City of Santa Barbara
Planning Division

Memorandum

DATE: July 7, 2016

TO: Planning Commission

FROM: Planning Division
Beatriz Gularte, Senior Planner BG
Allison De Busk, Project Planner AD

SUBJECT: Suspension of Staff Hearing Officer Approval of MST2015-00289 for 200 Helena Avenue

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Project Description
The project involves the demolition of the existing 1,663 square foot one-story commercial building (of which 900 square feet is legally permitted) and 147 square foot detached shed, and construction of a new two-story 2,355 net square foot building with a roof deck. Nine parking spaces are proposed for the development with access from Yanonali Street. A valet parking lot of approximately 3,400 square feet, with access from Helena Avenue, is also proposed on the same lot. Refer to Attachment 1 (Staff Hearing Officer Staff Report) for a more complete project description and analysis.

Staff Hearing Officer Review
On June 8, 2016, the Staff Hearing Officer approved, with revised conditions, an application for a Coastal Development Permit and Development Plan for a project at 200 Helena Avenue. The Staff Hearing Officer concluded that, with the revised conditions, the findings to approve the project could be made. Refer to Attachments 2 and 3, respectively, for the Minutes and Resolution from the Staff Hearing Officer meeting.

Project Suspension
The Planning Commission has the authority to suspend a decision of the Staff Hearing Officer and schedule a public hearing to review said decision per SBMC §28.05.020.A. On June 15, 2016, Commissioner Jordan suspended the Staff Hearing Officer's approval of the project. The Planning Commission will hold a public hearing of the application on July 14, 2016 to affirm, reverse, or modify the decision of the Staff Hearing Officer.

In suspending the project approval, Commissioner Jordan expressed concerns about the parking arrangement, future parking adequacy, use of the roof deck, future monitoring and enforcement based on the design, and overall design compatibility. In addition, with regard to the valet parking

lot, he expressed concern about importing parking demand and traffic in to the Funk Zone area from other areas of the City, and not requiring a Conditional Use Permit for the parking lot.

Discussion

As discussed in the Staff Hearing Officer staff report (Attachment 1), staff had concerns about the very issues currently being raised. At that time, staff concluded that the conditions of approval would be adequate to ensure that parking demand was met through restricting use of the building. However, monitoring and enforcement are always a concern when uses are limited through conditions of approval.

As part of the Staff Hearing Officer's approval of the project, the conditions were further refined to address parking concerns, and a condition of approval was added to address landscaping for the valet parking lot (refer to Attachment 3, conditions B8, B9 and C.4).

Staff is currently recommending additional changes to condition B.7 in order to more clearly explain the intent of the condition and make it clear to future owners, occupants and staff as to how it is to be implemented. See proposed text (new text underlined) below:

> **B.7. Use Limitations Due to Parking.** Due to potential parking impacts, uses with a parking requirement of more than one space per 250 square feet (per the City's Parking Ordinance) are not permitted without further environmental, coastal and/or Staff Hearing Officer review and approval. This means that restaurants, wine bars, tasting rooms, etc., that are typically parked at a greater ratio of one parking space per three seats would not be allowed without additional analysis and potentially an amendment to the Coastal Development Permit, regardless of how many seats are shown on the tenant improvement plan. The intent is to do a realistic analysis of the number of seats/patrons that are likely to be in the tenant space. In doing this analysis, staff shall at a minimum consider the use, size, occupancy, layout and configuration of the tenant space. Prior to initiating a change of use (as determined by the Zoning Division) or change to the site layout, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.

Therefore, staff recommends that the Planning Commission uphold the Staff Hearing Officer's approval of the project, making the findings in the Staff Hearing Officer Resolution No. 038-016, and subject to the conditions of approval in Staff Hearing Officer Resolution No. 038-016, with the revision to condition B.7 as identified above.

Attachments:

1. Staff Hearing Officer Staff Report dated June 1, 2016
2. Staff Hearing Officer Minutes, June 8, 2016
3. Staff Hearing Officer Resolution No. 038-16

City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: June 1, 2016

AGENDA DATE: June 8, 2016

PROJECT ADDRESS: 200 Helena Avenue (MST2015-00289)

TO: Susan Reardon, Senior Planner, Staff Hearing Officer

FROM: Planning Division, (805) 564-5470, ext. 4552
Bea Gularte, Senior Planner BEG
Allison De Busk, Project Planner AdB

I. PROJECT DESCRIPTION

The project consists of the demolition of the existing 1,663 square foot one-story commercial building (of which 900 square feet is legally permitted) and 147 square foot detached shed, and construction of a new two-story 2,355 net square foot building with a roof deck. Maximum building height would be 27 feet, 3 inches. Nine parking spaces are proposed with access from Yanonali Street. A valet parking lot of approximately 3,400 square feet, with access from Helena Avenue is also proposed.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

A. A Coastal Development Permit (CDP20015-00010) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and

B. A Development Plan to allow the construction of approximately 1,308 square feet of net new nonresidential development (SBMC Chapter 28.85).

APPLICATION DEEMED COMPLETE: May 2, 2016
DATE ACTION REQUIRED: June 30, 2016

III. RECOMMENDATION

Staff has significant concerns about the use of the roof deck and adequacy of parking for both the roof deck and the future tenants of the building. Staff has proposed a condition of approval that limits the allowed use of the deck and requires additional review in the event use of the roof deck exceeds this limitation. Staff has also proposed a condition of approval that limits use of the tenant spaces to those that are consistent with the one space per 250 square feet parking ratio as outlined in the Zoning Ordinance. If the Staff Hearing Officer finds that these conditions are adequate to address the required Coastal Development Permit findings related to parking, the project can be found consistent with the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. With these strict conditions, Staff recommends that

the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map – 200 Helena Avenue

IV. SITE INFORMATION

Applicant:	Matthew Beausoleil, AB Design Studio, Inc.		
Property Owner:	Funk Zone Parking, LLC		
Site Information			
Parcel Number:	033-052-018	**Lot Area**:	10,028 net square feet
General Plan:	Ocean Related Commercial / Medium Density Residential		
Local Coastal Plan:	Ocean-Oriented Commercial		
Zoning:	OC/SD-3 (Ocean-Oriented Commercial / Coastal Overlay) Zones		
Existing Use:	ocean related	**Topography**:	1% slope

Adjacent Land Uses	
North – Industrial	**East** - Commercial (Oreana Winery)
South – Commercial (Figueroa Mountain, et. al.)	**West** – Commercial (Red's)

V. ISSUES

Staff recommends that the Staff Hearing Officer focus on the issues of parking, use of the roof deck, public improvements and visual resources, which are described in more detail throughout this Staff Report. In some cases, staff has recommended additional conditions of approval to address these potential concerns.

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

As designed, the building could accommodate some future uses that comply with the requirements of the OC (Ocean-Oriented Commercial) Zone, as shown in the Table below. Allowed uses in this Zone include ocean-dependent and ocean-oriented uses; commercial recreational uses such as recreational equipment rental, sales and repair; arts related uses such as galleries, schools and industrial arts and crafts; restaurants; residences; and small (less than 2,500 square feet) stores such as grocery, liquor or food. At the time when future building permit applications are submitted for individual tenant improvements of this building, staff will review those proposals for consistency with the allowed uses in the OC Zone and parking requirements, discussed in more detail below.

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	N/A	1 foot, 6 inches (Helena) 5 feet (Yanonali)	6 inches (Helena) 6 feet (Yanonali)
-Interior	N/A N/A	2 feet (shed) 60 feet	0 feet (to trash) 2 feet (to parking)
Building Height	45 feet / 3 stories	~12 feet	27 feet, 3 inches / 2 stories
Parking	9 (1 per 250 sq. ft.)	0	9
Bicycle Parking	1 (1 per 7 vehicle parking spaces)	0	4
Lot Coverage			
-Building	N/A	1,832 sq. ft. 18.27%	2,384 sq. ft. 23.77%
-Paving/Driveway	N/A	8,196 sq. ft. 81.73%	6,844 sq. ft. 68.25%
-Landscaping	N/A	0 0%	800 sq. ft. 7.98%

1. DEVELOPMENT PLAN

The project requires an allocation of 1,308 square feet of net new nonresidential floor area pursuant to the City's Non-Residential Growth Management Program. The project

site is located in the Downtown Development Area per the City's Traffic Management Strategy (SBMC §28.85.050). Therefore, the project is eligible for square footage allocations from the Minor and Small Addition categories. There have been no prior square footage allocations to the subject property, therefore, the project can be allocated 1,000 square feet of Minor Addition and 308 square feet of Small Addition for the proposed development. Demolition credit for 900 square feet would be given for the existing structure. Based on City records, that's the size of the originally permitted structure, and additional area was enclosed without permits.

