

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 14, 2016

CALL TO ORDER:

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

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Deborah L. Schwartz, and Addison Thompson.

Absent: Commissioner Sheila Lodge

STAFF PRESENT:

Beatriz Gularte, Senior Planner
N. Scott Vincent, Assistant City Attorney
Susan Reardon, Senior Planner
Allison De Busk, Project Planner
Chelsey Swanson, Associate Transportation Planner
Jennifer Sanchez, Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

None.

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

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

III. SUSPENSION OF STAFF HEARING OFFICER APPROVAL:

ACTUAL TIME: 1:01 P.M.

SUSPENSION BY THE PLANNING COMMISSION OF THE STAFF HEARING OFFICER'S APPROVAL OF THE 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, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE II, 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 (demolition permit issued April 14, 2016; BLD2016-00716), 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.

The Staff Hearing Officer approved the project at a public hearing on June 8, 2016. The Staff Hearing Officer's decision was suspended at the request of a Planning Commissioner in accordance with SBMC §28.05.020. The Planning Commission reviewed to affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing.

Contact: Allison DeBusk, Project Planner

Email: ADeBusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, extension 4552

Allison De Busk, Project Planner, gave the Staff presentation. Chelsey Swanson, Associate Transportation Planner, and Christy Foreman, Senior Plans Examiner, were also available to answer any of the Commission's questions.

Jarrett Gorin, Vanguard Planning, gave the Applicant presentation joined by Clay Aurell and Matt Beausoleil, Architects, from AB Design Studio

Chair Campanella opened the public hearing at 1:27 P.M. and, with no one wishing to speak, closed the hearing.

STRAW VOTE NO. 1

How many Commissioners are in agreement with keeping Condition B.8. as written?

Ayes: 5 Noes: 1 (Jordan) Abstain: 0 Absent: 1 (Lodge)

STRAW VOTE NO. 2

How many Commissioners agree that the intended use of the roof is not for people who park their cars in the valet parking lot?

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

STRAW VOTE NO. 3

How many Commissioners agree with the proposed language revision from Scott Vincent for Condition 9.a?

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

MOTION: Thompson/Higgins

Assigned Resolution No. 018-16

Uphold the Staff Hearing Officer's approval with findings in Staff Memorandum, dated July 7, 2016, subject to conditions in the Staff Hearing Officer Resolution No. 038-16 with the following revisions:

1. Revise Condition B.7. to read: **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.
2. Amend Condition B.9.a. to add "However, if the City adopts an ordinance that allows valet parking operations within the right-of-way, the owner or tenant(s) may propose valet parking operations within the right-of-way in a manner consistent with such ordinance."
3. Add Condition B.9.c. to read "A Building Permit is required for the valet drop-off site at the time of Building Permit review for the project. The drop-off site shall meet all applicable Planning, Building & Safety, and Transportation Division requirements, including, but not limited to, the number of required parking spaces, ADA loading and parking requirements, and consistency with the Parking Design Standards. If the

valet drop-off site changes to a different location in the future, a new building permit will be required for the new drop-off location.”

This motion carried by the following vote:

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

Chair Campanella called for a recess at 3:10 P.M. and reconvened the hearing at 3:28 P.M.

IV. NEW ITEM:

ACTUAL TIME: 3:28 P.M.

APPLICATION OF JOE ANDRULAITIS, ARCHITECT FOR KAZALI TRUST, 116 CASTILLO STREET; APN 033-061-011; HRC-1/SD-3 (HOTEL AND RELATED COMMERCE/COASTAL OVERLAY ZONES; GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE I; LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE I (MST2014-00388)

The project involves the demolition of the existing 8,208 net square-foot, 24-room motel, and construction of a new 14,458 square-foot three-story hotel containing 38 rooms. A total of 38 parking spaces would be provided in a parking garage and as uncovered parking. Access would be from two driveways along Castillo Street, similar to the existing access.

The discretionary applications required for this project are:

1. Interior Setback Modifications to allow encroachments into the required interior setbacks on the first and second stories adjacent to residentially-zoned parcels (SBMC §28.22.060 & SBMC §28.92.110.A.2).
2. A Coastal Development Permit (CDP2016-00007) to allow the proposed development in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.060);
3. A Development Plan to allow the construction of 5,281 square feet of net new nonresidential development at 116 Castillo Street (SBMC Chapter 28.85); and
4. A Development Plan for Transfer of Existing Development Rights to transfer 2,281 square feet of nonresidential floor area from 3714-3744 State Street (APNs 053-300-023, -031) to the project site (SBMC Chapters 28.85 and 28.95).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Contact: Allison De Busk, Project Planner

Email: ADeBusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, extension 4552

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

Joe Andrulaitis, Andrulaitis + Mixon Architects, gave the Applicant presentation, joined by Jack Kiesel, Kiesel Design.

Chair Campanella opened the public hearing at 3:50 P.M.

Jim Newman has no specific problems with the project, except that he owns a townhouse around the corner and has concerns about diminished property value because of view and light obstruction, so he was relieved to hear that setbacks from residential uses are considered.

With no one else wishing to speak, the public hearing was closed at 3:51 P.M.

MOTION: Jordan/Pujo

Assigned Resolution No. 019-16

Approved the project, making the findings for the Interior Setback Modifications, Coastal Development Permit, Development Plans, and Transfer of Existing Development Rights, as outlined in the Staff Report, dated July 7, 2016 subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revision to the Conditions of Approval:

1. Revise Condition E.4. to include no Saturday work unless defined as quiet.

This motion carried by the following vote:

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

Chair Campanella announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:34 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report
 - a. Commissioner Jordan reported on the Staff Hearing Officer meeting of July 6, 2016.
2. Other Committee and Liaison Reports
 - a. Commissioner Thompson provided a status update on the Local Coastal Plan.
 - b. Chair Campanella reported that the Planning Commission meeting of July 21, 2016 will be a discussion on the Average Unit-Size Density Incentive Program.

VI. ADJOURNMENT

Chair Campanella adjourned the meeting at 4:40 P.M.

Submitted after video review by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 018-16

200 HELENA AVENUE

SUSPENSION OF STAFF HEARING OFFICER'S APPROVAL

DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT

JULY 14, 2016

SUSPENSION BY THE PLANNING COMMISSION OF THE STAFF HEARING OFFICER'S APPROVAL OF THE 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, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE II, 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 (demolition permit issued April 14, 2016; BLD2016-00716), 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.

