.

If the additional information required is not received within 120 days of the date of this letter, this will constitute an “unreasonable delay” of the proposal. An additional 60-day extension may be granted by staff upon request during the initial 120-day period. Otherwise, the application shall be “closed” and the processing fees forfeited<sup>2</sup>. If you wish to pursue the project, a new, full and complete application as specified in the Submittal Requirements handout for the appropriate hearing body and payment of all applicable fees will be required.

In addition, please be advised that once the subject development application is deemed “complete,” you will be notified to provide a reduced (8½” x 11”) site plan, elevations, floor plans, and/or Tentative Map (for subdivisions only) prior to the date of the scheduled Staff Hearing Officer meeting. Please note that you will also be required to post the public notice on the site in accordance to current noticing requirements.

XII. **CONTACTS**

The following is a list of the contact personnel for the various City departments and/or divisions working on the processing of your application:

- Planning Division, 564-5470, ext. 4550..... Dan Gullett, Project Planner
- Fire Department, 564-5702 ..... Ryan DiGuilio, Fire Inspector II
- Engineering Division, 564-5363 ..... Mark Wilde, Supervising Civil Engineer or Tom Scott, Project Engineer II
- Transportation Division, 564-5385 ..... Stacey Wilson, Associate Transportation Planner

<sup>1</sup> In some instances, the requested additional information cannot be provided within 30 days of the date of the written transmission stating the requirement for additional information. Please contact me as soon as possible to discuss any anticipated delay.

<sup>2</sup> In some cases, an additional 180-day extension of time to submit the additional information may be approved by the Community Development Director.

Building & Safety Division, 564-5485..... Alison Baird, Plans Examiner

**XIII. CONCLUSIONS/GENERAL COMMENTS**

Your application has been deemed “incomplete;” however, you may appeal the decision to require additional information. An appeal must be filed at the Community Development Department’s Planning and Zoning Counter within 10 days of the date of this letter. The appeal must consist of written notification indicating your grievance with the determination that your application is “incomplete” and the appropriate appeal fee. The appeal will be scheduled for review by the appropriate decision making body and you will receive notice of the hearing date.

Please review this letter carefully. If you feel it is necessary to meet with Staff to discuss the contents of this letter or the subject project, please call me at (805) 564-5470. Staff from the Planning, Transportation, Engineering, Building and Safety Divisions, and the Fire Department are generally available to meet with applicants on Tuesday afternoons on an as needed basis. Other meeting times may also be arranged. If you have any questions, please feel free to contact me.

Sincerely,



Dan Gullett  
Project Planner

**Attachment:**

1. Preliminary Conditions of Approval

cc: (w/o attachment)

DCH California Investments, C/O The Horowitz Group, 11911 San Vicente #310, Los Angeles, CA 90049

Planning File

Mark Wilde, Supervising Civil Engineer

Tom Scott, Project Engineer II

Karen Guntow, Environmental Services Specialist

Joe Poire, Fire Battalion Chief

Ryan DiGuilio, Fire Inspector II

Steve Foley, Supervising Transportation Planner

Stacey Wilson, Associate Transportation Planner

Alison Baird, Plans Examiner

Jim Rumbley, Water Resources Specialist



## STAFF HEARING OFFICER CONDITIONS OF APPROVAL

350 & 352 HITCHCOCK WAY  
TENTATIVE SUBDIVISION MAP  
DATE: TBD

I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

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

1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of public works application.
2. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and **complete** said improvements.
3. Submit an application for and obtain City Council approval of the Parcel Map and Agreement and record said documents.

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

B. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on DATE: TBD is limited to a subdivision of the 5.8 acre lot into a 2.8 acre lot and a 3.0 acre lot and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.
3. **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.

C. **Public Works Submittal for Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval prior to processing the approval of the Parcel Map:

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication.** An Easement for a 15-foot wide access for a public pedestrian path/bicycle trail connecting Hitchcock Way to Ardilla Drive, as shown on the approved Tentative Subdivision Map the easement shall be located five feet from the northern property line and 25 feet from the eastern property line, subject to approval of the easement scope and location by the Public Works Department and the Building and Safety Division.
3. **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.
4. **Private Driveway Maintenance Agreement.** The Owner shall submit a copy of the draft *Agreement for Maintenance* of the driveway. Said Agreement is subject to the review and approval of the Public Works Director and City Attorney.
5. **Hitchcock Way Public Improvements.** The Owner shall obtain a Public Works Permit(s) to construct all public improvements prior to construction. All public improvements shall conform to City design and construction standards. Public improvements shall include the following:
  - Reconstruction of driveways as needed to meet State Title 24 standards.
  - Removal of cobra head style street lighting and replacement with City standard street lights along the frontage of the property.
  - Provide separate water services for domestic, irrigation and fire services as required by the Santa Barbara Municipal Code.

All public improvements shall be completed prior to recordation of the Parcel Map or owner shall agree to complete public improvement per Santa Barbara Municipal Code Section 27.09.070. This code requires an agreement and providing securities to guarantee the completion of the public improvements.

6. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.

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 public improvement permits pulled prior to recordation of the Parcel Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **Public Improvement Plans.** Public Improvement Plans as identified in Condition C.5 "Hitchcock Way Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of securities and a Land Development Agreement, a Public Works Permit shall be issued.