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.

The proposed Development Plan requires review by the Staff Hearing Officer pursuant to SBMC §28.85.030.C.2. because the project also requires consideration of a Coastal Development Permit.

2. **PARKING**

a. Vehicle Parking

The proposed parking complies with the Zoning Ordinance requirements based on the construction of a "shell" building as currently proposed. However, staff has raised the concern with the applicant that uses with a parking ratio of more than one space per 250 square feet would require additional parking. Staff finds that this could be particularly important for the project based on the limited types of uses that are allowed in the OC Zone, the types of uses that we currently see most often in the OC Zone, and the layout of the proposed development. Additionally, in their DART Response Letter dated March 21, 2016, the applicant indicated that the anticipated uses for the space could include a retail or tasting room on the ground level and an art gallery on the second level.

As an example, if a restaurant or wine bar were to occupy one floor of the building, it would be limited to approximately 12 seats based on the amount of parking provided, and any outdoor seating would be limited to 50% of that amount (a maximum of 6 seats). This does not seem realistic given the size of the tenant spaces and design of the building, particularly when the ground floor corner terrace and roof deck (see additional discussion below) are taken into consideration. We understand that this is a "shell" building and the applicant does not know what tenants will occupy the space, but staff wants to make it very clear what the limitations will be based on the parking provided. Local Coastal Plan (LCP) Policies 3.3 and 11.5 (discussed in more detail below) specifically address parking and give the decision-maker authority to require additional parking in order to meet future and/or peak needs.

In order to address this concern, find consistency with the Local Coastal Plan (see discussion below) and avoid future tenant improvements that misrepresent the number of seats provided in the tenant space in order to remain consistent with the Parking Ordinance (SBMC, Chapter 28.90), staff has recommended a condition of approval that limits use of the building to tenants that are consistent with the 1/250

parking ratio. This would preclude use by restaurants, wine bars, brew pubs, tasting rooms, etc.

b. Valet Parking

In the OC Zone, a parking lot is identified as a use that requires a Conditional Use Permit (CUP) (SBMC 28.71.030.A). However, staff has determined that because the proposed valet parking lot is not a stand-alone proposal and is located on the same lot as the proposed development, it does not trigger the requirement for a CUP, and that the Coastal Development Permit (CDP) will cover all proposed development.

The valet parking lot is proposed to serve as additional (not required) parking for the Hotel Indigo, located at 121 State Street. Patrons would drop their car off at the hotel and valet staff would park it in this lot. As such, the valet parking lot has not been designed to allow patrons to drop vehicles off at the subject site, as there is no room provided for vehicles to queue without impacting the public right-of-way. A condition of approval is proposed that would restrict queuing or maneuvering within the right-of-way related to the valet parking operation. Although currently proposed for use by Hotel Indigo, if permitted, the valet parking lot could be used in the future as additional parking for any other use, as needed.

3. ROOF DECK

The project includes a large roof deck. In the Applicant's DART Response Letter dated March 21, 2016, they explain that the roof deck is intended to be used by employees of the tenant spaces within the building, or as an outdoor event space pursuant to applicable occupancy restrictions, but not as an outdoor dining area. Staff has concerns that the future use of the deck, or even the event space use identified by the applicant, has not been adequately analyzed because potential uses have not been fully explored. Complicating this issue is the fact that this is a shell building, and future tenants have not been identified. The structure has been designed as a B (office) or M (mercantile) occupancy per the building code, which means that occupancy of the deck could be one person per 30 square feet. When staff asked for information about the use, hours, lighting, etc., the applicant responded that:

> "The roof deck will operate as a shared space for the tenants of the first and second levels. There will not be any seating, or bar along the deck. The deck will be open. The tenant spaces do not have defined tenants, therefore, this information will come as a tenant improvement." (DART Response Letter dated December 17, 2015)

Staff does not find that it is realistic that the deck, as designed (which includes an elevator to the roof), will just be for employees of the building, and use as "an outdoor event space" has not been defined and could mean any number and intensity of uses. We understand the difficulty of analyzing a shell building, but LCP Policy 3.3 states that new development proposals shall provide adequate off-street parking to serve the present and future needs of the development. Further, LCP Policy 11.5 states that new development in the waterfront area shall provide adequate off-street parking to fully meet their peak needs. Therefore it is incumbent on staff and decision-makers to consider anticipated and

future use of the building. At this time, no information has been provided for staff to analyze potential parking impacts based on use of the roof deck. It would be possible to analyze the roof deck and potential parking demand based on a range of uses that would be typical or rational based on the allowed uses in the OC Zone and the design of, and accessibility to, the roof deck.

Staff is not opposed to use of the deck per se, but it has not been included as part of the parking or traffic calculation because it has not been identified as a separate "use." Staff is concerned that the use of the deck will likely increase beyond what has been identified by the applicant, and that proper review of traffic and parking impacts has not been done. Because the project includes a valet parking area, there is potential to allow some or all of those spaces to provide the required parking triggered by additional or expanded use of the roof deck in the future. However, as currently proposed, the valet parking is for use by the Hotel Indigo, and has not been designed to allow patrons to drop their cars off at the project site.

In order to address this concern and find consistency with the Local Coastal Plan (see discussion below), staff has included a condition of approval that requires the project to undergo additional review, and possibly an amendment to the CDP, if the use of the deck goes beyond incidental use by employees. Staff finds that this is the only way to make the required findings for approval of the CDP. However, staff realizes that this creates an enforcement issue that can be difficult to monitor.

B. LOCAL COASTAL PLAN CONSISTENCY

The Local Coastal Plan (LCP) land use designation for this parcel is Ocean Oriented Commercial. A Coastal Development Permit is required for the project, which must be found consistent with both the City's LCP and the California Coastal Act. The project is located in Component 4 of the LCP, which includes the area between Highway 101 to the north and Cabrillo Blvd. to the south, between Chapala Street to the west and Santa Barbara Street on the east. In 2004, the LCP was amended to re-zone a portion of this area, including the subject parcel, to OC. The LCP notes that redevelopment potential in this area is great.

As described in the LCP, the Ocean-Oriented Commercial land use designation is intended to "foster a vital, mixed-use neighborhood in the Waterfront. Uses permitted and encouraged are those that contribute to balanced use of the City's Waterfront and maintain the small scale, local character that is unique to the Waterfront area. Land uses are also encouraged that maintain the desirability of the Waterfront as a place to work, visit, and live. Such uses include ocean-dependent and ocean-oriented uses, uses which provide commercial recreational opportunities for residents and visitors to the City, restaurants or uses which provide work space for local artists (as defined in the Zoning Ordinance).

The major coastal issues identified for Component 4 include: protection of Mission Creek; hazards of flooding and potential for liquefaction; visitor-serving uses; visual quality; and adequate circulation, transit, and parking facilities. However, the LCP also notes that in the area east of State Street and north of the railroad tracks there are no significant coastal related issues.

The project site is not near Mission Creek and is not designated for visitor-serving development. The LCP issues and policies most applicable to this project are discussed below and a complete list of applicable policies is attached as Exhibit E.

1. **HAZARDS**

The project site is subject to hazards related to flooding and liquefaction. A Soils Engineering Report was prepared for the project site and identifies recommended site preparation and construction measures to ensure the building complies with the latest codes related to soil types and associated hazards such as liquefaction. Additionally, a Base Flood Elevation Determination has been provided to the applicant, and the structure must be constructed in accordance with applicable regulations related to floodplain management.

Based on the City's latest maps identifying areas potentially impacted by sea-level rise through the year 2100, the project site would not be impacted.