The Staff Hearing Officer approved the project at a public hearing on June 8, 2016. The Staff Hearing Officer's decision was suspended at the request of a Planning Commissioner in accordance with SBMC §28.05.020. The Planning Commission reviewed to affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing.

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

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

1. Staff Memorandum with Attachments, July 7, 2016 2016
2. Site Plans

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

- I. Upheld the decision of the Staff Hearing Officer making the findings and determinations as outlined in Staff Hearing Officer Resolution No. 038-16:
 - 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 revised conditions of Staff Hearing Officer Resolution 038-16:
- 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 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 the 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.
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. However, if the City adopts an ordinance that allows valet parking operations within the right-of-way, the owner or tenant(s) may propose valet parking operations within the right-of-way in a manner consistent with such ordinance.
 - 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.

b.c. A Building Permit is required for the valet drop-off site at the time of Building Permit review for the project. The drop-off site shall meet all applicable Planning, Building & Safety, and Transportation Division requirements, including, but not limited to, the number of required parking spaces, ADA loading and parking requirements, and consistency with the Parking Design Standards. If the valet drop-off site changes to a different location in the future, a new building permit will be required for the new drop-off location.

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 be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.

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

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

4. **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 Leftwich, 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 14th day of July, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

I hereby certify, after video review, that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 019-16

116 CASTILLO STREET

INTERIOR SETBACK MODIFICATIONS, COASTAL DEVELOPMENT PERMIT,
DEVELOPMENT PERMIT, AND A DEVELOPMENT PLAN FOR TRANSFER OF
EXISTING DEVELOPMENT RIGHTS

JULY 14, 2016

APPLICATION OF JOE ANDRULAITIS, ARCHITECT FOR KAZALI TRUST, 116 CASTILLO STREET; APN 033-061-011; HRC-1/SD-3 (HOTEL AND RELATED COMMERCE/COASTAL OVERLAY ZONES; GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE I; LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE I (MST2014-00388)

The project involves the demolition of the existing 8,208 net square-foot, 24-room motel, and construction of a new 14,458 square-foot three-story hotel containing 38 rooms. A total of 38 parking spaces would be provided in a parking garage and as uncovered parking. Access would be from two driveways along Castillo Street, similar to the existing access.

The discretionary applications required for this project are:

1. Interior Setback Modifications to allow encroachments into the required interior setbacks on the first and second stories adjacent to residentially-zoned parcels (SBMC §28.22.060 & SBMC §28.92.110.A.2).
2. A Coastal Development Permit (CDP2016-00007) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
3. A Development Plan to allow the construction of 5,281 square feet of net new nonresidential development at 116 Castillo Street (SBMC Chapter 28.85); and
4. A Development Plan for Transfer of Existing Development Rights to transfer 2,281 square feet of nonresidential floor area from 3714-3744 State Street (APNs 053-300-023, -031) to the project site (SBMC Chapters 28.85 and 28.95).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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

WHEREAS, no one appeared to speak in favor of the application, and 1 person appeared to speak in opposition thereto or with a concern, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 7, 2016
2. Site Plans

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

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

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

The Modification along the interior property lines adjacent to residentially-zoned parcels to allow the first and second floors of the hotel building to be located a minimum of 10 feet from the interior property line and to allow the third floor to be located a minimum of 15 feet from the interior property line, rather than the required 16.5 feet (based on the hotel's 33-foot height), is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot. The project's setbacks are appropriate because they respect the existing hotel development located to the east of the project site (which is zoned residential), as well as the residential development to the south (which is zoned non-residential) and provide adequate buffers between the uses, whereas strict compliance with the zoning standards would be less so, as discussed in Section VI.A.1 of the Staff Report.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project 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.D 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 provides a desired and appropriate use for the site, has been sensitively designed with respect to mountain views and will provide adequate parking to meet its demand, as described in Section VI.C of the Staff Report.

D. DEVELOPMENT PLANS (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 HRC-1 Zone as shown in Section VI.A of the Staff Report.
2. The proposed development is consistent with the principles of sound community planning. The documents that guide development in this area are the City's General Plan, 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 22.22.145 of this Code, as determined by the Historic Landmarks Commission on July 1, 2015 and as described in Section VIII of the Staff Report.
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.

E. TRANSFER OF EXISTING DEVELOPMENT RIGHTS (SBMC §28.95.060)

1. The proposed development plans for both the sending and receiving sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and the Municipal Code. The mixed-use development on the sending site (3714-3744 State St.) was approved by the Planning Commission on April 3, 2014 (MST2012-00443), and was determined to be consistent

with the goals and objectives of the General Plan and the requirements of the Zoning Ordinance. As identified in Section VI of the staff report, with approval of the requested modification, the proposed hotel building complies with all of the requirements of the Municipal Code and with the policies of the General Plan.

2. The proposed development will not be detrimental to the site(s), neighborhood or surrounding areas. The sending site project was approved by the Planning Commission and the Architectural Board of Review, which found the project to be appropriate, and building permits have been issued for the project. As described in Section VIII of the staff report, the Historic Landmarks Commission reviewed the proposed design for the new hotel on the receiving site and found it to be acceptable.
3. The floor area of proposed nonresidential development on the receiving site does not exceed the sum of the amount of Existing Development Rights transferred when added to the amount of Existing Development Rights on the receiving site, and does not exceed the maximum development allowed by the applicable zoning of the receiving site.

The proposed total new floor area for the project (5,281 s.f.) does not exceed the sum of the transferred square footage (2,281 s.f.) and the amount of the Existing Development Rights (existing floor area, Small and Minor Additions) of nonresidential square footage allocated to the receiving site, and, with approval of the modification as noted above, does not exceed the maximum development allowed by the site's zoning.

4. Each of the proposed nonresidential developments on the respective Sending Site(s) and Receiving Site(s) will meet all standards for review as set forth in Section 28.85.040 of the Municipal Code and all provisions of this Chapter, and will comply with any additional specific conditions for a transfer approval.

The sending site received approval by the Planning Commission on April 3, 2014, and met all standards for review. With the approval of the interior setback modification, the receiving site complies with all standards for review in Section 28.85.040, as stated in the findings D.1 through D.4 above.