2. **Community Development Department.**

a. **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. **Prior to Map Recordation.** Prior to recordation of the Map, 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 §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

3. **Evidence of Private Driveway Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private driveway *Agreement for Shared Maintenance* required in Section C.4 "Requirements Prior to Permit Issuance" has been recorded.

F. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Staff Hearing Officer Resolution 043-09.
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. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City. 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

STAFF HEARING OFFICER CONDITIONS OF APPROVAL  
350 & 352 HITCHCOCK WAY  
DATE: TBD  
PAGE 5 OF 5

independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**II. NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Staff Hearing Officer action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.





# City of Santa Barbara

## Planning Division

### ARCHITECTURAL BOARD OF REVIEW MINUTES

Monday, July 20, 2015

David Gebhard Public Meeting Room: 630 Garden Street

3:00 P.M.

#### CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

#### 1. 350 HITCHCOCK WAY

E-3/PD/SD-2 Zone

(3:15)

Assessor's Parcel Number: 051-240-003  
Application Number: MST2015-00090  
Owner: DCH California Investments, LLC  
Applicant: SEPPS  
Architect: Robert Plant

(Proposal to demolish an existing approximately 15,000 square foot service bay structure and construct a new approximately 39,000 square foot, two-story automobile dealership building. The building will include three automobile showrooms totaling 12,500 square feet, business and automobile parts area totaling 5,500 square feet, enclosed service bays totaling 9,500 square feet, and interior car storage totaling 11,500 square feet. The project includes 168 parking spaces. The subject property is identified as Parcel 2 of a pending subdivision being reviewed under application MST2014-00166. Requires Planning Commission review for two Development Plans.)

**(Comments only; Requires Environmental Assessment and Planning Commission review.)**

Actual time: 3:09 p.m.

Present: Maruja Clensay, SEPPS; Matt Roess, Architect for Flex Designs; and Chuck McClure, Landscape Architect.

Public comment opened at 3:18 p.m.

- 1) Ginger Van Wagner, neighbor; expressed concerns regarding the possibility of turning the easement into a bicycle lane in the proposed location, requested a noise and sound buffer, and approved of the proposed Eucalyptus tree removal.
- 2) Barbara Van Wagner, neighbor; expressed concerns regarding the proposed bicycle path installation and the preservation of the existing berm that currently serves as a buffer between commercial and residential uses.
- 3) Keith Harris, neighbor; expressed privacy concerns and supports the easement and requested a screening fence.

A letter of concern from J.T. Gerig, and an email of concern from Rhonda Adawi (Franciscan Village Homeowner) were acknowledged.

Public comment closed at 3:26 p.m.

**Motion: Continued indefinitely to Full Board with comments:**

- 1) Restudy the height and scale of building on Hitchcock Way; regarding the proposed monolithic entrance design and the materials proposed for the service drive.
- 2) Restudy the use of the ramp to second floor access bays.

**EXHIBIT D**

- 3) Consider splitting service and sales areas to reduce the building height.
- 4) Provide an Arborist report.
- 5) Study maintaining the existing Eucalyptus trees at the rear of the property. Provide increased planting within the buffer.
- 6) Provide a survey including the height of existing trees and adjacent buildings (including the distance from the parking area).
- 7) Provide other approximate heights of structures in the area that are similar in height to the proposed project.
- 8) Increase landscaping at the front of the building on Hitchcock Way.
- 9) Provide more architectural interest to the rear service bays.
- 10) All existing Canary Pine trees are to be protected in-place.

Action:

Poole/Wittausch, 5/0/0. Motion carried. (Gradin/Cung absent).

**CONCEPT REVIEW - CONTINUED ITEM****4. 350 HITCHCOCK WAY****E-3/PD/SD-2 Zone**

**(4:45)** Assessor's Parcel Number: 051-240-003  
 Application Number: MST2015-00090  
 Owner: DCH California Investments, LLC  
 Applicant: SEPPS  
 Architect: Robert Plant

(Proposal to demolish an existing approximately 15,000 square foot service bay structure and construct a new approximately 39,000 square foot, two-story automobile dealership building. The building will include three automobile showrooms totaling 12,500 square feet, business and automobile parts area totaling 5,500 square feet, enclosed service bays totaling 9,500 square feet, and interior car storage totaling 11,500 square feet. The project includes 168 parking spaces. The subject property is identified as Parcel 2 of a pending subdivision being reviewed under application MST2014-00166. Requires Planning Commission review for two Development Plans.)

**(Second Concept Review. Comments only; requires Environmental Assessment and Planning Commission review. Project was last reviewed on July 20, 2015.)**

Actual time: 5:07 p.m.

Present: Robert Plant, Flex Designs; Chuck McClure, Landscape Architect; Maruja Clensay, SEPPS; Mike Powell, New Century Automotive Group; and Dan Gullett, Project Planner.

Public comment opened at 5:18 p.m.

- 1) Joel Y. Orr, opposition; expressed concern regarding the large size of the proposed building for neighborhood compatibility.
- 2) Christine Fancher, opposition; expressed concern regarding the height and large amount of concrete and proposed square footage of the project (especially if the building is not occupied); not in favor of the proposed bicycle path instead of the existing pedestrian walking path.
- 3) Ginger Van Wagner, expressed opposition regarding possible un-maintained eucalyptus trees sitting atop the berm directly and potentially impacting adjacent homes.