2. **VISUAL RESOURCES**

LCP Policy 9.1 seeks to protect, preserve and enhance views to, from, and along the ocean and scenic coastal areas. The two-story project would affect mountain views from Helena Avenue and Yanonali Street near the project site because the proposed structure would be taller than the existing building. The maximum height of the structure is approximately 27 feet, and it is located right at the property line along Helena. The block on which the project is located is developed with smaller, one-story structures; however, there are taller buildings located on adjacent blocks. This is an area that is in transition as its popularity continues to grow and older buildings are replaced with new development. Mountain views at this location are not considered to be significant and are similar to views experienced throughout the City. The project would not impact views to or from the ocean. The project has been reviewed by the Architectural Board of Review and they found that the project appropriately addressed public scenic views. Additional discussion is included in Section VIII Design Review, below.

LCP Policy 9.5 requires screening of parking facilities. The proposed parking lot would be screened with a low wall/green screen. The valet parking area would be gated, but not necessarily screened from view. This parking area would be publicly visible from Helena Avenue; however, traffic is light along this portion of the road, which ends at Montecito Street, less than 400 feet away. The Architectural Board of Review was supportive of the design of this parking lot, particularly given the setting.

3. **PUBLIC SERVICES (CIRCULATION, TRANSIT AND PARKING)**

LCP Policy 11.5 states that new development shall provide adequate parking to meet its needs. Additionally, Policies 3.3 and 3.13 require that projects include parking to meet the needs of the development. Because the building is being developed without identified users, the general parking requirement of one space per 250 square feet is being followed. This parking ratio will meet the needs of most potential uses of the property. However, uses such as restaurants and wine tasting (which are very popular in this area given the limited uses allowed in the OC Zone) typically require a higher parking ratio. Without providing additional parking, these types of uses must be limited in terms of the seating

that they provide both inside the building and outside, and this can be difficult, if not impossible, to enforce.

The "funk zone" has been steadily increasing in popularity over the last few years, including the emergence of the Urban Wine Trail and the renovated structures across the street at 127-137 Anacapa Street (including The Lark, Area 5.1, Figueroa Mountain Brewery, etc.), which have become very popular. This has resulted in impacts to on-street parking given that many of the existing developments have little, if any, parking. This means that street parking and bicycle parking are well used and often not available.

Therefore, in order to find consistency with the applicable LCP policies, the proposed parking must be adequate for the development and anticipated future use(s) of the building, and will not exacerbate the area's parking problem. As currently designed, staff has concerns that the proposed parking is inadequate. The roof deck is a significant factor in this concern. The proposed valet lot does not address the parking concern unless that lot were to be restricted for use only by the subject property and tenants of the building. To address this concern, staff has included a condition of approval limiting the use of the roof deck and a condition of approval limiting use of the tenant spaces (refer to discussion above). If the Staff Hearing Officer does not find that these conditions go far enough to address the concern, additional conditions or limitations could be imposed.

LCP Policy 11.15 states that pedestrian movement and safety should be encouraged and provided for throughout the area. The project includes improvements to the existing sidewalk along Yanonali and construction of a new sidewalk along Helena. With these improvements, pedestrian movement should be improved with the project.

C. CALIFORNIA COASTAL ACT

The Coastal Act defines land within the Coastal Zone as part of a valuable natural resource of vital and enduring interest to all the people. The Coastal Act prescribes policies for protecting the coast through environmental protection and land-use restrictions. The project as described would be consistent with the applicable policies of the California Coastal Act. Refer to Exhibit F for a list of applicable policies.

The project, due to its location and anticipated uses, does not have the potential to impact public access, water-oriented recreational activities, environmentally sensitive habitat or agricultural land, or have impacts related to industrial development.

An analysis of visual resources and parking (Public Resources Code, Sections 30251 and 30252, respectively) is provided in Section VI.B above. The proposed development would be located within and contiguous to existing developed areas able to accommodate said development, consistent with Public Resources Code §30250.

VII. ENVIRONMENTAL REVIEW

The site does not contain any sensitive habitat, historic structures or hazardous materials. The site is located in a flood hazard zone and an archaeologically sensitive area. The project will be required to comply with standard conditions of approval and buildings codes related to these issues, including archaeological monitoring during construction. Additionally, staff performed a preliminary traffic analysis of the proposal and found that the project would not use one percent

or more of the intersection capacity at any impacted intersections. Therefore, the proposal would not constitute a project specific traffic impact.

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 is consistent with the anticipated development designated and analyzed by the Program EIR. Potential minor project environmental effects are addressed with existing development standards and regulations (e.g., design review, building code, construction regulations, storm water management Tier 3 provisions, 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). Refer to the CEQA certificate of determination (Exhibit G). 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.

VIII. DESIGN REVIEW

This project was reviewed by the ABR on three separate occasions (meeting minutes are attached as Exhibit D). At the most recent review on February 16, 2016, the ABR stated that the project was supportable and appropriate for the neighborhood, consistent with the Project Compatibility Analysis criteria. They found scenic public vistas to be appropriately addressed, and the landscaping to be adequate given the urban setting. The ABR also had the following comments:

1) The Board finds the project supportable and appropriate for the neighborhood.
2) Increase the size of the tree at the corner.
3) Restudy the proposed site wall at the sidewalk to be less repetitive and open dimensioned.
4) Relocate or move the face of the building 12 inches back from the property line at Helena Street to accommodate landscape screening at the front of the building. The Board would be willing to reduce the parking lot landscaping to accommodate the building relocation.
5) Provide landscaping or surface treatment for the valet parking as an enhancement.

Staff has concerns about two of the ABR's comments in particular. Comment #2 – Increase the size of the tree at the corner. A sidewalk dedication will be required at the corner to accommodate a code-compliant accessible ramp, which will likely reduce or even eliminate the area of the proposed corner planter and tree. In order to provide a larger tree, the proposed ground level deck may need to be reduced in size. To address comment #4, the applicant moved the building six inches away from the property line along Helena. However, staff still finds this elevation to be imposing on the street and not pedestrian friendly or in keeping with the character of the neighborhood. The ABR will need to determine whether the six inch setback adequately addresses their concern.

Since the ABR's review of the project, photo simulations of the project were submitted to assist staff, the Staff Hearing Officer and the public in analyzing the project's visual impact. Staff does have concerns that the building is not entirely consistent with the vision for this neighborhood. The OC Zone is described as a zone that "strives to achieve balanced use of the City's Waterfront and maintain the small-scale, local character that is unique to the Waterfront area. This zone is intended to foster a vital, mixed use neighborhood and preserve and protect the coastal environment in terms of light, air, and visual amenities." However, the OC Zone does not have required setbacks because the traditional development pattern in the area is for structures to be

located at or near the property line. Despite staff's concerns, we defer to the ABR's determination that the project is appropriate for the neighborhood.

IX. FINDINGS

The Staff Hearing Officer finds the following:

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)

The project qualifies for an exemption from further environmental review under CEQA guidelines section 15183, based on city staff analysis and the CEQA certificate of determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project, as conditioned, is consistent with the policies of the California Coastal Act because it does not impact public access or sensitive habitat and provides an appropriate development and use in a developed area of the City, as described in Section VI.C of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because it has been sensitively designed with respect to mountain views and, as conditioned, will provide adequate parking to meet its demand, as described in Sections VI.A and VI.B of the Staff Report.

C. DEVELOPMENT PLAN (SBMC §28.85.040)

1. The proposed development complies with all provisions of the Zoning Ordinance, including the Non-Residential Growth Management Program requirements, because the project is consistent with the development standards for the OC Zone as shown in Section VI.A of the Staff Report, and is using the Minor and Small Additions allocated to the site.
2. The proposed development is consistent with the principles of sound community planning. The documents that guide development in this area are the Local Coastal Plan, Zoning Ordinance, and the City's design review guidelines. The project is consistent with applicable regulations, goals and policies of these documents, as discussed in Section VI of the Staff Report.
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Section 22.68.045 of this Code, as determined by the Architectural Board of Review on February 16, 2016 and as described in Section VIII of the Staff Report. As a standard condition of approval, the project will return to the ABR for further review and consideration of Project Design and Final Approvals.
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy as expressed in the allocation allowances specified in SBMC Section 28.85.050, as discussed in Section VI of the Staff Report.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Applicant's letter, dated May 26, 2016
D. ABR Minutes
E. Applicable Local Coastal Plan Policies
F. Applicable Coastal Act Policies
G. Certificate of Determination

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

200 HELENA AVENUE
DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT
JUNE 8, 2016

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

A. **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. Record any required documents (see Recorded Conditions Agreement section).
3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
4. Permits.
    a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
    b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 8, 2016 is limited to a two-story building of approximately 2,355 net square feet of building area with a 9-space parking lot, 4 bicycle parking spaces and a separate valet parking lot, as described in the Applicant Letter dated May 26, 2016 and as shown on submitted exhibits and on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping

on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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 and Coastal Development 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. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

7. **Use Limitations Due to Parking.** Due to potential parking impacts, uses with a parking requirement of more than one space per 250 square feet (per the City's Parking Ordinance) are not permitted without further environmental, coastal and/or Staff Hearing Officer review and approval. This means that restaurants, wine bars, tasting rooms, etc., that are typically parked at a greater ratio of one space per three seats would not be allowed without additional analysis and potentially an amendment to the Coastal Development Permit. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.