5. Development remaining, or to be built, on the sending site is appropriate in size, scale, use and configuration for the neighborhood and is beneficial to the community. The sending site was previously developed with 33,267 s.f. of non-residential floor area, which was demolished to create a mixed-use commercial and multi-family residential project. That project was approved by the Planning Commission on April 3, 2014. The previously existing development has since been demolished and the approved development is under construction. That approved development was also approved by the Architectural Board of Review which found it to be appropriate in size, scale, use, and configuration for the neighborhood and beneficial to the community. As described in Section VIII of this staff report, the new hotel on the receiving site has been reviewed by the Historic Landmarks Commission and was found to be acceptable in size, bulk, scale, and configuration with the surrounding neighborhood.

II. Said approval is subject to the following conditions:

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

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for demolition of existing development.
 - b. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - c. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

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

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 14, 2016 is limited to a new 38-room three-story hotel totaling approximately 14,458 square feet and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices 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. **Transportation Demand Management.** As proposed as part of the project application, the following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Owner shall be responsible for ensuring that all tenants comply with the provisions of the Transportation Demand Management (TDM) Plan.
 - a. **Bus Passes.** The hotel operator shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired. A copy of any agreements/correspondence with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project.
 - b. **Bus Routes and Schedules.** Notice of MTD bus routes and schedules shall be posted and maintained up-to-date wherever Federal/State Employee Rights materials are required to be posted. MTD bus routes and schedules shall also be made available to hotel guests.
 - c. **Ride-Sharing Program.** All project employees shall be made aware of the Santa Barbara Association of Governments (SBCAG) or successor agency Ride-Sharing Program. The hotel operator shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
 - d. **New Employee Information.** Information regarding free programs, bus routes, time schedules and Ridesharing programs shall be provided within a written pamphlet/package of materials to existing employees and new employees when they are hired. Traffic Solutions' phone number will be provided to all employees. A Traffic Solutions information sheet will be provided with all employees' orientation materials. While participation in the Ridesharing program is encouraged, it is not a mandatory condition of employment.

- e. **Information for Hotel Guests.** Information shall be provided on the hotel webpage regarding alternative transportation modes (e.g. Santa Barbara Car Free provides information and Amtrak discount tickets). MTD bus routes and schedules shall also be made available at the hotel for guests.
7. **Visitor Information Program.** A Visitor Information Program shall be prepared and implemented, subject to review and approval by the Public Works Director. The program shall include, but not be limited to:
 - a. Provide links to alternative transportation sites on the company website.
 - b. A means of providing train, bus and airline schedules and maps to prospective hotel guests.
 - c. A means of providing hotel guests with information on alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. Explicit notice of the free passes shall be provided to hotel guests upon arrival, and these passes shall be available to any guests who request them.
 - d. Advertisement for and solicitation of meetings and other events which includes explanation of the City's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
 - e. A means of coordinating special events with the City so that appropriate traffic controls, rerouting, and timing of events can be achieved.
 - f. Bike rentals shall be made available to hotel guests.
 8. Hotel operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
 9. **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.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 2. **Screened Bicycle Parking.** Landscaping or another type of screening shall be provided to obscure view of the bicycle parking located behind/ under the stairs.

3. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
4. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by HLC.
5. **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 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. **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.
- c. **Castillo Street Public Improvements.** The Owner shall submit public improvement or Public Works plans for construction of improvements along the property frontage on Castillo Street. Plans can 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 required by the City Engineer. All public improvements design and construction shall conform to City Interim Design Guidelines, Draft Design Guidelines and current construction standard plans. Applicant shall install street lights per the City Public Works Design Guidelines. Any work in the public right-of-way requires a Public Works Permit.
- d. **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.

- e. **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.
 - f. **Agreement to Construct and Install Improvements as Required by the City Engineer.** 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.
 - g. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
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 a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water 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 a pedestrian re-survey when the structure and pavement is removed and 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 Macfarlane Archaeological Consultants, dated February 28, 2015. 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 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. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89), including displacement assistance and right of first refusal.
- f. **Transfer of Existing Development Rights.** The documents transferring the development rights from the sending site (3714-3744 State Street) to the receiving site (116 Castillo Street) shall be submitted to the Community Development Director for review and approval prior to execution. Once the documents affecting the transfer of rights has been executed and recorded, evidence of the recording shall be submitted to the Community Development Department.
- g. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 “Neighborhood Notification Prior to Construction” below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- h. **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.
- i. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a

document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). 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.

3. **Fire Department.** Reproduce the Code Modification approval letter related to commercial driveway access on the construction plans.

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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
2. **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.
3. **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.
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m.

and, for non-noisy or “quiet” construction only (e.g. painting, interior work), on Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year’s Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents’ Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

5. **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.
6. **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.
7. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nests(s).
8. **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 Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

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

III. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

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

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

IV. NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission 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.

V. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission 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.

VI. 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.

This motion was passed and adopted on the 14th day of July, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date, as reviewed by video.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 21, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:03 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Debra Andaloro, Principal Planner
 Beatriz Gularte, Senior Planner
 Rosemary Dyste, Project Planner
 Rob Dayton, Principal Transportation Planner
 Irma Unzueta, Project Planner
 N. Scott Vincent, Assistant City Attorney
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Ms. Gularte made the following announcements:

1. The Planning Commission meetings of August 4, 2016, and August 18, 2016, are cancelled.
2. The Planning Commission's decision on 1417 San Miguel Avenue will be heard on appeal by City Council on Tuesday, July 26, 2016.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. July 7, 2016

2. PC Reso No. 017-16
1925 El Camino de la Luz – FMND

Commissioner Higgins requested clarification of the format used for the minutes. Planning Commission Secretary Julie Rodriguez responded that the format is to record the action of the Commission, which is often a motion, with inclusion of a summary sentence for any Commissioner found in the minority position of the motion.

MOTION: Lodge/Thompson

Approve the minutes and resolution.

This motion carried by the following vote:

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

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

Chair Campanella opened the public hearing at 1:06 P.M. and the following comments were made:

1. Denise Spangler Adams, Montecito Vista, spoke to the land development agreement made by the City after the Sycamore Fire that required land owners within the Montecito Vista development to maintain twenty six conditions that were to run with the land. All original property owners have these conditions. As properties have been sold, these conditions are not being made known to new property owners, which is a concern due to the development being in a high fire area. She request that the Planning Commission improve communication so that all future owners understand the responsibilities of the conditions that run with the property.
2. Lee Moldaver, Citizens Planning Association (CPA), intended to speak about CPA's Annual Meeting at the Pico Adobe on Saturday, July 23, 2016. Instead, he was inspired to share a tribute to Sue Higman and provided recollections of her contributions to CPA.