Public comment closed at 5:25 p.m.

**Motion: Continued indefinitely to Full Board with comments:**

- 1) Study increasing the landscaping in the front and along the north side entrance.
- 2) Study the porte-cochère on the south side of the building to bring it more in proportion with the posts on other side of the building.
- 3) Study changing planes between the first floor and second floor at the front of the building.
- 4) Assess the other elevations of the building to keep them industrial in appearance, yet still interesting.
- 5) Study the appropriateness of the Stenocarpus ("Fire Wheel tree"), at the parking lot finger planters.
- 6) Study adding mature palm trees to break the skyline of the canopy along the two-story porte-cochère.

Action: Wittausch/Hopkins, 5/0/0. Motion carried. (Gradin/Cung absent).

**CONCEPT REVIEW - CONTINUED ITEM****4. 350 HITCHCOCK WAY****E-3/PD/SD-2 Zone****(5:15)**

Assessor's Parcel Number: 051-240-003  
Application Number: MST2015-00090  
Owner: DCH California Investments, LLC  
Applicant: SEPPS  
Architect: Robert Plant

(Proposal to demolish an existing approximately 15,000 square foot service bay structure and construct a new approximately 39,000 square foot, two-story automobile dealership building. The building will include three automobile showrooms totaling 12,500 square feet, business and automobile parts area totaling 5,500 square feet, enclosed service bays totaling 9,500 square feet, and interior car storage totaling 11,500 square feet. The project includes 168 parking spaces. The subject property is identified as Parcel 2 of a pending subdivision being reviewed under application MST2014-00166. Requires Planning Commission review for two Development Plans.)

**(Third Concept Review. Comments only; requires Environmental Assessment, Compatibility Criteria Analysis, and Planning Commission review. Project was last reviewed on August 17, 2015.)**

Actual time: 6:06 p.m.

Present: Robert Plant, Flex Designs; Chuck McClure, Landscape Architect; and Maruja Clensay, SEPPS.

Public comment opened at 6:13 p.m.

- 1) Joel Orr, opposition; expressed concerns regarding potential dealership "light pollution" or loud speaker noise from the site in a quiet neighborhood.
- 2) Christine Fancher, opposition; expressed concerns regarding the proposed size of the project for neighborhood compatibility and noise issues, and didn't want a bicycle path or a new road into the Peach Grove neighborhood due to homeless and parking concerns.

An email of expressed concerns from Ms. Jill Brown regarding privacy, street parking, private views, and traffic issues was acknowledged.

Public comment closed at 6:22 p.m.

**Motion: Continued indefinitely to Planning Commission to return to Full Board with comments:**

- 1) The majority of the Board appreciates the design and massing, and material and detailing of the proposed project.
- 2) Provide a minimum 12-foot brown trunk palm tree next to the two story porte-cochère on the north side of the building.
- 3) **The Board has reviewed the proposed project and the Compatibility Analysis criteria (SBMC 22.22.145.B. and 22.68.045.B.) were generally met as follows:**
  - a. **Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines:** The Board made the finding that the proposed development project's design complies with all City Regulations and is consistent with ABR Design Guidelines.
  - b. **Compatible with Architectural Character of City and Neighborhood.** The proposed design of the proposed development is compatible with the distinctive

architectural character of the Santa Barbara and of the particular neighborhood surrounding the project.

- c. **Appropriate size, mass, bulk, height, and scale.** The proposed development's size, mass, bulk, height, and scale are appropriate for its neighborhood.
- d. **Sensitive to Adjacent Landmarks and Historic Resources.** The design of the proposed development is appropriately sensitive to adjacent City Landmark/designated historic resources, historic sites or natural features and mitigation measures are adequate to reduce adverse impacts.
- e. **Public View of the Ocean and Mountains.** The design of the proposed project responds appropriately to established scenic public vistas.
- f. **Appropriate Amount of Open Space and Landscaping.** The project's design provides an appropriate amount of open space and landscaping.

Action: Hopkins/Miller, 3/4/0. **Motion failed.** (Cung/Gradin/Miller/Wittausch/Miller opposed).

**Motion:** **Continued indefinitely to Full Board with comments:**

- 1) Provide a minimum 12-foot brown trunk palm tree next to the two story porte-cochère on the north side of the building.
- 2) A majority of the Board finds that the Applicant should restudy the second floor massing and storage of automobiles to reduce the size of the building at the rear.
- 3) **The Board has reviewed the proposed project and the Compatibility Analysis criteria (SBMC 22.22.145.B. and 22.68.045.B.) were generally met as follows:**
  - a. **Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines:** The Board made the finding that the proposed development project's design complies with all City Regulations and is consistent with ABR Design Guidelines.
  - b. **Compatible with Architectural Character of City and Neighborhood.** The proposed design of the proposed development is compatible with the distinctive architectural character of the Santa Barbara and of the particular neighborhood surrounding the project.
  - c. **Appropriate size, mass, bulk, height, and scale.** The proposed development's size, mass, bulk, height, and scale are appropriate for its neighborhood.
  - d. **Sensitive to Adjacent Landmarks and Historic Resources.** The design of the proposed development is appropriately sensitive to adjacent City Landmark/designated historic resources, historic sites or natural features and mitigation measures are adequate to reduce adverse impacts.
  - e. **Public View of the Ocean and Mountains.** The design of the proposed project responds appropriately to established scenic public vistas.
  - f. **Appropriate Amount of Open Space and Landscaping.** The project's design provides an appropriate amount of open space and landscaping.