8. **Roof Deck.** Due to potential traffic and/or parking impacts, use of the roof deck other than by employees occupying the on-site tenant space(s), is not permitted without further environmental, coastal and/or Staff Hearing Officer review and approval, to be determined by the Community Development Director. The roof deck as proposed shall not be used as commercial outdoor dining, as a separate business operation, as an event space or leased out to another user separate from the tenants occupying the building without formal approval by the City, as described above. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.

9. **Valet Parking Lot.** Valet parking is only allowed in the designated valet parking area and no maneuvering or queuing related to valet operations is allowed within the right-of-way.

10. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.

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 Staff Hearing Officer land use conditions have been satisfied.

1. **Screened Backflow Device.** The backflow device(s) for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.

2. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.

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

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

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

1. **Public Works Department.**

   a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in conditions D.1.d "Helena Avenue Public Improvements" and D.1.e "Yanonali Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

   b. **Dedication(s).** Easement described as follows, subject to approval of the easement scope and location by the Public Works Department:

(1) All street purposes along Helena Avenue and Yanonali Street intersection fronting subject property in order to establish a 4 foot by 4 foot pedestrian access ramp landing in the public right-of-way.

c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights.* Engineering Division Staff prepares said agreement for the Owner's signature.

d. **Helena Avenue Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Helena Avenue. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards, the following: approximately 82 linear feet of 6-foot wide sidewalk and minimum 4-foot wide parkway; 1 Commercial driveway apron modified to meet Title 24 requirements with a maximum width of 20 feet; 20 linear feet of curb and gutter; 1 super diagonal access ramp with 4-foot by 4-foot landing to possibly include the dedication of easement to meet maximum ramp slope of 8.33% with the existing 8-inch curbs; cross gutter to minimum at center-line of Helena Avenue; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching; connection to City water and sewer mains and utilities; public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe; preserve and/or reset survey monuments; protect and relocate existing contractor stamps to parkway; supply and install directional/regulatory traffic control signs per the CA MUTCD during construction; new street trees and tree grates per the Parks and Recreation Commission (if applicable); and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

e. **Yanonali Street Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on East Yanonali Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards, the following: 50 linear feet of 6-foot wide sidewalk and minimum 4-foot wide parkway; 1 Commercial driveway apron modified to meet Title 24 requirements with a maximum width of 20 feet; 12 linear feet of faux sandstone curb and 3-foot wide concrete gutter; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching; connection to

City water and sewer mains and utilities; public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe; preserve and/or reset survey monuments; protect and relocate existing contractor stamps to parkway; supply and install directional/regulatory traffic control signs per the CA MUTCD during construction; new street trees and tree grates per the Parks and Recreation Commission (if applicable) and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

f. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.

g. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

h. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.

2. **Community Development Department.**

a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

c. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for

monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Brent Leftwhich, dated February 2016. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition D.2.d "Requirement for Archaeological Resources" below.

d. **Requirement for Archaeological Resources.** The following information shall be printed on the site or grading plans:

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

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

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

e. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which

are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet in a multi-family or commercial zone.

2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.

3. **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 Public Works Director with a Public Works permit.

4. **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 Public Works Director.

5. **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.

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.

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.

4. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

   a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

   b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.

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

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not

limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Staff Hearing Officer action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, 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.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

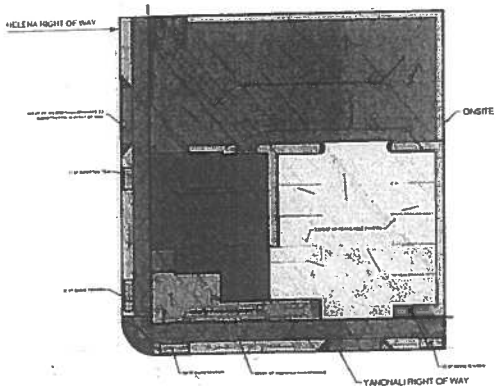
1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development,

and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

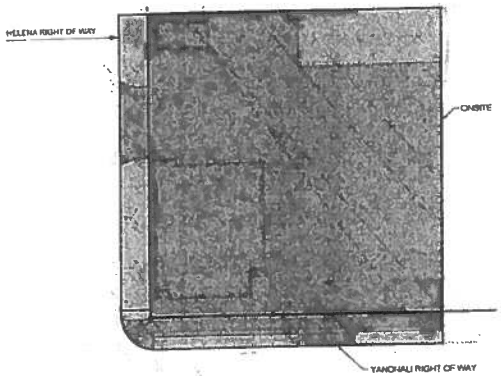
NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

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.

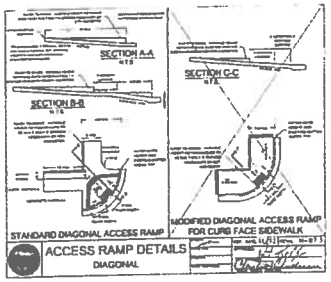
EXHIBIT B



PROPOSED PERMEABILITY DIAGRAM 5



EXISTING PERMEABILITY DIAGRAM 4



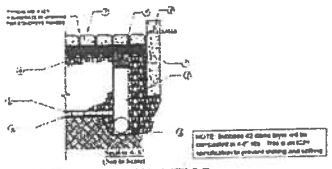
ACCESS RAMP DETAIL 3

PROPOSED LEGEND

LANDSCAPED AREA	2,815 SF
IMPERVIOUS AREA	8,743 SF
SUBSTRATION	100 SF
PERMEABLE PAVERS	2,688 SF

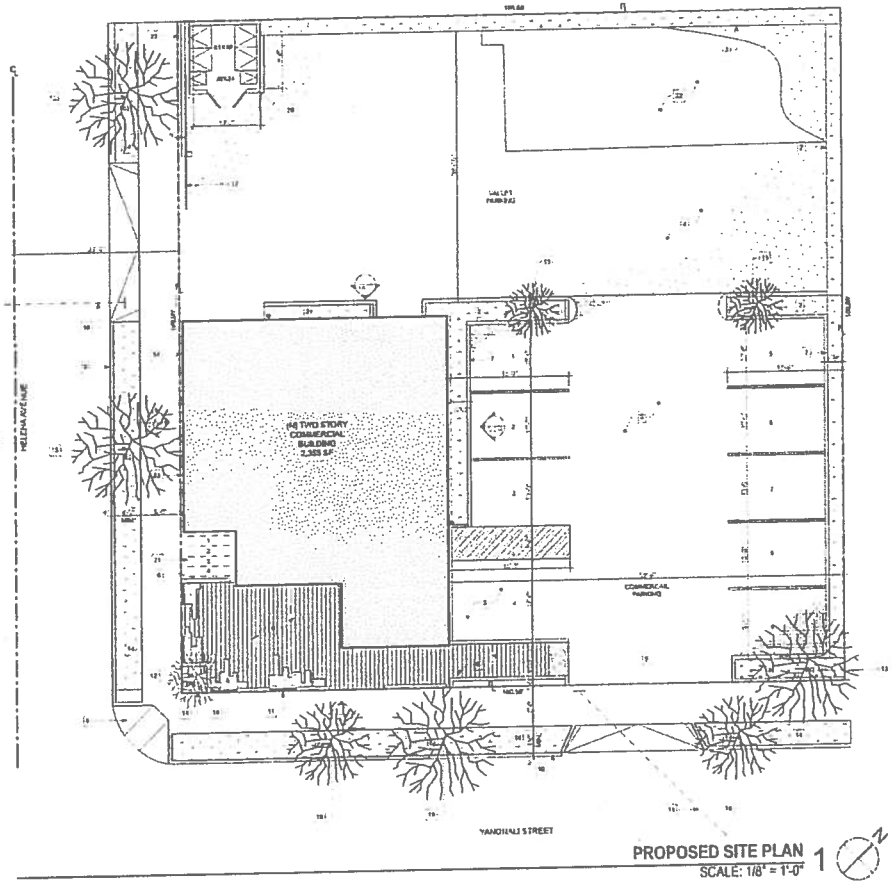
EXISTING LEGEND

PERVIOUS AREA	1,852 SF
IMPERVIOUS AREA	10,397 SF
TOTAL AREA	12,249 SF



PAVER DETAIL

Not To Scale 2



PROPOSED SITE PLAN 1

SCALE: 1/8" = 1'-0"