With no one wishing to speak, the hearing was closed at 1:13 P.M.

III. DISCUSSION ITEM

ACTUAL TIME: 1:13 P.M.

AVERAGE UNIT DENSITY (AUD) INCENTIVE PROGRAM

Staff will discuss the Average Unit-Size Density (AUD) Incentive Program (Santa Barbara Municipal Code Chapter 28.20). The purpose of the meeting will be to review the AUD Incentive Program policy objectives in the General Plan and Zoning Ordinance and consider whether the stated objectives are being met and/or if minor ordinance amendments should be considered.

The AUD Incentive Program carries out a key program directed by the 2011 General Plan. The Program facilitates the construction of smaller housing units by allowing increased

density and development standard incentives in selected areas of the City. Housing types that provide housing opportunities to the City's workforce are encouraged and facilitated by the program.

Contact: Rosemary Dyste, Project Planner

Debra Andaloro, Principal Planner

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Phone: (805) 564-5470, ext. 2569

Debra Andaloro, Principal Planner, gave the Staff presentation. Rosemary Dyste, Project Planner; Irma Unzuerta, Project Planner; and Rob Dayton, Principal Transportation Planner, were available to answer any of the Commission's questions.

Members of the Architectural Board of Review (ABR) and Historic Landmarks Commission (HLC) were invited to attend and provided the following comments:

1. Bill Mahan, Historic Landmarks Commission (HLC) Member, approved of Staff's report. He referenced HLC's challenges with 2 recent AUD projects: 800 Santa Barbara Street and 1032 Santa Barbara Street where they considered the projects to be too dense. A general rule of architecture is that "form follows function". If the function is to put as many units as possible in a building and the HLC has no say on the function, then the building starts to bulge and the HLC senses it when looking at the architecture's size, bulk and scale pushing out. He wishes that the ordinance provided more breadth with tools to give the HLC some discretion, such as with parking requirements. It is good if the developer and the reviewing body can be on the same wave length. Presently the AUD seems to give the Applicant the ability to make larger building, while the HLC is challenged with maintaining the size, bulk, and scale and resulting in a struggle between the Applicant and the reviewing body.
2. Judy Orias, HLC, was delighted to see that AUD is taking into account grocery store and bus service. One thing that is missing is consideration for children that will live in the AUD units. Parks and facilities for children need to be considered. Recently HLC saw a project that proposed a 4-bedroom unit and suggested to either limit the number of bedrooms in a unit or increase the parking. She is concerned with compatibility of proposed buildings with adjoining buildings, particularly in the El Pueblo Viejo. She suggested that consideration be given to the location and the possibility of children in the units; the number of bedrooms and the parking requirement; and design compatibility in the area. There needs to be flexibility in the AUD to allow projects to succeed in the quality of life for the people who will live in them. We also need to make sure that the units are for workforce housing.
3. Howard Wittausch, Architectural Board of Review (ABR), stated that the AUD projects fall into two parts. One part is in the commercial district on large lots adjacent to other buildings on large lots. The other part is projects proposed in neighborhoods zoned R-2 and R-3. Projects in commercial zones seem appropriate to those districts. In the neighborhood areas, the AUD projects are 4-stories, packed to the property lines, at grade-level parking, and usually adjacent to 1 or 2-story single family residences. Many neighbors appear at meetings objecting to the projects. ABR is

challenged to hear the neighborhood comments and not be influenced. He asked for consideration in reducing building height in neighborhood projects, not allowing the projects to be exempt from the setbacks, and from other architectural nuances that would allow ABR to review a project for size, bulk, and scale in that neighborhood. The way AUD projects are being developed is an intrusion to the neighborhoods and is shocking. In the neighborhoods, one project came to ABR that was more like a dormitory with 10 bedrooms, each of which constitutes a unit. Work force housing is not for families and not for children. Because the projects are so packed on the lot, the amount of open space, individually and collectively, is minimal.

Chair Campanella opened the public hearing at 2:01 P.M.

The following public comments were made:

1. Michael Noland, purchased a unit on West De la Guerra, adjacent to a proposed AUD development. He is concerned with the loss of sunshine, views, privacy, noise, and parking. This is near De la Guerra and Chapala Street where there is already no parking. He is concerned with the impact the project will have on his home and with the increased density. He does not want Santa Barbara to become like West Los Angeles.
2. Mark Sheridan, asked that all neighborhoods, not just El Pueblo Viejo, be protected. Asked that the AUD program take a pause and evaluate real data. He stated that Staff seems biased in support for the program and that their concerns are being patronized. He asked that staff question the assumptions made on parking exemptions. He asked that Staff look at the unintended consequences of the policies that are destroying neighborhoods. He questioned the special districts and streamlining of projects.
3. Kathy Houlihan has followed an AUD project proposed for her neighborhood. There is one parking space, with possible tandem parking, for 1-bedroom units. The parking does not take into account the business in the building or service providers to the building. HLC cannot deal with parking, but the City needs to address it. Affordability is a major reason for the AUD program, yet these units are not affordable in Downtown as architects bulge the buildings. Trees will be lost. Light will be sacrificed. Individual outdoor private space for recreation and enjoyment is sacrificed for communal out door roof congregation.
4. Lindsey Baker, League of Women Voters, initially supported the AUD program to relieve the City's chronic shortage of affordable housing and recognized adaptive management as a key element of the program. This experiment is not even close to completion. There are 900 reported units in the planning pipeline. It is estimated that it will be 3 years before we see the results and not know how many projects will be in the pipeline by then. The number of applications submitted was never anticipated and not triggering adaptive management. The league recommends that the City take a pause in taking any more projects in the high density and priority housing categories until the initial projects have been properly analyzed and adjustments made to the program. Changes may need to be made more immediately in such areas as size, bulk,

scale and compatibility, parking, whether the occupants are part of the work force, and water. This experiment has come off the tracks and needs to be put back on the rails.