Action: Wittausch/Hopkins, 3/4/0. **Motion failed.** (Miller/Tripp/Poole/Gradin opposed).

**Motion:** **Continued indefinitely to Full Board with comments:**

- 1) Provide a minimum 12-foot brown trunk palm tree next to the two story porte-cochère on the north side of the building.
- 2) Reduce the apparent mass and scale of the building, especially the porte-cochère, the second story to the rear of the building, and the street frontage.
- 3) Provide detailed changes and finishes for a building with a more Santa Barbara appearance.

Action: Gradin/\_\_\_, **Motion failed due to lack of a second.)**

**Motion:** **Continued indefinitely to Planning Commission to return to Full Board with comments:**

- 1) The majority of the Board appreciates the design and massing, and material and detailing of the proposed project.
- 2) Provide a minimum 12-foot brown trunk palm tree next to the two story porte-cochère on the north side of the building.
- 3) Study to provide surface treatment, texture, and color changes to reduce the apparent mass of the second floor at the rear of the building.
- 4) **The Board has reviewed the proposed project and the Compatibility Analysis criteria (SBMC 22.22.145.B. and 22.68.045.B.) were generally met as follows:**
  - a. **Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines:** The Board made the finding that the proposed development project's design complies with all City Regulations and is consistent with ABR Design Guidelines.
  - b. **Compatible with Architectural Character of City and Neighborhood.** The proposed design of the proposed development is compatible with the distinctive architectural character of the Santa Barbara and of the particular neighborhood surrounding the project.
  - c. **Appropriate size, mass, bulk, height, and scale.** The proposed development's size, mass, bulk, height, and scale are appropriate for its neighborhood.
  - d. **Sensitive to Adjacent Landmarks and Historic Resources.** The design of the proposed development is appropriately sensitive to adjacent City Landmark/designated historic resources, historic sites or natural features and mitigation measures are adequate to reduce adverse impacts.
  - e. **Public View of the Ocean and Mountains.** The design of the proposed project responds appropriately to established scenic public vistas.
  - f. **Appropriate Amount of Open Space and Landscaping.** The project's design provides an appropriate amount of open space and landscaping.

Action: Hopkins/Miller, 5/2/0. **Motion carried.** (Gradin/Cung opposed).

**\* THE BOARD RECESSED AT 6:54 P.M., AND RECONVENED AT 7:19 P.M. \***



2015-0065367

Recorded REC FEE 0.00  
Official Records  
County of  
Santa Barbara  
Joseph E. Holland  
County Clerk Recorder

03:36PM 17-Dec-2015 JKH Page 1 of 17

**RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:**

City of Santa Barbara  
City Clerk's Office  
PO Box 1990  
Santa Barbara, CA 93102

*file  
17*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

No fee Per  
Gov't. Code: 6103

Resolution No. 15-096

**GRANT OF EASEMENT AND MAINTENANCE AGREEMENT**

Deed No. 61-453

This Grant of Easement and Maintenance Agreement ("Easement") is entered into of December 15, 2015, by and between LAURA WORCHELL, not in her individual capacity but as trustee of the Laura and Larry Worchell Family Trust, u.t.a. January 21, 2005 as amended; RALPH HOROWITZ, not in his individual capacity but as trustee of the Horowitz Family Trust, utd 12-1-86 as restated; SHAGHAN SECURITIES, LLC, a California limited liability company; TIMOTHY M. ISON, a single man; AVENUE 26 HOLDINGS, LLC, a California limited liability company; and NO WAY HITCHCOCK, LLC, a California limited liability company (collectively the "Grantor") and the CITY OF SANTA BARBARA, a municipal corporation (the "City").

**RECITALS**

A. Grantor owns that certain real property (the "Property") located at 350 Hitchcock Way in the City of Santa Barbara and more particularly described in Exhibit A attached hereto.

B. Grantor has agreed to grant and convey to the City, and the City has agreed to accept, on the terms and conditions hereof, a perpetual non-exclusive easement (the "Easement") across a portion of the Property for the purpose of creating a bicycle and pedestrian pathway between Hitchcock Way and Ardilla Drive. That portion of the Property where the Easement is located is depicted on Exhibit B as the "Bicycle and Pedestrian Easement Area" and is legally described on Exhibit C.

**NOW, THEREFORE**, for valuable consideration, receipt of which is hereby acknowledged, Grantor and the City agree as follows:

1. **Non-Exclusive Bicycle and Pedestrian Easement**

(a) Grantor hereby grants to the City, a perpetual, non-exclusive easement for bicycles and pedestrian ingress, egress and access over and upon the Bicycle and Pedestrian Easement Area.