keynotes

1. BACK FLOW PREVENTER
2. (N) PLANTING STRIP PROVIDE DROUGHT TOLERANT LANDSCAPING THAT IS WATERWISE
3. (N) VAN ACCESSIBLE PARKING STALL
4. (E) CONCRETE (NON PERMEABLE) PAVING
5. (N) (PERMEABLE) PAVERS
6. (N) CONCRETE LINEAR PAVING (PERMEABLE)
7. (N) 6" CONCRETE CURB
8. PROVIDE DIAGONAL CITY ACCESS RAMP. SEE DETAILS ON THIS SHEET
9. PROVIDE STANDARD 6" HIGH CITY CURB ALONG HELENA & YANONALI STREETS.
10. (N) 8" SANDSTONE CURBS WITH 30" GUTTER
11. MIN. 3'-6" TALL SITE WALL & GREEN SCREEN
12. (N) NON FRUITING OLIVE TREE 48" BOX
13. (N) NON- FRUITING OLIVE TREE 36" BOX
14. (N) LOW GROUND COVER DYMONDIA OR SIMILAR.
15. (E) STREET TREE PRUS 'ORNAMENTAL PEAR'
16. (E) STREET TREE BENOCARPUS 'FIRE WHEEL TREE'
17. (N) STEEL FRAMED ROLLING ENTRY GATE
18. APPROXIMATE (E) SEWER LATERAL LOCATION SEE SANTA BARBARA CITY SEWER ATLAS M9A
19. (E) STREET TREE LOQUANIA 'RADROSE TREE'
20. (N) TRASH ENCLOSURE & GATE
21. BICYCLE PARKING 16" WIDE PER CITY STANDARDS
22. (N) CONCRETE PAVING
23. CREEPING FIG VINE

PUBLIC WORKS NOTES

1. REPLACE +/- 82 FT. OF UPLIFTED & DAMAGED SIDE WALK ALONG YANONALI
2. RELOCATE THE EXISTING & ADDITIONAL FIRE SUPPRESSION, GAS & WATER METER INTO THE RIGHT OF WAY - IF REQUIRED.
3. PROVIDE A 4" SEWER PIPE TO SERVICE AN APPROXIMATE 12 FIXTURE PLUMBING FIXTURE COUNT.

landscape notes

1. LANDSCAPE AREAS SHALL BE DESIGNED WITHOUT THE USE OF TURF AND WITH 100% WATER WISE" PLANTS.
2. ANY LANDSCAPE AREA, EXCEPT THOSE PORTIONS PLANTED WITH GROUNDCOVER, SUCCULENTS, OR OTHER LOW LYING SHRUBS, SHALL BE COVERED WITH MULCH MATERIAL TO AN AVERAGE THICKNESS OF AT LEAST THREE INCHES THROUGHOUT, EXCEPT IN THE IMMEDIATE VICINITY OF WOODY TRUNKS. ADDITIONAL MULCH MATERIAL SHALL BE ADDED FROM TIME TO TIME AS NECESSARY IN ORDER TO MAINTAIN REQUIRED DEPTH OF MULCH.
   a. IRRIGATION SYSTEMS SHALL BE DESIGNED AND INSTALLED TO AVOID OVERSPRAY AND RUNOFF. VALVES SHALL BE SEPARATED FOR INDIVIDUAL HYDROZONES BASED ON PLANT WATER NEEDS AND SUNSHADE REQUIREMENTS.
   b. IN THE EVENT THAT AN AUTOMATIC IRRIGATION SYSTEM IS INCLUDED IN THE LANDSCAPE PLAN, A WEATHER BASED IRRIGATION CONTROLLER WITH A RAIN SHUTOFF SENSOR SHALL BE REQUIRED FOR THE ENTIRE IRRIGATION SYSTEM.
   c. AREAS LESS THAN EIGHT FEET WIDE SHALL BE IRRIGATED ONLY WITH BUBBLERS, ROTATING NOZZLES ON POP-UP BODIES,SUB-SURFACE, OR DRIP IRRIGATION.
   d. DRIP IRRIGATION SHALL BE PROVIDED ON AT LEAST 25% OF THE LANDSCAPED AREA.
   e. ALL SPRINKLERS SHALL HAVE MATCHED PRECIPITATION RATES WITHIN EACH VALVE AND CIRCUIT. ALL IRRIGATION SYSTEMS SHALL BE DESIGN TO INCLUDE OPTIMUM DISTRIBUTION UNIFORMITY, HEAD-TO-HEAD SPACING AND SETBACKS FROM WALKWAYS AND PAVEMENT.
   f. ALL IRRIGATION SYSTEMS SHALL PROVIDE CHECK VALVES AT THE LOW END OF IRRIGATION LINES TO PREVENT UNWANTED DRAINING OF IRRIGATION LINES.
   g. PRESSURE REGULATORS ARE REQUIRED ON THE IRRIGATION SYSTEM, UNLESS THE PUBLIC WORKS DIRECTOR DETERMINES A PRESSURE REGULATOR IS NOT NECESSARY.

Legend

- FLOW LINE
- 4" DOWN SPOUT
- IMPERMEABLE PAVING
- LANDSCAPING
- PERMEABLE PAVING

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924 CHAPALA STREET SUITE B
T (805) 451-2500 / 510
JASON GOTSIS

DART RESUBMITTAL

DART HOLD RESPONSE

ZOO HELENA

ZOO HELENA AVENUE
SANTA BARBARA CA

MARC MCLENDON
T (805) 455-5546

A0.01

PROPOSED SITE PLAN

AB DESIGN STUDIO INCORPORATED

ARCHITECTURE
INTERIOR DESIGN
URBAN PLANNING

SANTA BARBARA
LOS ANGELES
SAN FRANCISCO

LETTER

RECEIVED
MAY 26 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

May 26, 2016

Allison DeBusk
Planning & Zoning
City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

Subject: 1392.02
200 Helena - Containers
CDP / DART Submittal Applicant Letter - Revised

Via: Hand Delivered

We are resubmitting a Visual Aid Package for the Staff Hearing Officer meeting on June 8th for the project at 200 Helena Ave. We feel that the provided imagery depicts the scale of the proposed building in relationship to the surrounding neighborhood and views. We are also revising the originally submitted DART letter whcih you last recieved on 12/17/15.

The site originally had two (2) existing structures; one (1) 1,663 sf 1-story, commercial building and one (1) 169 sf storage shed when the project was submitted for CDP/DART on 10/01/15. A demolition permit to remove these buildings was issued by the City on 4/12/16. The proposed building will be a 2,577 sf 2-story, commercial building. The proposed building will include a new foundation, two (2) tenant spaces, an elevator and a shared roof deck. The stairs will not be conditioned space and will be outside of the buiding envelope. Additionally, each of the tenant spaces will have one (1) uni-sex restroom. Based on the B or M occupancy use and the fact that each space is less than 1,500 sf, this complies with the current building codes.

The site improvements will include: new ground floor patio with permeable pavers, new parking layout with driveway gates and finger planters, as well as new onsite bicycle parking. In regards to vehicle parking, the proposed project will require (9) parking spots, which will be provided onsite. In regards to landscaping, there is currently no landscape area on the site. We are proposing new landscaping, which will include four (4) new onsite trees; no grading will be required. The backflow preventer will be adjacent to the bicycle parking and sheilded from view by a metal screen. A portion of the site is also proposed to be used as valet parking for an off-site use. The site does not encroach on any creeks or other water courses.

In terms of lighting, the proposed project will incorporate exterior lighting, however, the lighting will be shielded and located near doorways for safety. The lights will shine down and comply with dark sky requirements, as well as T-24. The utilities for the site are provided by the City of Santa Barbara.