5. Joe Rution acknowledged Santa Barbara's long tradition of growth management. In recent years, we have eased up on this to create local workforce housing. This community consent is conditioned on whether or not these projects will work. If they do not work, then it does not matter how many development applications are in the pipeline. He is concerned that the program is based on huge assumptions. One assumption being that if we build small units that they will go to Santa Barbarians. It is possible that the units will go to people out of the area and why adaptive management is so important. He suggests a pause to be able to do the adaptive management analysis to see how the program is working. We can then either modify, or terminate the program.
6. Mark Kirkhart, Design Architects, stated that to judge this program on the 'breadth taking number of units that will be built', is not accurate. Getting a product application submitted is a far cry from actually getting the unit built. Beyond design board approval, the Applicant has to contend with financing, economic variables, etc. He suggested that we need to keep the pace and get to 250 units of certificates of occupancy. This may take longer than what has been anticipated. Regarding parking and cars, he said that we are in an unprecedented part in history to know how cars will be effecting our lives. There will be autonomous vehicles in the near future. There are fewer 16 year olds even applying for licenses due to diminished interest in driving. He suggested a permit parking program for off hour parking for Downtown AUD projects as a stop gap. He noted that The Marc took 6 months through the entitlement process and the streamlined process was helpful. It took a year total to get to building permit.
7. Mary Louise Days, request that AUD map be looked at carefully with regard to areas near historic buildings and El Pueblo Viejo. If the backlog of proposed projects are constructed in outer State Street area , the traffic and parking will be unbearable. The architectural renderings of some proposed projects show that the ABR is forgetting its mandate about respecting Santa Barbara's heritage and recognizing its architectural character.
8. David Myers, 1032 Santa Barbara St., submitted a memo with recommendations. He stated that in Downtown there are city lots going unused at nighttime as well as a city permit program. If City staff would recommend that AUD tenants be able to use a Downtown parking permit to the closest parking lot structure when it is not in use, then it could help with parking utilization. He also asked Staff to review the seventy-five minute restriction on Saturdays that could allow families to use parking when it is not being used for business purposes. He cited a University of Michigan study that found only thirty-one percent of households only have 1 vehicle. Not everyone uses more than one vehicle. It is expected to go from 2.1 vehicles per household to 1.2 per household with use of shared vehicles, Uber, and autonomous driving. With regard to size, bulk, and scale, AUD is less restrictive than developing under mixed use or commercial.

9. Kellem de Forest said the look of Santa Barbara is what make unique and attractive, as well as a magnet for tourists that support the economy. The AUD program works counter to this because it encourages bulky, oversized, structures located in inappropriate spots. This will detract from the look of Santa Barbara, making Santa Barbara look like any other city, and detour tourists from wanting to come to Santa Barbara.
10. Naomi Green stated that the AUD program conceptually is admirable. Somewhere along the way, it has gotten out of control. A proposed project on 711 Milpas Street is bulging at 4-stories in a neighborhood of low mom and pop stores and 1-story houses. This will look like a monstrosity in the neighborhood. The neighborhood already has congested parking. The idea of eliminating parking is not realistic when transit does not exist today to support this concept. We think about parking, but should be thinking of transit options with these developments
11. Steve Harrel could not stay but is in support of the AUD program
12. Natalia Govoni, said that the Sahara Desert, Easter Island and Santa Barbara all share something in common. They were all once lush green space. She cautioned against damaging our eco-system and held up pictures of recent AUD ~~programs-projects~~ stating that someone has to say “stop”, “enough”, “not on my watch”. We have to consider the consequences of what we enact.
13. Brian Barnwell submitted written document and supports Mr. Mahans comments on the limitations of the ABR and HLC . They do not do site visits which would be needed to allow for compatibility judgment of neighborhoods. Agrees with Mr. Wittausch that there needs to be a difference between commercial zones and R-2 and R-3 zones. There are few appeals seen because there are few neighbors in C-2 areas or neighbors not invested in the neighborhood. It doesn't mean the neighborhood is behind the project. Design dictates the rent rate. There is no restriction on how the developer designs the units. The rent rates are going to go up because the units are being well-designed and will not attract the intended renter that the units were built for. It is OK for the City to create wealth for multi-unit owners, but the City should step into the process and nuance it so that it is not left to the design review boards that are handcuffed. On size, bulk, and scale, there should not be 3-bedroom designs. Direction should be given to design boards on how to interpret the laws. With regard to parking, suggest doing a red curb study to see what may need repainting and restriping.
14. Anne Peterson, Executive Director of Trust for Historic Preservation, remains concerned with the potential effects of AUD projects in the sensitive historic area of El Pueblo Viejo. Requests that the AUD process include review of the map of properties which are allowed to request AUD projects. There are properties that are in the El Pueblo Viejo District, and in some cases adjacent to historic properties.
15. ~~Mieki Mickey~~ Flacks spoke to the fear of density being misplaced, citing reference to New York which has the most energy efficiency per capita than any city and also has residents with longer life spans than any city in the country. Most residents in Santa Barbara are renters, so should not be feared. The AUD program could use some improvements: 1. Lease agreements should restrict use for only primary residents. 2.

- No subletting would be allowed. 3. Inclusionary units should be included, even with a workforce notion. 4. Rent rates should be presented to the City in the pro forma so that we know what the intended rates will be charged by the developer. Agreed with Mr. Barnwell that the City has the right to make certain demands of the developer.
16. Maggie Campbell, Downtown Santa Barbara Executive Director, has lived in dense downtown areas and wanted to comment on how she thinks this kind of development will play out in a historic neighborhood. Saw developers obtain entitlements and concessions under mixed use, but did not bring mixed use. Instead maximized their projects for optimum housing. She does not see apartment developments adjacent to commercial areas as bringing walkability. State Street will not provide residential serving retail. You will see this on side streets or ground floors of projects. If developers are only developing 500-1000 square feet commercial spaces, it will not be enough for retail tenants to be able to pay the rent. You will end up with liquor stores on the corners and multiple car trips. Think about holding developers to mixed use, besides having units.
 17. Jan Banister, shared three points: 1. Of the 270 units shown as more than likely to be done, 90 units (Hope Avenue) were left out bringing the number to 360 units. 30 parking spaces were allowed for 90 units. 2. The AUD program was to be spread over the city, however, over 50% of the development is pegged for the Upper State Street commercial zoning corridor. She questioned how all this development could go on when there no parking up there now. 3. All assumptions about this development being appropriate to support affordable rentals for workforce housing does not seem to be happening. If there were families that were to go into the approved 300 units, there are no parks to support the families. Urged to close the program now that there are 300 approved units to review the downsides.
 18. Lisa Plowman Coastal Housing Coalition Board Member, reflected on all the work done during the General Plan to come up with the AUD program. Data is needed before we can tweak the program or we will encounter unintended consequences. Size, bulk and scale is working as a project goes through the process. With regard to parking, we are in a transitional point in our lifetime with car ownership. Instead of increasing parking requirements, let's talk about using car shares, transit, bike facilities, Uber, we are trying to encourage a change. Also, we are speculating about rents and need to look at whether the projects will support the desired rents. She suggested that there is no need to amend the standards to honor El Pueblo Viejo because the HLC review works to ensure projects are compatible and projects that are struggling should be referred to the Planning Commission.
 19. Bob Ludwick represents 8 1-bedroom units that were built in the 1970's on East Gutierrez, near a transit center. They have had 12 parking spaces and at no time in the last fourteen years, have we had more than 5 cars using the parking spaces. He does not think that we should use qualifiers such as affordable housing or workforce housing. We should just build housing. May not agree with Ms. Flacks suggestions, but does think that some review of the AUD program should be done.