(b) It is expressly understood that the Bicycle and Pedestrian Easement Area shall be used only by bicyclists and pedestrians and no other vehicle (including, without limitation, cars, trucks, scooters or motorcycles) shall have any right to use the Bicycle and Pedestrian Easement Area, except vehicles operated by City employees or agents used for the purpose of constructing,

maintaining, or repairing the bicycle and pedestrian path. The City shall post signage at the entrances of the path stating that any use of the Easement for any purpose other than bicycles and pedestrians is prohibited.

2. Construction, Repair, Maintenance and Replacement of Improvements.

(a) The City shall, at its sole cost and expense, design and construct within the Bicycle and Pedestrian Easement Area, any and all improvements that it requires or desires in order to use said area as a bicycle and pedestrian pathway; provided, however, that (A) prior to commencing such construction, the City shall deliver construction drawings to Grantor for its review and approval (which approval shall not be unreasonably withheld), and (ii) prior to completing such construction, no portion of the Bicycle and Pedestrian Easement Area may be used for any purpose (other than the purpose of initially constructing the pathway when the City is ready to do so and maintaining the Bicycle and Pedestrian Easement Area from and after the date hereof as provided below).

(b) The City shall maintain the Bicycle and Pedestrian Easement Area, at City expense, in good condition and repair and in compliance with all applicable federal, state and local laws, rules and regulations.

(c) The City shall indemnify, defend and hold harmless the Grantor (and the Grantor's tenant's and Property occupants from time to time) from any and all liability, loss, costs, damage, suit or cause of action arising from the use of the Bicycle and Pedestrian Easement Area as a bicycle and pedestrian pathway.

3. Miscellaneous Provisions.

(a) The foregoing covenants and easement shall apply to and bind Grantor and the City and each and all of their respective heirs, successors, assigns, grantees, mortgagees, deed of trust beneficiaries, tenants and subtenants and shall remain in force and effect as hereinafter provided.

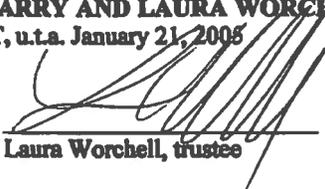
(b) The provisions of this Easement shall not be deemed to constitute a dedication for public use or to create any right in the general public other than such rights to use the bicycle and pedestrian pathway strictly in accordance with and pursuant only to this Easement.

**IN WITNESS WHEREOF**, the parties have executed this Easement as of the date first set forth above.

Signature Page Follows

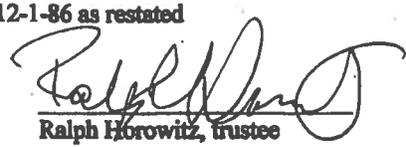
**THE LARRY AND LAURA WORCHELL FAMILY TRUST, u.t.a. January 21, 2005**

By:

  
\_\_\_\_\_  
Laura Worchell, trustee

**THE HOROWITZ FAMILY TRUST**  
utd 12-1-86 as restated

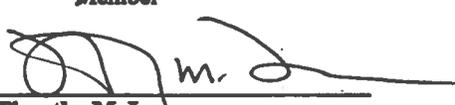
By:

  
\_\_\_\_\_  
Ralph Horowitz, trustee

**SHAGHAN SECURITIES, LLC**

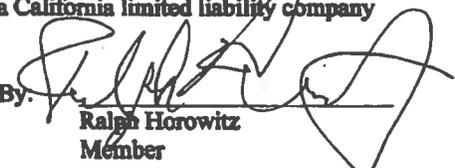
By:

  
\_\_\_\_\_  
Ralph Horowitz, trustee  
Member

  
\_\_\_\_\_  
Timothy M. Ison

**AVENUE 26 HOLDINGS, LLC**  
a California limited liability company

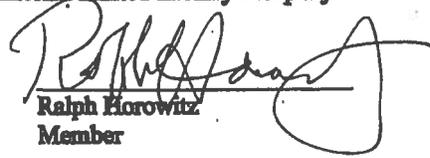
By:

  
\_\_\_\_\_  
Ralph Horowitz  
Member

*[signatures continue on following page]*

**NO WAY HITCHCOCK LLC,**  
a California limited liability company

By:



Ralph Horowitz  
Member

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of LOS ANGELES )

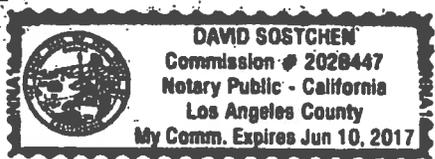
On DECEMBER 7, 2015 before me, DAVID SOSTCHEN, NOTARY PUBLIC,  
Date Here Insert Name and Title of the Officer

personally appeared LAURA WORCHELL  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

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County of LOS ANGELES )

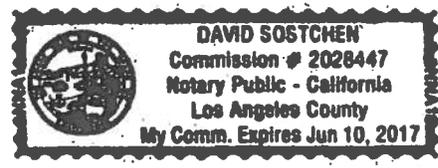
On DECEMBER 7, 2015 before me, DAVID SOSTCHEN, NOTARY PUBLIC,  
Date Here Insert Name and Title of the Officer

personally appeared RALPH HOROWITZ  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(e) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(e), or the entity upon behalf of which the person(e) acted, executed the instrument.