Overall, demolition and construction will be able to be contained onsite. The schedule will be determined by a Contractor as we move forward with the project.

AB DESIGN STUDIO INC
420 EAST HALEY STREET
SANTA BARBARA CALIFORNIA 93101

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info@abdesignstudioinc.com
www.abdesignstudioinc.com

EXHIBIT C

ABR granted compatibility findings for this project on 2/12/16. The neighborhood is industrial and caters to several uses: to the north of the property there is an artist's studio, shops and a restaurant; to the east there are several winery/tasting rooms; to the south there is a brewery, winery, and restaurant; to the west there is a wine bar and restaurant. Although our tenants have not been identified, we have designed a flexible space for an appropriate tenant that would fit into the neighborhood. Not only will the tenant fit in, but the project will improve the area.

Currently, the property is not open to the public, visually and functionally. The existing use of the property is manufacturing, which is not allowed in the OC zone. The proposed project would provide a space for a tenant and use allowed in the OC zone.

We are looking to open this corner back up to the public. With our ground floor patio placed at the corner of Helena and Yanonali, it allows for the pedestrian to have a more enjoyable experience. We do not plan to overpopulate the site with buildings. Instead, we plan to build the new building within the same location as the existing location. This will allow for the rest of the site to remain open, not obstructing views. It will also allow for new landscaping that is not there currently. As previously mentioned, we plan to add four (4) new site trees that will soften the site and provide a more natural setting. In addition to the landscaping, we will also be able to provide adequate onsite parking.

We strongly believe our proposed project is compatible with the neighborhood, both aesthetically and functionally. This project wilid truly benefit the neighborhood, as well as the community.

We look forward to hearing from you and working with you to move this project forward.

Regards,

Matt Beausoleil
Project Manager

AB DESIGN STUDIO.INC.
420 EAST HALEY STREET
SANTA BARBARA CALIFORNIA 93101

(805) 963-2100
info@abdesignstudioinc.com
www.abdesignstudioinc.com

CONCEPT REVIEW - CONTINUED ITEM

2. 200 HELENA AVE **OC/SD-3 Zone**

(3:45)

Assessor's Parcel Number: 033-052-018
Application Number: MST2015-00289
Owner: Funk Zone Parking, LLC
Architect: AB Design Studio, Inc.

(Proposal to demolish an existing 1,663 square foot, one-story commercial building [900 square feet permitted and 763 square feet unpermitted] and to construct a new 2,833 square foot, two-story commercial building with a third-story rooftop patio. An existing permitted 147 square foot detached wood storage shed will be demolished. The proposal will include a new parking lot with nine parking spaces, bicycle parking, and landscape improvements, and a valet parking lot. New sidewalk, curb, and utility improvements are also proposed. Requires Staff Hearing Officer Review of a Development Plan and a Coastal Development Permit.)

(Third Concept Review. Comments only; requires Compatibility Criteria Analysis, Environmental Assessment, and Staff Hearing Officer review. Project was last reviewed on December 21, 2015.)

Actual time: 3:56 p.m.

Present: Clay Aurell and Matt Beausoleil, Architects.

Public comment opened at 4:36 p.m. As no one wished to speak, public comment was closed.

Emails of support were acknowledged from Neil DiPaola, Shawn Comrie, Joel Heath, Jamie Faletti, and Katie Hay.

Motion: **Continued indefinitely to Staff Hearing Officer for return to Full Board with comments:**

1) The Board finds the project supportable and appropriate for the neighborhood.
2) Increase the size of the tree at the corner.
3) Restudy the proposed site wall at the sidewalk to be less repetitive and open dimensioned.
4) Relocate or move the face of the building 12 inches back from the property line at Helena Street to accommodate landscape screening at the front of the building. The Board would be willing to reduce the parking lot landscaping to accommodate the building relocation.
5) Provide landscaping or surface treatment for the valet parking as an enhancement.
6) **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 development is compatible with the distinctive architectural character of 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, given additional comment below.
   d) **Sensitive to Adjacent Landmarks and Historic Resources.** The design of the proposed development is not located near sensitive to adjacent City Landmark/designated historic resources, historic sites or natural features and mitigation measures.
   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 *for an urban area.*

Action: Wittausch/Hopkins, 4/1/0. Motion carried. (Gradin opposed, Tripp stepped down, Miller absent).

EXHIBIT D

CONCEPT REVIEW - CONTINUED ITEM

3. 200 HELENA AVE **OC/SD-3 Zone**

(3:35)

Assessor's Parcel Number: 033-052-018
Application Number: MST2015-00289
Owner: Mark Recordon
Architect: AB Design Studio, Inc.

(Proposal to demolish an existing 1,663 square foot, one-story commercial building [900 square feet permitted and 763 square feet unpermitted] and to construct a new 2,833 square foot, two-story commercial building with a third-story rooftop patio. An existing permitted 147 square foot detached wood storage shed will be demolished. The proposal will include a new parking lot with nine parking spaces, bicycle parking, landscape improvements, and a valet parking lot. New sidewalk, curb, and utility improvements are also proposed. Requires Staff Hearing Officer Review of a Development Plan and a Coastal Development Permit.)

(Second Concept Review. Comments only; requires Compatibility Criteria Analysis, Environmental Assessment, and Staff Hearing Officer review. Project was last reviewed on July 6, 2015.)

Actual time: 3:58 p.m.

Present: Clay Aurell and Matt Beausoleil, Architects.

Public comment opened at 3:58 p.m. As no one wished to speak, public comment was closed.

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

1) The Board finds the shipping container design generally supportable; however, the Board would like the Applicant to provide more detailed plans of the proposed structure to differentiate between the plaster, wood, concrete, and steel.
2) One Board member would like the Applicant to restudy the south façade which should not reflect the mechanics of the operable doors, but should have more corrugations on the building to match the other sides of the shipping containers.
3) Study opportunities to improve the landscaping on the north elevation of the building adjacent to the structure, and provide details.
4) Study incorporating a green wall to the Helena Street elevation adjacent to the proposed mural wall.
5) Provide a detailed color board and materials board.
6) Provide additional structural details (including abutment details, etc.).

Action: Poole/Cung, 4/0/0. Motion carried. (Gradin/Miller/Tripp absent).

Additional Board Comments: One Board member requested more photographs showing the project's neighborhood proximity to State Street. One Board member requested the Applicant provide more integration between the containers and the building so that they are more cohesive with the building.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

4. 200 HELENA AVE **OC/SD-3 Zone**

(4:25)

Assessor's Parcel Number: 033-052-018
Application Number: MST2015-00289
Owner: Mark Recordon
Architect: AB Design Studio, Inc.

(Proposal to demolish an existing 1,663 square foot, 1-story commercial building (860 square feet permitted and 803 square feet unpermitted) and to construct a new 2,215 square foot, 2-story commercial building with a third story rooftop patio. An existing permitted 147 square foot detached wood storage shed will remain unaltered. The proposal will include a new parking lot with nine parking spaces, bicycle parking, and landscape improvements. New sidewalk, curb, and utility improvements are also proposed. Requires Planning Commission review of a Development Plan and a Coastal Development Permit.)

(One time Concept Review for comments only. No approvals will be granted.)

Actual time: 4:30 p.m.

Present: Clay Aurell, Architect; and Mark Recordon, Owner.

Public comment opened at 4:49 p.m. As no one wished to speak, public comment was closed.

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

1) The Board understands that container projects pose specific concerns and the proposed containers must be acceptable and appropriate for the neighborhood, especially in the design, detailing, and materials.
2) Provide a canopy tree in the corner and additional landscaping pockets to soften the exterior appearance of the structure.
3) Restudy an alternative to the trellis which is too aggressive and overwhelming, and adds to the impact of the building.
4) Provide a color board and material board, and propose alternative materials other than concrete and steel. The proposed colors are not supportable. Plaster would help to soften and anchor the building.

Action: Hopkins/Wittausch, 4/0/0. Motion carried. (Tripp stepped down, Miller/Poole absent).

Board Comments: At least half the Board is concerned about the appropriateness of the proposed design of the container and this location's proximity to State Street and the historic train station. Study a more nautical and/or industrial design to be more in keeping with the Funk Zone area.

Applicable Local Coastal Plan Policies
116 Castillo Street

RECREATION

LCP Policy 3.3. New development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development.

LCP Policy 3.4. New development in the coastal zone which may result in significant increased recreational demand and associated circulation impacts shall provide mitigation measures as a condition of development including, if appropriate, provision of bikeways and bike facilities, pedestrian walkways, people mover systems, in lieu fees for more comprehensive circulation projects or other appropriate means of compensation.

LCP Policy 3.13. Developers shall be required to provide on-site recreational open space and parking for new users generated by any development of vacant or underdeveloped properties inland of Cabrillo Boulevard.

VISITOR SERVING USES

LCP Policy 4.2. New visitor-serving development permitted pursuant to Policy 4.1 shall be:

(1) Reviewed by the Architectural Board of Review or the Historic Landmarks Commission for compatible architectural design;

(2) Be consistent with the adopted LCP Visual Quality Policies;

(3) Provide to the maximum extent feasible, public view corridors, open spaces, and pedestrian (and/or bicycle) walkways and facilities;

(4) Provide adequate off-street parking to serve the needs generated by the development; and

(5) Provide measures to mitigate circulation impacts associated with the project, including but not limited to coordination with the Redevelopment Agency's Transportation Plans for the area, provision of in-lieu fees, provision of bicycle facilities, or other appropriate means of mitigation.

LCP Policy 4.4. New hotel/motel development within the coastal zone shall, where feasible, provide a range of rooms and room prices in order to serve all income ranges. Likewise, lower cost restaurants, or restaurants which provide a wide range of prices, are encouraged.

EXHIBIT E

LCP Policy 4.5. Removal or conversion of existing lower cost visitor-serving uses in areas designated HRC-I, HRC-II and Hotel/Residential shall be prohibited unless the use will be replaced by a facility offering comparable visitor-serving opportunities.

HOUSING

LCP Policy 5.3. New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

VISUAL QUALITY

LCP Policy 9.1. The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

(1) Acquisition of land for parks and open space;

(2) Requiring view easements or corridors in new development;

(3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development; or

(4) Developing a system to evaluate view impairment of new development in the review process.

LCP Policy 9.3. All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

LCP Policy 9.5. All parking facilities shall be screened from public view in a method suggested in the City's Scenic Highways Element of the General Plan.

PUBLIC SERVICES

LCP Policy 11.5. All new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to fully meet their peak needs. Parking needs for individual developments shall be evaluated on a site-specific basis and at minimum be consistent with City Ordinance requirements.

LCP Policy 11.15. Pedestrian movement and safety should be encouraged and provided for throughout the area.

LAND USE

LCP Policy 12.2. New developments within the City's Waterfront Area shall be evaluated as to a project's impact upon the area's:

1. Openness;
2. Lack of Congestion;
3. Naturalness; and
4. Rhythm.

Applicable Coastal Act Policies
116 Castillo Street

Public Access

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Recreation

Section 30222 Private lands; priority of development purposes. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Land Resources

Section 30244 Archaeological or paleontological resources. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Development

Section 30250 Location; existing developed area.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30251 Scenic and visual qualities. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 Maintenance and enhancement of public access. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253. New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

City of Santa Barbara
CEQA CERTIFICATE OF DETERMINATION

To: File: MST2015-00289
Project Address: 200 Helena Avenue

From: Allison De Busk, Project Planner, 805-564-5470, ext. 4552, ADebusk@SantaBarbaraCA.gov

Subject: Certificate of Determination for Exemption from Environmental Review under CEQA Guidelines Section 15183

Project Location: City of Santa Barbara, County of Santa Barbara

Assessor's Parcel Number(s): 033-052-018

Zone(s): OC/SD-3 (Ocean-Oriented Commercial/ Coastal Overlay

Local Coastal Plan Designation(s): Hotel and Related Commerce

Project Applicant: Matthew Beausoleil, AB Design Studio Inc., Architect for Funk Zone Parking, LLC

Project Description: The project consists of the demolition of the existing 1,663 square foot one-story commercial building (of which 900 square feet is legally permitted) and 147 square foot detached shed, and construction of a new two-story 2,355 net square foot building with a roof deck. Maximum building height would be 27 feet, 3 inches. Nine parking spaces are proposed with access from Yanonali Street, and a valet parking lot of approximately 3,400 square feet is proposed with access from Helena Avenue. The discretionary applications required for this project are: 1. A Coastal Development Permit (CDP20015-00010) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and 2. A Development Plan to allow the construction of approximately 1,308 square feet of net new nonresidential development (SBMC Chapter 28.85).

Project Environmental Findings: The City of Santa Barbara evaluated the proposed project and made the following determinations:

1. The project is consistent with the density established for the site in the City of Santa Barbara General Plan.
2. A Program Environmental Impact Report was certified for the 2011 General Plan, which identified environmental effects of future citywide development under the General Plan, including significant effects, mitigated effects, and insignificant effects.
3. Pursuant to CEQA and CEQA Guidelines (Public Resources Code Section 21083.3 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15183), environmental review for this project shall be limited to examination of any significant project-specific environmental effects not analyzed in the prior Environmental Impact Report for the 2011 General Plan.
4. Project-specific impacts:
   ☒ The project will not result in significant project-specific environmental effects.
   ☐ Potentially significant project-specific environmental effects will be substantially mitigated by uniformly applied development standards or policies and/or measures proposed as part of the project description, as identified in the *Preliminary Review* documentation. The project will not result in significant project-specific effects.
5. Mitigation measures:
   ☐ Relevant mitigation measures from the General Plan Program EIR have been made part of the project.
   ☒ No mitigation measures from the General Plan Program EIR are relevant or have been made part of the project.
6. A mitigation monitoring and reporting plan [☐ was ☒ was not] adopted for this project.
7. A Statement of Overriding Considerations was adopted by City Council for the 2011 General Plan (Resolution 11-079), finding that the significant cumulative environmental effects of citywide development under the 2011 General Plan were

outweighed by the benefits of the Plan and therefore deemed acceptable. The Statement of Overriding Considerations remains applicable for the current project.

8. Findings were made pursuant to the provisions of CEQA.

Exempt Status: Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with Community Plan or Zoning) and CEQA Statute (Section 21083.3 of California Public Resources Code)

The Program Environmental Impact Report for the 2011 General Plan and the record of current project permit review process may be viewed by the public at the City Planning Division office at 630 Garden Street, Santa Barbara.

Signature (City of Santa Barbara)	Project Planner **Title**	May 26, 2016 **Date**

ACTION: **Assigned Resolution No. 037-16**

Approved the Modification to allow the detached accessory structure within the front yard, and the Modification to allow it to exceed the maximum allowable size of 500 square feet, making the findings as outlined in the Staff Report dated June 2, 2016.

Said approval is subject to the conditions as outlined in the Staff Report dated June 2, 2016.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.

ACTUAL TIME: 9:15 A.M.

B. APPLICATION OF MATTHEW BEAUSOLEIL, AB DESIGN STUDIO INC., ARCHITECT FOR FUNK ZONE PARKING, LLC; 200 HELENA AVENUE; APN 033-052-018; OC/SD-3 (OCEAN-ORIENTED COMMERCIAL/ COASTAL OVERLAY ZONES, LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE (MST2015-00289)

The project consists of the demolition of the existing 1,663 square foot one-story commercial building (of which 900 square feet is legally permitted) and 147 square foot detached shed, and construction of a new two-story 2,355 net square foot building with a roof deck. Maximum building height would be 27 feet, 3 inches. Nine parking spaces are proposed with access from Yanonali Street, and a valet parking lot of approximately 3,400 square feet is proposed with access from Helena Avenue.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP20015-00010) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and

2. A Development Plan to allow the construction of approximately 1,308 square feet of net new nonresidential development (SBMC Chapter 28.85).

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

Present: Matthew Beausoleil, Applicant; and Clay Aurell, Architect; and Jarrett Gorin, Vanguard Planning, LLC.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Allison De Busk, Project Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:37 a.m.; and, with no one wishing to speak, the Public Hearing was closed.

Ms. Reardon expressed concerns with the project's consistency with coastal policies related to visual resources, specifically landscaping in parking areas. LCP Policy 9.2, the Waterfront Area Design Guidelines, and the Zoning Ordinance require landscaping to screen parking areas and to break up the expanse of parking. As proposed, the valet parking area has little landscaping. Ms. Reardon added a condition to address this concern.

Ms. Reardon expressed her support for the Architectural Board of Review's direction to relocate or move the face of the building away from the Helena Street property line to accommodate landscaping and their direction to provide landscaping for the valet parking area.

ACTION: **Assigned Resolution No. 038-16**
Approved the Coastal Development Permit and the Development Plan making the findings as outlined in the Staff Report dated June 1, 2016.

Said approval is subject to the conditions as outlined in the Staff Report dated June 1, 2016, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 9:55 a.m.

Submitted by,

Kathleen Goo, Staff Hearing Officer Secretary

City of Santa Barbara
California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 038-16
200 HELENA AVENUE
DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT
JUNE 8, 2016

APPLICATION OF MATTHEW BEAUSOLEIL, AB DESIGN STUDIO INC., ARCHITECT FOR FUNK ZONE PARKING, LLC; 200 HELENA AVENUE; APN 033-052-018; OC/SD-3 (OCEAN-ORIENTED COMMERCIAL/ COASTAL OVERLAY ZONES, LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE (MST2015-00289)

The project consists of the demolition of the existing 1,663 square foot one-story commercial building (of which 900 square feet is legally permitted) and 147 square foot detached shed, and construction of a new two-story 2,355 net square foot building with a roof deck. Maximum building height would be 27 feet, 3 inches. Nine parking spaces are proposed with access from Yanonali Street, and a valet parking lot of approximately 3,400 square feet is proposed with access from Helena Avenue.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP20015-00010) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and

2. A Development Plan to allow the construction of approximately 1,308 square feet of net new nonresidential development (SBMC Chapter 28.85).

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

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 1, 2016.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

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

A. **ENVIRONMENTAL REVIEW (CEQA Guidelines §15183)**

1. The project qualifies for an exemption from further environmental review under CEQA guidelines section 15183, based on City staff analysis and the CEQA Certificate of Determination on file for this project.

B. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because it has been sensitively designed with respect to mountain views and, as conditioned, will provide adequate parking to meet its demand, as described in Sections VI.A and VI.B of the Staff Report.

2. The project, as conditioned, is consistent with the policies of the California Coastal Act because it does not impact public access or sensitive habitat and provides an appropriate development and use in a developed area of the City, as described in Section VI.C of the Staff Report.

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

1. The proposed development complies with all provisions of the Zoning Ordinance, including the Non-Residential Growth Management Program requirements, because the project is consistent with the development standards for the OC Zone as shown in Section VI.A of the Staff Report, and is using the Minor and Small Additions allocated to the site.

2. The proposed development is consistent with the principles of sound community planning. The documents that guide development in this area are the Local Coastal Plan, Zoning Ordinance, and the City's design review guidelines. The project is consistent with applicable regulations, goals and policies of these documents, as discussed in Section VI of the Staff Report.

3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Section 22.68.045 of this Code, as determined by the Architectural Board of Review on February 16, 2016 and as described in Section VIII of the Staff Report. As a standard condition of approval, the project will return to the ABR for further review and consideration of Project Design and Final Approvals.

4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy as expressed in the allocation allowances specified in SBMC Section 28.85.050, as discussed in Section VI of the Staff Report.

II. Said approval is subject to the following Conditions of Approval:

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

A. **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. Record any required documents (see Recorded Conditions Agreement section).
3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
4. Permits.
    a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
    b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 8, 2016 is limited to a two-story building of approximately 2,355 net square feet of building area with a 9-space parking lot, 4 bicycle parking spaces and a separate valet parking lot, as described in the Applicant Letter dated May 26, 2016 and as shown on submitted exhibits and on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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 and Coastal Development 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. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

7. **Use Limitations Due to Parking.** Due to potential parking impacts, uses with a parking requirement of more than one space per 250 square feet (per the City's Parking Ordinance) are not permitted without further environmental, coastal and/or Staff Hearing Officer review and approval. This means that restaurants, wine bars, tasting rooms, etc., that are typically parked at a greater ratio of one space per three seats would not be allowed without additional analysis and potentially an amendment to the Coastal Development Permit. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.

8. **Roof Deck.** Due to potential traffic and/or parking impacts, use of the roof deck other than by employees occupying the on-site tenant space(s), is not permitted without further environmental, coastal and/or Staff Hearing Officer review and approval, to be determined by the Community Development Director. The roof deck as proposed shall not be used as commercial outdoor dining, as a separate business operation, as an extension of the business operation of a tenant, as an event space, or leased out to another user separate from the tenants occupying the building without formal approval by the City, as described above. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.

9. **Valet Parking Lot.**

   a. Valet parking is only allowed in the designated valet parking area and no maneuvering or queuing related to valet operations is allowed within the right-of-way.

   b. Use of the valet parking area by off-site users shall be subordinate to use of the lot as required parking for on-site users, as required by the Zoning Ordinance. Should the use of the site require more parking than is

provided in the nine-space parking lot, the additional required parking shall be provided on site subject to approval of the revised parking design by the Transportation Division. The area available for the valet parking use shall be adjusted in order to accommodate the additional required parking. Only parking areas deemed to be excess shall be available as valet parking to off-site users.

10. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.

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 Staff Hearing Officer land use conditions have been satisfied.

1. **Screened Backflow Device.** The backflow device(s) for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.

2. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.

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

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

4. **Valet Parking Area Landscaping.** Pursuant to the Waterfront Area Design Guidelines and SBMC §28.90.050.3 & 4, additional landscaping and/or trees shall be added to the valet parking area to screen the parking area from the public street and surrounding properties, provide a buffer between the building and parking area, and to break up the expanse of paving.

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

1. **Public Works Department.**

   a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in conditions D.1.d "Helena Avenue Public Improvements" and D.1.e "Yanonali Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if

the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision).*

b. **Dedication(s).** Easement described as follows, subject to approval of the easement scope and location by the Public Works Department:

(1) All street purposes along Helena Avenue and Yanonali Street intersection fronting subject property in order to establish a 4 foot by 4 foot pedestrian access ramp landing in the public right-of-way.

c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

d. **Helena Avenue Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Helena Avenue. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards, the following: approximately 82 linear feet of 6-foot wide sidewalk and minimum 4-foot wide parkway; 1 Commercial driveway apron modified to meet Title 24 requirements with a maximum width of 20 feet; 20 linear feet of curb and gutter; 1 super diagonal access ramp with 4-foot by 4-foot landing to possibly include the dedication of easement to meet maximum ramp slope of 8.33% with the existing 8-inch curbs; cross gutter to minimum at center-line of Helena Avenue; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching; connection to City water and sewer mains and utilities; public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe; preserve and/or reset survey monuments; protect and relocate existing contractor stamps to parkway; supply and install directional/regulatory traffic control signs per the CA MUTCD during construction; new street trees and tree grates per the Parks and Recreation Commission (if applicable); and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

e. **Yanonali Street Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on East Yanonali Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards, the following: 50 linear feet of 6-foot wide sidewalk and minimum 4-foot wide parkway; 1 Commercial driveway apron modified to meet Title 24 requirements with a maximum width of 20 feet; 12 linear feet of faux sandstone curb and 3-foot wide concrete

gutter; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching; connection to City water and sewer mains and utilities; public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe; preserve and/or reset survey monuments; protect and relocate existing contractor stamps to parkway; supply and install directional/regulatory traffic control signs per the CA MUTCD during construction; new street trees and tree grates per the Parks and Recreation Commission (if applicable) and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

f. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.

g. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

h. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.

2. **Community Development Department.**

a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

c. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the

project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Brent Leftwhich, dated February 2016. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition D.2.d "Requirement for Archaeological Resources" below.

d. **Requirement for Archaeological Resources.** The following information shall be printed on the site or grading plans:

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

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

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

e. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet in a multi-family or commercial zone.

2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.

3. **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 Public Works Director with a Public Works permit.

4. **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 Public Works Director.

5. **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.

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.

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180

days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.

4. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

   a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

   b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.

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

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

   Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

This motion was passed and adopted on the 8th day of June, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary — Date: 6/9/16

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Architectural Board of Review (ABR)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF DEVELOPMENT PLAN TIME LIMITS**: The Staff Hearing Officer action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, unless:
   a) A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
   b) 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.
7. **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:** The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:
   a) Otherwise explicitly modified by conditions of approval for the coastal development permit.
   b) A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.

c) The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

8. **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.