20. Lee ~~Moldavor~~Moldaver, Citizens Planning Association (CPA), thanked staff for the overview. He supports many of the comments made by Mr. Mahan and Mr. Wittausch, and the four suggestions made by Ms. Flacks. He is also supportive of Ms. Plowman's suggestion for car sharing. He did note that many suggestions of one car per unit are dependent on public transit and public transit is under a lot of funding stress. He supports the AUD test areas and looking for more affordable test areas. He asked that as the Commission reviews the AUD, that it reflect on when the SD-2 Overlay was created for Upper State Street, the Council committed to the residents that savings of congestions through traffic and mobility improvements would not be used to create new development to create new congestion.
21. Christine Neuhauser lives on the 900 block of East Canon Perdido and when she sees all the four story Milpas developments being built, they take away from the free sky views. Asked that the Commission not mar the sky line. The bulk is way too large and creates ghettos.
22. Greg Reitz, Rethink Developers (The Marc on Upper State Street), says that their projected median rent falls in the target range of 120-200% AMI. That projection is based on the market, though they have not rented anything yet. This will be the first AUD project to come on the market. Also missed in the big picture is comparing what these AUD projects do in the context of the overall market which is taking people out of older units and increasing the supply. Forty nine percent of the entire City population own 1 car or less, based on the census.
23. Ken Oplinger, Santa Barbara Chamber of Commerce Executive Director, noted that the discussion fell into people that are concerned with size, scope and compatibility of projects, while others are concerned with whether the housing will meet the need that we have. He supports Staff in the need to continue the AUD program to be able to get the data to see if it is working. There are 15-20,000 people commuting from the south into Santa Barbara each day because there is not enough housing available. We need housing built for meeting the needs of the business community. We need to either build out or build up and we can only build up.
24. Ellen Bildsten, AIA Member and Coastal Housing Coalition (CHC) Board Member, said that a CHC Study found that fifteen years ago, people were easily able to afford buying or renting housing in Santa Barbara. This is no longer the case. As an architect, she has worked on AUD projects that are fewer units and smaller square footage than AUD prescribes and finds that to be the maximum that can fit on a typical Santa Barbara lot. The AUD regulations are fine and the process is appropriate.
25. Denise Adams agrees with prior speakers that we are creating an alternative community. Suggested the City do market research. People want smaller units that they can afford and still have quality of life. She asked why we would want to go beyond the HUD or standard guidelines of 540 square feet. She would like the City to look at a street width ordinance. If a street is not a certain width, then no off-street parking should be allowed.
26. Chair Campanella read into the record Leslie Colasse's comments that Milpas and Haley need design guidelines in order to provide the ABR with tools and direction regarding context and neighborhood compatibility. ABR is not demanding

appropriate levels of compatibility regarding bulk, scale, and architectural character. Without stricter guidelines in the neighborhoods, they will lose their underlying architectural character. Current pending projects should not be allowed to proceed until such guidelines are put in place as they are putting the neighborhoods at risk.

With no one else wishing to speak, the public hearing was closed at 3:25 P.M.

Chair Campanella called for a recess at 3:25 P.M. and reconvened the meeting at 3:42 P.M.

The Planning Commission was asked to comment on whether the AUD Incentive Program was meeting its objectives; advocating for a multi-use/mixed use design guidelines; studying a parking requirement ordinance amendment; and monitoring unit affordability, as well as general comments.

Commissioner's Comments:

Commissioner Higgins:

1. We are in a crazy real estate market where every coastal city in CA is undergoing a real estate boom, so how do we separate what effect ~~the market-~~ pent up housing demand is having on AUD versus a normalized real estate market. ~~He asked how we would get to a real number. 900 units is not a real number for variable density in a crazy real estate market.~~
2. Would like to see the Housing Subcommittee meet in the future to review some of these AUD issues in further detail, preferably before the report is written.
3. The AUD program is meeting its goals.
4. The Commission or public speakers are not apartment dwellers, so it would be nice to hear from apartment occupants that ~~we-this effort appears to be~~ curtailing. We need to speak to the occupants of these projects.
5. In terms of parking, he sees the mixed-use design guidelines as having a parking requirement component to it or coming from a parking ordinance amendment. He is not sure that this will solve the problem.
6. The bedroom counts is a tough issue. If you limit 3-bedroom units, or say that you need to add another parking space to a 3-bedroom unit, then you are stifling the concept that families can live in these projects and because there will not be incentive to build 3-bedroom units. He would be interested in studying it.
7. Sounds like ABR and HLC would like more teeth in their discretion with regard to parking or other development standards. He does not think this is necessary. It would be nice to have projects kicked up to the Planning Commission in the form of a Use Permit so that where additional parking requirements could be added by the Commission, it could be an option. He would be inclined to hear more from Staff on how this request could be accommodated.
8. Would ~~not-never~~ have supported ~~ever~~ connecting the affordability component of these new AUD projects ~~with-as a comparison to rents for existing apartments.~~ new rental