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  - Partner —  Limited  General
  - Individual  Attorney in Fact
  - Trustee  Guardian or Conservator
  - Other: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Individual  Attorney in Fact
  - Trustee  Guardian or Conservator
  - Other: \_\_\_\_\_

Signer Is Representing: HOROWITZ FAMILY TRUST Signer Is Representing: \_\_\_\_\_

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County of LOS ANGELES )

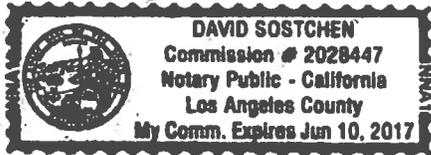
On DECEMBER 7, 2015 before me, DAVID SOSTCHEN, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared RALPH HOROWITZ  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(e) whose name(e) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(e), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signature of Notary Public

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Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: SHAGHAN SECURITIES, LLC

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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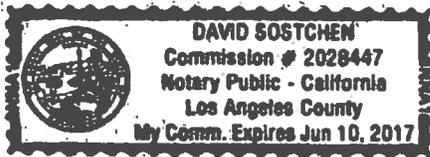
On DECEMBER 7, 2015 before me, DAVID SOSTCHEN, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared TIMOTHY M. ISON  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signer's Name: \_\_\_\_\_

Corporate Officer -- Title(s): \_\_\_\_\_

Partner --  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer -- Title(s): \_\_\_\_\_

Partner --  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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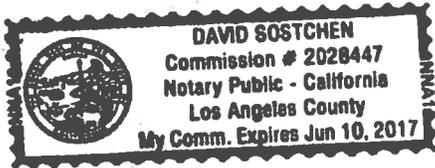
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personally appeared RALPH HOROWITZ  
Name(s) of Signer(s)

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- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: AVENUE 26 HOLDINGS, LLC

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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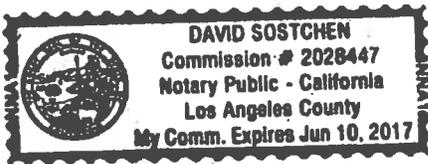
On DECEMBER 7, 2015 before me, DAVID SOSTCHEN, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared RALPH HOROWITZ  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signature [Signature]  
Signature of Notary Public

Place Notary Seal Above

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Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

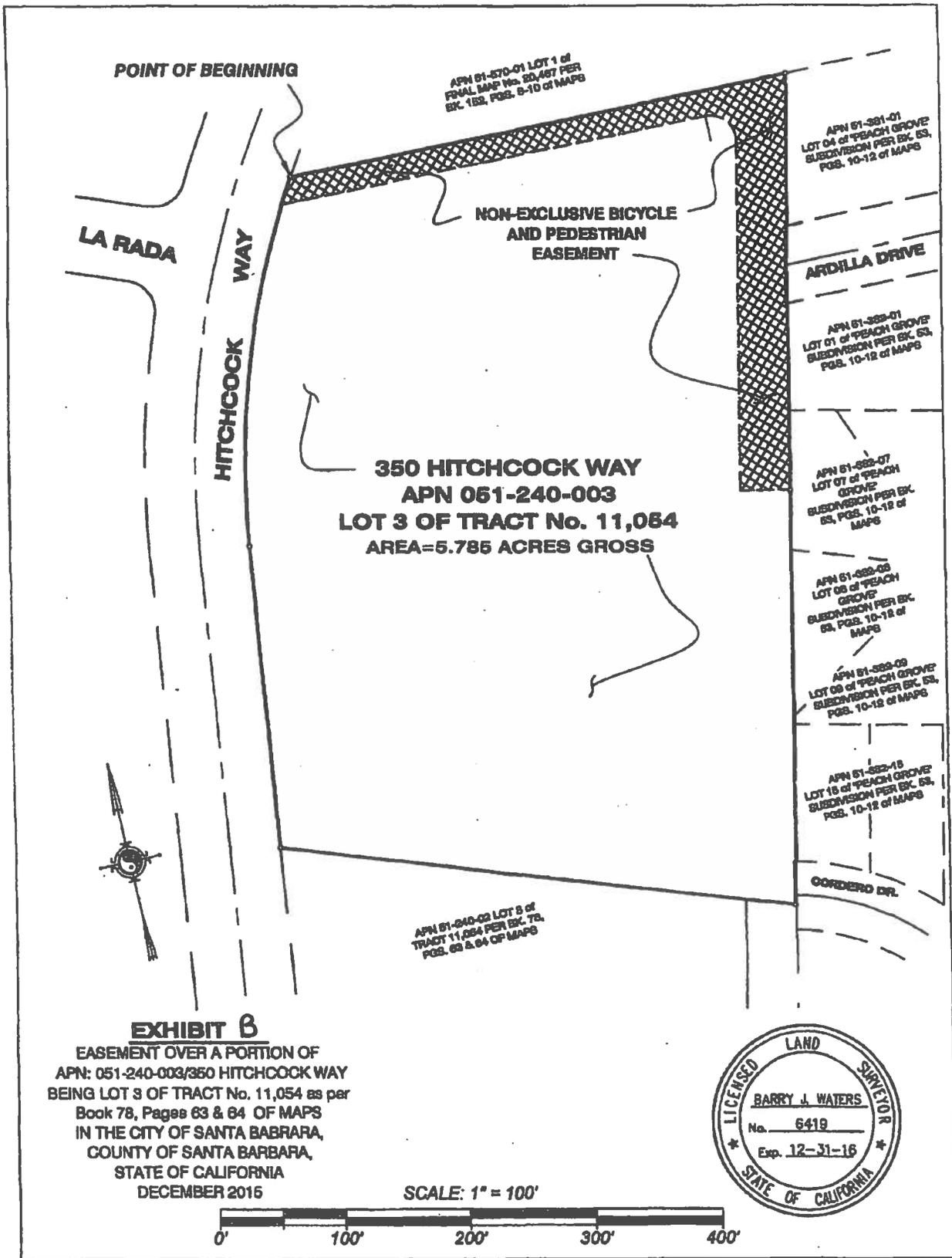
Signer Is Representing: NO WAY HITCHCOCK, LLC Signer Is Representing: \_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**LOT 3 OF TRACT 11054, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 78, PAGES 63 AND 64 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.**

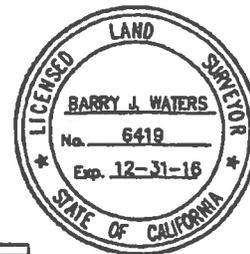
**APN: 051-240-03**

# EXHIBIT B



## EXHIBIT B

EASEMENT OVER A PORTION OF  
 APN: 051-240-003/350 HITCHCOCK WAY  
 BEING LOT 3 OF TRACT No. 11,054 as per  
 Book 78, Pages 63 & 64 OF MAPS  
 IN THE CITY OF SANTA BARBARA,  
 COUNTY OF SANTA BARBARA,  
 STATE OF CALIFORNIA  
 DECEMBER 2015



**Exhibit C**

**Description:**

*That portion of Lot 3 of Tract No. 11,054, in the City of Santa Barbara, County of Santa Barbara, State of California, as per Map recorded in Book 78, Pages 63 & 64 of Maps in the office of the County Recorder, more particularly described as follows:*

*Beginning at the Northwest corner of said Lot 3 of Tract No. 11,054, said point being on the Easterly Right of Way line of Hitchcock Way and the beginning of a curve to the left whose radial center bears South 58°30'48" East 710.00 feet;*

*Thence 1<sup>st</sup>: along said Right of Way of Hitchcock Way and along the arc of said curve to the left a Delta of 1°51'32", a Radius of 710.00 for a Length of 23.04 feet;*

*Thence 2<sup>nd</sup>: leaving said Right of Way of Hitchcock Way South 89°11'00" East 346.84 feet to the beginning of a curve to the right whose radial center bears South 0°49'00" West 20.00 feet ;*

*Thence 3<sup>rd</sup>: along the arc of said curve to the right a Delta of 101°44'20", a Radius of 20.00 for a Length of 35.51 feet;*

*Thence 4<sup>th</sup>: South 12°33'20" West 278.14 feet;*

*Thence 5<sup>th</sup>: South 77°26'40" East 40.00 feet to a point on the Easterly line of said Lot 3 of Tract No. 11,054;*

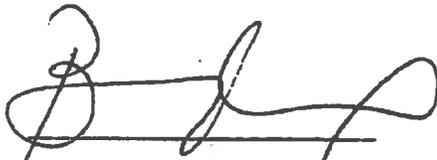
*Thence 6<sup>th</sup>: along said Easterly line of Lot 3 of Tract No. 11,054, North 12°33'20" East 331.46 feet to the Northeast corner of said Lot 3 of Tract No. 11,054;*

*Thence 7<sup>th</sup>: along the Northerly line of Lot 3 of Tract No. 11,054, North 89°11'00" West 405.00 feet to the Northwest corner of said Lot 3 of Tract No. 11,054 and the point of beginning.*

**Excepting therefrom Parcel "C" as shown on Tract No. 11,054.**

**End of Description**

**Containing approximately 20,525 square feet (0.471 acres).**



**Barry J. Waters, P.L.S. No. 6419**



STATE OF CALIFORNIA        )  
  )  
COUNTY OF SANTA BARBARA    )     ss.  
  )  
CITY OF SANTA BARBARA        )

I, Susan Tschech, Deputy City Clerk in and for the City of Santa Barbara, California, DO HEREBY CERTIFY that attached is a full, true and correct copy of City Council Resolution No. 15-096, adopted by the City Council of the City of Santa Barbara at their regular meeting held on December 15, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of said City to be affixed this 17<sup>th</sup> day of December, 2015.



(SEAL)

  
\_\_\_\_\_  
Susan Tschech, CMC  
Deputy City Clerk

RESOLUTION NO. 15-096

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING AN EASEMENT FOR USE AS A PUBLIC BICYCLE AND PEDESTRIAN PATHWAY, AND ALL RELATED PURPOSES, ON THE REAL PROPERTY COMMONLY KNOWN AS 350 HITCHCOCK WAY, AND CONSENTING TO THE RECORDATION OF THE EASEMENT DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, Laura Worchell, Trustee of The Larry and Laura Worchell Family Trust; Ralph Horowitz, Trustee of The Horowitz Family Trust; Shaghan Securities, LLC; Avenue 26 Holdings, LLC; No Way Hitchcock, LLC; and Timothy M. Ison are the owners of the real property known as 350 Hitchcock Way (APN 051-240-03) (hereinafter referred to as the "Property");

WHEREAS, the City's Upper State Street Study and Council Resolution of May 2007 identify the location of a potential bicycle and pedestrian pathway over a portion of the Property;

WHEREAS, the construction of a future bicycle and pedestrian pathway is a long term goal of the City;

WHEREAS, in furtherance of this goal, the owners of the Property have offered to donate and convey an easement to the City for use as a bicycle and pedestrian pathway;

WHEREAS, the Council of the City of Santa Barbara, by this resolution, hereby declares its intention to accept the offer of an easement on the property known as 350 Hitchcock Way;

WHEREAS, since the easement is being offered as a gift, the property owners have requested that upon adoption of this resolution, the City execute a IRS Form 8283 acknowledging the easement as a charitable donation to the City; and

WHEREAS, the City of Santa Barbara claims no interest in the underlying fee ownership of the subject property.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:**

**SECTION 1:** The Council of the City of Santa Barbara accepts an easement for use as a public bicycle and pedestrian pathway on the Real Property described in the Grant of Easement and Maintenance Agreement, dated December 7, 2015, to the City of Santa Barbara, a municipal corporation, from Laura Worchell, Trustee of The Larry and Laura Worchell Family Trust; Ralph Horowitz, Trustee of The Horowitz Family Trust; Shaghan Securities, LLC; Avenue 26 Holdings, LLC; No Way Hitchcock, LLC; and Timothy M. Ison.

**SECTION 2:** The Council of the City of Santa Barbara authorizes the City Clerk to record the offered Easement Deed in the Official Records, County of Santa Barbara subsequent to the adoption of this Resolution.

**SECTION 3:** Upon acceptance and recordation of the Easement Deed, the Council of the City of Santa Barbara authorizes and directs the Public Works Director to execute IRS Form 8283.

**SECTION 4:** This Resolution shall become effective immediately upon its adoption.

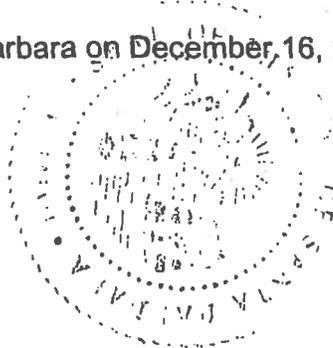
**RESOLUTION NO. 15-096**

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SANTA BARBARA         ) ss.  
  )  
CITY OF SANTA BARBARA             )

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on December 15, 2015, by the following roll call vote:

- AYES:                    Councilmembers Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider
- NOES:                   None
- ABSENT:                 None
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on December 16, 2015.



*Matthew R. Fore*  
\_\_\_\_\_  
Matthew Fore  
Acting City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on December 16, 2015.

*Helene Schneider*  
\_\_\_\_\_  
Helene Schneider  
Mayor



## Relevant General Plan Policies

### **Land Use Element**

**LG7. Community Benefit Non-Residential Land Uses.** Community Benefit Land Uses are determined and defined by City Council and shall include the following categories:

- a. Community Priority,
- b. Economic Development,
- c. “Green” Economic Development,
- d. Small and Local Business, or
- e. Development of Special Needs

### **Environmental Resources Element**

**ER5.1 Energy Efficient Buildings.** Encourage all new construction to be designed and built consistent with City green programs, the California Green Building Code, policies, and the goal of achieving “carbon neutrality” by 2030 in all buildings.

Further reduce energy consumption over time to “carbon neutrality” by 2030 in new building and through suggested retrofits. Establish a voluntary program and time line for increasing the energy efficiency and carbon neutrality of new buildings or additions, and of existing building stock. Provide:

- a. Information on current energy use and conservation options;
- b. Incentives for voluntary upgrades;
- c. Voluntary incremental upgrades may be encouraged at time of sale, and/or other methods for greening the existing building stock; and
- d. Tools for self-assessment financing for energy efficiency upgrades and on-site solar and wind power generation through property taxes (in conjunction with AB 811).

**ER11. Native and Other Trees and Landscaping.** Protect and maintain native and other urban trees, and landscaped spaces, and promote the use of native or Mediterranean drought-tolerant species in landscaping to save energy and water, incorporate habitat, and provide shade.

**ER20. Storm Water Management Policies.** The City’s Storm Water Management Program’s policies, standards and other requirements for low impact development to reduce storm water run-off, volumes, rates, and water pollutants are hereby incorporated into the General Plan Environmental Resources Element.

### **Noise Element**

Policy 4.0 Existing and potential incompatible noise levels in problem areas should be reduced through operational or source controls where the City has responsibility for such controls.

### **Circulation Element**

**C1. Transportation Infrastructure Enhancement and Preservation.** Assess the current and potential demand for alternative transportation and where warranted increase the availability and attractiveness of alternative transportation by improving related infrastructure and facilities without reducing vehicle access.

**C8. Emergency Routes.** It shall be a high priority to keep all emergency evacuation, response, and truck routes free of physical restrictions that may reduce evacuation/response times.