- ~~housing in the market. We shouldn't restrict rents without knowing what the going rate is for apartments now vs. those developed.~~
9. ~~In this market, people will i~~increase the income that goes toward housing up from 30%. ~~Then we should-and~~ discount the ~~fact that it is a-rents on~~ new product ~~for a better comparison on whether AUD is creating affordable units.~~
 10. He does not support having to do additional environmental review. It has already been done. These are CEQA exemptions that have been mandated by the State for infill housing and the reason why our hands are tied.
 11. Regarding parking, he thinks we can ask Applicants to do a better job with showing parking demand. It's nice to have that disclosure as part of the file. If possible, would like to ask Applicants' to include right of way availability in their projects, like was done with the bike lane project on Micheltorena for the Bicycle Master Plan, quantifies availability of ROW parking in neighborhoods.
 12. If we are not doing the AUD program or modifying it, then asked what are we doing in terms of a Housing Element or policies in the General Plan for residential second units, or inclusionary housing, or opportunity sites, or do we have an affordable housing facilitator, as outlined in the General Plan.
 13. Regarding pacing, he would want to look at the reasonable number of units that we are expecting to be built under the program if there are no changes, peeling away the market demand, peeling away the pent up demand, and peeling away the fact that all the ~~easyier project~~ sites are ~~getting chosen in the AUD queue.~~ ~~We need to look at the properties and what the total maximum number is and come up with a ratio.~~

Commissioner Jordan:

1. The AUD program has been wildly successful, but only based the on number of units increasing.
2. The problem with the concept is that this is the only measurement we have and we are not able to measure the impact. It is not premature to do a measurement, only too late in hindsight, because no one anticipated the large number of units proposed.
3. We have not done a good job on addressing the non-policy concerns. We have not given the people with non-policy concerns a fair shake. This has been reflected in some of the anecdotal stories heard.
4. Design review boards find themselves going through the motions on compatibility. They are seeing the policy driver and are focusing on that as a dead end to looking at compatibility. This is Ok if we acknowledge that we are willing to live with the impacts (parking impacts, neighborhood compatibility impacts, adjacent business district impacts, etc.) for the gain of more housing. If this is the case, we should stand up and say that.
5. The measurements for success have been based on the number of units and we have not set ourselves up to worry about measuring the impacts. We have not put resources into actually determining what the conditions on the ground are or have been before the project was put in place. Then when we begin to measure, in a year or two after

the project has been occupied, we will not have a clear picture of what was there three years before.

6. He also finds missing, is the case where residential uses have been impacted with what was on the ~~site~~ ~~right~~ to begin with versus what is being replaced on the site. We are missing the human element. Where did the people that lived there before go? He wondered if it is an acceptable consequence for the goal and the gain of the rental units.
7. He wondered what happens when this program gets closer to sunseting and how we can tweak it. He would like to see his list in a future meeting for the Housing Subcommittee and maybe a work session for the Planning Commission:
 - a. Likes the suggestion on a requirement for car share.
 - b. Likes the suggestion on parking on off hours in public lots. This could give people with a second car an option and serve as an incentive for moving into a unit if they knew they could keep their second car.
 - c. We need to resolve the data collection survey issues. The data will be essential to where this goes in the future.
 - d. Would like future water use to be a requirement in these projects to be sure that assumptions made years before were correct versus what's being used.
 - e. We need to accelerate the protections for our historical and cultural sites. This is important enough that a criteria should be set for any project in the two highest categories within some criteria of adjacency to a historic or cultural site come to the Planning Commission for comments in addition to going before the HLC.
 - f. Look at putting better requirements on indoor and secure bicycle storage, not just a room where people throw bikes in. Invest in a controlled secure area, such as the Granada garage, with adequate bike storage.
 - g. A contribution to Metropolitan Transit District (MTD) for bus stop improvements, maintenance on bus stop facilities on the street, and for existing or new shuttle routes.
 - h. Funding improvements on livability for street scape trees. We are increasing the number of people, but not increasing the livability standards around them. Add street trees, parks, community rooms, playgrounds, human space.
 - i. Review the whole relationship between 3-bedroom, 2-bedroom, and 1-bedroom and how it relates to parking.
 - j. In general, wants a conversation on 3-bedrooms as a component of AUD entitlements.
 - k. Lot of good suggestions for the recommended Housing Subcommittee meeting or the Planning Commission Work Session that were made on the sheet submitted by Brian Barnwell and should be used as a part of the meeting.
 - l. On pacing, he is less interested in a numbers standpoint, but more interested in the components of a future AUD program. Each one added becomes a financial burden on a potential project. This could organically begin to limit

the infusion of those projects. He could live with it if it was agreed that those would be components of future projects.

Commissioner Lodge:

1. Was puzzled with why this project has been so popular and enormously successful that developers want to come up with rental housing. Her theory is that previously under 45', you could only have three stories. With the AUD program, we allow up to four stories. That is the equivalent of giving developers in these zones one third more property in their development. Developers would not be proposing these projects if they did not see them as profitable. The four stories within 45' projects are resulting in projects that are occupying every cubic foot of space over land. Then common open space ends up on the roof and the result is buildings that are out of place.
2. As the Planning Commission's Liaison to HLC, she has watched them struggle. There is no staff report provided or back up, only a set of plans. The compatibility issue is difficult for HLC. The Multi-Unit Design Guidelines would be helpful, but if they are limited to one parking space per unit, they have nowhere to go.
3. Suggested amending the ordinance to use the standards used by the Marck One(1.3 parking spaces per unit, regardless of size) and the Marc Two (1.5 parking spaces per unit). Also recommended that there be a maximum of 2 bathrooms per unit.
4. On the sunseting of the AUD program, she could never understand why the AUD program was set to go back to variable density when it was preferable to variable density and encouranged smaller units.~~a Council Member was all for switching from variable density to AUD altogether. Although, it does allow for making smaller units.~~
5. Agrees with Commissioner Jordan on looking at the impacts to historic resources.
6. With regard to pacing, no one expected that the program would have this interest. We need to look at stopping the receipt of applications as a part of pacing.

Commissioner Thompson:

1. We have had good discussion and ideas presented. Thanked members of the public. Looking back to the reason the program was started was to incentivize smaller rental units, so in regard to the numbers, we have been successful.
2. Agrees with Commissioner Jordan that we have to start evaluating the impact of the success of getting the additional units. There have been unintended consequences that have surfaced. We need to look at tweaking:
 - a. The differences in commercial zones as compared to the R-3 zones.

- b. Evaluating the liability of parking. Agrees with a parking study. We need to look at parking based on either a factor such as what has been suggested or based on bedroom count, not unit count.
- c. Look at the viability for AUD projects at decoupling parking from the units and rent the parking separately from the units.
- d. Look at possible amendment to the way the program is implemented in R-3 zones for better neighborhood compatibility.
- e. ABR and HLC should get full staff reports and site visits to help them better understand neighborhood compatibility issues before decisions are made.
- f. We should start looking at a unit limit for annual projects going through the process. We have done this with condo conversions. We need to control the pacing of this by how many projects we put through each year, starting now, so that we do not get overwhelmed and we know how to proceed.
- g. Agrees with other Commissioners that we should relook at the impacts on historical/cultural areas
- h. We should take water into consideration. Basically, we are giving away water that we are saving to new projects.

Commissioner Schwartz:

- 1. Does not believe that pacing is needed. We have a stringent review and approval process and it is working.
- 2. We need to fast track completion of success criteria. The trial period is going to sunset in the next 24 months and we cannot revert to variable density.
- 3. The AUD program is meeting its objectives. Many properties are ripe for redevelopment and the ordinance was crafted in a way that is attractive.
- 4. Would like to see multi-unit design guidelines. Watches ABR and HLC struggle with making decisions using outdated design guidelines.
- 5. Regarding the parking requirements, she mentioned looking at the City parking structures for use during non-peak periods. She asked that the Saturday parking restrictions be revisited. She wondered if there was any way to loosen the ADA parking requirements so that we are not further reducing the number of non-handicapped spaces per unit.
- 6. Was intrigued at Ms. Flack's suggestion of 'no subletting' and would like it considered.
- 7. In terms of the Planning Commission's relationships and the process between Planning Commission and the review boards, she would like to suggest that we need more work. We have improved, but as she watches ABR and HLC meetings more refinement is needed for the Applicants and for the process to make the design review boards as comfortable as possible within their scope

of authority. She is not in support of expanding their roles to mini-Planning Commission bodies.

Commissioner Lodge left the dais at 5:06 P.M. and did not return.

Commissioner Pujo:

1. We are meeting our objectives. Yes, the AUD program has been very successful in terms of numbers. Even in terms of numbers formed and the type of development, there has been success.
2. Of the numbers that have been given, we have the responsibility to report back and understand how this program has been working. We have 2 years to get this done.
3. We need to start working on preparing for that review now and put a lot more focus and energy now.
4. In terms of parking, she stated that it is premature to look at an ordinance now. What we have now is a lot of comment about what may or may not happen when those units are built. But we don't yet have facts. There is no analysis of relevant baseline data that first started from the General Plan and what that anticipated; how that may or may not have changed in these neighborhoods where we are getting the units, and is that still the same as when the General Plan was adopted and the EIR for the General Plan was adopted. Then take a look at the potential build out for the units we are actually getting and how it works together as to what we really were hoping to get.
5. Without baseline data to build from, instead of trying to pick out a new ordinance number, we need to actually look at what we have and get a study group. We have a Housing Subcommittee and an AUD Committee. We need to formalize and broaden these things. The budget request that would go to working on initiating an ordinance needs to go to addressing these other issues. It goes beyond parking, as we have heard today. We need to look at issues of compatibility with multi-unit mixed design guidelines, water, and amenities.
6. We need to recognize that within the AUD overlay areas, there may be different distinguishing features neighborhood to neighborhood that we should take a fresh look at.
7. In terms of parking, it's not just the parking ratio, it is also the support services and alternatives to parking. We need to look at those and compare it to baseline. We need to compare to a very well-studied overview of where we are in our adaptive management approach. It should be that type of study and not just pick whatever got the most comments, do an ordinance, and change something.
8. Regarding pricing, if we had a study group looking at this and had a closer look at projects on the ground, we might be able to get better info on what the number of units is and how fast we are getting there. She questions the feasibility of pricing mechanisms. Without the review of where are resources

are that would support the need to pace it, she questions the success of a pacing mechanism and what it would be based on.

Commissioner Campanella:

1. We have forty-nine projects in the process. There have been four appeals with two of the four on affordable projects.
2. Need to keep in mind in medium high density areas where the square footage represents about 50% of the land area, intentionally so we wouldn't have big buildings, if you start adding 2-car parking to 2-bedrooms, you are creating garages and going up two-stories front-to-back or you lose units. You need to balance parking against size, bulk, and scale in areas of medium, high density areas. He suggested talking to some of the architects to ask what it would look to add two cars per every 2-bedroom.
3. We have a Housing Element implementation item that encourages 3-bedroom units and that we report on each year to ACD. We don't want to eliminate them, but if a developer wants to put them in, then there should be consideration for some additional room for parking on site.
4. The AUD program is meeting its objectives. We have not created more stories, they were already allowed under the framework that existed before. We are trying to carve out these buildings so that they are not luxury condos.
5. The purpose for multi-unit, mixed-use design, is good. We should have someone facilitate this because it is a different type of product.
6. Regarding parking, not every site facilitates tandem parking. He would not go to the extent of requiring 2-bedrooms to have more parking, but would consider more parking for 3-bedrooms and allow the developer decide :
7. A design guideline would be a good facilitation and answer questions, such as where can you best use Spanish Colonial revival, or modern design.
8. On affordability by requirement, under the ordinance, there are employee housing programs that can be done, co-ops that can be done, and state bonus density that is either voluntary or required in certain situations. Perhaps we can see if people want to run a parallel track and see if there is program that can be used to incentivize rent restricted product without burdening a market rate project on the rents. Before we burden the projects with inclusionary housing, we need to look at other programs, like the employer workforce housing program.
9. We need to accelerate the review of what is being created. Let's review the projects that have come in. Let's look at the rents. Let's look at underwriting in the landlord community in this market and what they are approving for someone to move in. Review product and see what rents are reasonable. Then let's set this all up to monitor when we do see these projects come in.

10. As far as pacing, he is not sure what that means or how you would do it short of a complete moratorium that would in turn create a situation that might not be in keeping with our Housing Element in what we are trying to produce. He suggested shortening the review period and accelerating the process.

II. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:29 P.M.

- A. Committee and Liaison Reports
 1. Staff Hearing Officer Liaison Report
None was given.
 2. Other Committee and Liaison Reports
No reports were given.

III. ADJOURNMENT

Chair Campanella adjourned the meeting at 5:30 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary