



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 3, 2016
AGENDA DATE: November 10, 2016
PROJECT ADDRESS: 402 S. Hope Avenue (MST2015-00603)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4550
 Beatriz Gularte, Senior Planner *BEG*
 Jessica W. Grant, Project Planner *JWG*

I. PROJECT DESCRIPTION

The proposed project consists of adding 3,584 square feet to the existing BMW showroom and 673 square feet to the Audi showroom for a total of 4,257 net new square feet. The site is currently operated by Santa Barbara Auto Group as a 41,607 net square-foot Mercedes/BMW/Audi automobile dealership, including showrooms, service areas, offices and parking. The purpose of these additions is to comply with new corporate specifications from the respective automobile manufacturers. An interior and exterior remodel, minor landscaping, improved driveway aprons, bike parking, and site improvements to comply with the City's Storm Water Management Program are also proposed. The addition would increase the parking requirement from 218 to 235 spaces. The development currently has 289 spaces available. The project site is on a 4.37 acre parcel at 402 South Hope Avenue, zoned P-D (Planned Development Zone), E-3 (One-Family Residence Zone), and SD-2 (Upper State Street Area Special District Zone). The City Council approved a Community Benefit allocation of nonresidential floor area for the project on January 12, 2016.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 4,257 square feet of nonresidential floor area (SBMC §28.85.030);
2. A Development Plan to allow construction in the P-D Planned Development Zone (SBMC §28.39.130).

APPLICATION DEEMED COMPLETE: September 27, 2016
DATE ACTION REQUIRED: November 26, 2016

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and General Plan policies of the E-3/P-D/SD-2 Zone. In addition, the size and massing of the project are consistent with the existing facility and surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



Figure 1: Vicinity Map

IV. BACKGROUND

The proposed project site is in the Single Family Zone, Planned Development Zone, and Upper State Street Area (E-3/P-D/S-D-2). The project site is originally part of the Rancho Arroyo Specific Plan. While the Rancho Arroyo Specific Plan encompassed a larger area, it allowed for an automobile dealership on this property. On September 3, 1986, Planning Commission approved an auto dealership. Planning Commission approved two prior additions to the dealership. The first addition was approved on April 21, 1988, for 10,500 square-feet and the second addition was approved on July 15, 2010, for 425 square-feet.

On January 12, 2016, the City Council allocated 4,447 square feet of Nonresidential Growth Management Program (GMP) floor area from the Community Benefit Category. Community Benefit projects include three sub-categories: Community Priority Projects, Economic Development Projects, and Planned Development – New Automobile Sales Project. The proposed project square feet is allocated floor area as a Planned Development – New Automobile Sales Project pursuant to SBMC §28.85.020.A.3.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Mike Ramsey, Lusardi Construction Co.		
Property Owner:	Santa Barbara Auto Group/SB Automotive LLLP		
Site Information			
Parcel Number:	051-240-017	Lot Area:	4.37 acres
General Plan:	Commercial/Medium High Residential (15-27 du/ac)	Zoning:	E-3/P-D/SD-2
Existing Use:	Auto Sales	Topography:	3%
Adjacent Land Uses			
	North - Commercial		East – Auto Sales
	South – Calle Real/Highway 101		West – Auto Sales

B. PROJECT STATISTICS

	Existing (net)	Proposed (net)
Mercedes Benz	33,674 square feet	0 square feet
BMW/Audi	7,933 square feet	4,257 square feet
Total	41,607 square feet	4,257 square feet

VI. DEVELOPMENT PLAN

A nonresidential project that involves the construction of more than three thousand square feet of new nonresidential floor area requires Development Plan approval from the Planning Commission pursuant to the Nonresidential Growth Management Program (SBMC Chapter

28.85). Additionally, a project proposed in the Planned Development Zone (P-D) requires a Development Plan approval from the Planning Commission pursuant to SBMC Chapter 28.39.

Nonresidential Square Footage Allocation. The project received a designation as a Community Benefit project and an allocation of 4,447 square feet of nonresidential floor area from the Community Benefit category by the City Council on January 12, 2016. After further review of the project and City records, the net square foot addition is 4,257 square feet. Of the 4,257 square feet proposed, 575 square feet can be allocated from the minor addition category and 3,682 square feet can come from the Community Benefit category. There is still 472,121 square feet remaining from the Growth Management Program Community Benefit category.

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

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

A. ZONING ORDINANCE CONSISTENCY

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

The proposed project site is in both the One-Family Residence Zone (E-3) and the Planned Development Zone (P-D). The intent of the P-D is to provide for the orderly development of land in areas where disparity between zones (i.e. one-family residential to commercial) warrants special features to avoid conflict. The existing use of new automobile sales and automotive repair and servicing are both expressly allowable uses in the P-D and have been operating on the site for approximately 30 years.

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

The proposed project is also in the Upper State Street Area Zone (SP-2). The proposed project meets vehicle and bicycle parking requirements and building height requirements.

Standard	Requirement / Allowance	Existing	Proposed
Setbacks			
-Front	20 feet	> 20 feet	> 20 feet
-Interior	12 feet	> 12 feet	> 12 feet
-Rear	12 feet	> 12 feet	> 12 feet
Building Height	45 feet	44 feet	No change (addition is about 15 feet in height)
Parking	235	289	289

Lot Coverage			
-Building/Roofed Areas		60,293 sq.ft. 31%	64,749 sq.ft. 33%
-Paving/Driveway		77,322 sq.ft. 40%	70,391 sq.ft. 36%
-Landscaping/Pervious Areas	N/A	41,372 sq.ft. 21%	40,161 sq.ft. 21%
-Sidewalk and Hardscape		15,948 sq.ft. 8%	12,674 sq.ft. 6%
-Permeable Pavers		0 sq.ft. 0%	6,960 sq.ft. 4%

B. CONSISTENCY WITH THE PRINCIPLES OF SOUND COMMUNITY PLANNING

GENERAL PLAN CONSISTENCY

The proposed project is located in the Upper State Street neighborhood abutting the Hitchcock Neighborhood to the north and east. The project site has a General Plan land use designation of Commercial/Medium High Residential 15-27 dwelling units per acre. This project vicinity is a mix of commercial (automobile sales) and low and medium residential. The project is consistent with the General Plan and Attachment D contains a list of the relevant General Plan policies.

C. DESIGN REVIEW AND PROJECT COMPATABILITY ANALYSIS

This project was reviewed by the Architectural Board of Review (ABR) on two separate occasions (meeting minutes are attached as Exhibit E). On July 5, 2016, the ABR requested the applicant return to provide more exposed plaster columns along the east elevation of the new addition to break up the long span of glass and to adjust the placement of the columns so they create a uniform exposure. ABR also wanted to see more colorful groundcover.

On August 29, 2016, the ABR continued the project to the Planning Commission with minor comments and made the findings that the project met the Compatibility Analysis criteria described in SBMC 22.22.145.B. and 22.68.045.B as follows:

1. **Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines:** The Board made the finding that the proposed development project's design complies with all City Regulations and is consistent with ABR Design Guidelines.
2. **Compatible with Architectural Character of City and Neighborhood.** The proposed design of the proposed development is compatible with the distinctive architectural character of the Santa Barbara and of the particular neighborhood surrounding the project.
3. **Appropriate size, mass, bulk, height, and scale.** The proposed development's size, mass, bulk, height, and scale are appropriate for its neighborhood.
4. **Sensitive to Adjacent Landmarks and Historic Resources.** There are no Adjacent Landmarks or Historic Resources that The Board is aware of.
5. **Public View of the Ocean and Mountains.** The projects responds appropriately to the public view of the Mountains.
6. **Appropriate Amount of Open Space and Landscaping.** The project's design provides an appropriate amount of open space and landscaping.

D. TRAFFIC MANAGEMENT STRATEGY

The proposed project site is in the Upper State Street Area according to the City's Traffic Management Strategy. Because of traffic concerns in this area, the Traffic Management Strategy and the Non-Residential Growth Management Program (GMP) allow different uses than those in the Downtown Area. Both Community Priority Projects and Planned Development – New Automobile Sales are allowed in the Upper State Street Area.

Transportation planning Staff prepared a preliminary traffic analysis of the traffic effects of the proposed development to construct a net 4,257 square-foot addition to the BMW/Audi dealership. The City of Santa Barbara's traffic model was used to determine traffic effects using the model's specific traffic generation rates by land use; which vary depending upon use and location. The proposed auto dealership is in Model Area 4 with an AM Peak Hour Trip rate (PHT) of 1.11 trips per 1,000 square feet of gross building area and a PM PHT of 1.42 trips per 1,000 square feet. An auto related use of this size would generate approximately five AM PHT and approximately six PM PHT. Distributing these trips to the city grid would not use one percent or more of the intersection capacity at any of the 27 identified future 2030 anticipated impacted intersections. Therefore, the proposal would not constitute a project specific traffic impact.

The project was also analyzed regarding its contribution to cumulative traffic effects. A considerable project contribution to cumulative traffic effects would result when a project's net peak-hour traffic together with other cumulative traffic from existing and reasonably foreseeable projects would cause an intersection to exceed 0.77 V/C; or when the project would contribute peak-hour traffic to an intersection already exceeding 0.77 V/C. The program EIR for the 2011 General Plan provided a citywide cumulative traffic analysis to the year 2030 using this threshold. This project is within the growth assumptions of the EIR analysis and it is considered to contribute to the cumulative effects identified in the Program EIR.

There is an existing Transportation Management Program onsite and it shall remain in effect per prior Planning Commission Resolutions 45-86, 70-86, and 022-88.

VII. ENVIRONMENTAL REVIEW

The proposed project is within the scope of the 2011 General Plan and the Program Environmental Impact Report (EIR) analysis for the General Plan. The project and designations are consistent with the development density designated and analyzed by the Program EIR. Potential minor project environmental effects are addressed with existing development standards and regulations (e.g., design review, construction regulations, Storm Water Management Program Tier 3 provisions, noise regulations and conditions, etc.). Based on City Staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183-Projects Consistent with the General Plan). City Council environmental findings adopted for the

2011 General Plan remain applicable for this project. A decision-maker finding that the project qualifies for the §15183 CEQA determination is required.

VIII. FINDINGS

The Planning Commission finds the following:

Staff recommends that the Planning Commission make the following findings:

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)

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

B. DEVELOPMENT PLAN (SBMC §28.85.040)

1. The project complies with the Non-residential Growth Management Program Requirements by constructing additions to a new automobile dealership in the Planned Development Zone and receiving Community Benefit floor area allocation from City Council;
2. The project is consistent with the principles of sound community planning because it is consistent with applicable plans and policies and would not adversely affect the character of the neighborhood;
3. The project will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk, and scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in SBMC Sections 22.22.145 or 22.68.045 as found by the Architectural Board of Review on August 29, 2016; and
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050.

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

1. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided;
2. That the general hours of sales and operation Monday through Sunday from 9:00 am to 7:00 pm do not inappropriately alter or disturb the character of the area;
3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area since no additional outdoor lighting is proposed.
4. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area and of the City as determined by the Architectural Board of Review on August 29, 2016.

Exhibits:

- A. Conditions of Approval
- B. Project Plans
- C. Applicant's letter dated June 20, 2016
- D. Applicable General Plan Policies
- E. ABR Minutes

PLANNING COMMISSION CONDITIONS OF APPROVAL

402 S. HOPE AVENUE
DEVELOPMENT PLAN AND P-D DEVELOPMENT PLAN
NOVEMBER 10, 2016

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner and occupants of the Real Property, the owner and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain Design Review Approval from the Architectural Board of Review.
 2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 3. Record any required documents (see Recorded Conditions Agreement section).
 4. Permits.
 - a. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements prior to issuance of building permits.
 - b. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

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 November 10, 2016 is limited to 4,257 net square feet of new commercial development and the improvements shown on the project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **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.

4. **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 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.
 5. **Transportation Demand Management.** The existing Transportation Demand Management Program required per prior Planning Commission Resolutions 45-86, 70-86, and 022-88 shall remain in effect.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler 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.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.b "Hitchcock Way Public Improvements & Property Dedications" shall be submitted to the Public Works Department. Upon acceptance of completed public improvement plans, a Building Permit may be issued if the Owner has bonded for public improvements and dedication of property and executed the *Agreement to Construct, Dedicate Property and Install Improvements (Not a Subdivision)*.

b. **Hitchcock Way Public Improvements & Property Dedications.**

The Owner shall submit public improvement plans for new construction or modifications to driveways along Hitchcock Way to meet Pedestrian Master Plan goals and policy that include cross slopes of sidewalks across driveways. Plans may 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 or shall conform to Public Works Department standard plans for review and approval by the Public Works Department. Any work in the public right-of-way requires an application, the payment of fees and issuance of a Public Works Permit for construction.

The owner shall also submit preliminary public improvement plans for the future new construction or modification(s) to other existing driveways from the property that accesses the public streets along Calle Real and S. Hope Avenue to achieve Pedestrian Master Plan goals and policy for compliance of sidewalk cross slopes across these driveways for review and approval by the Public Works Department.

It is anticipated that all or many of the approved driveway designs will likely encroach onto project property. In this case, the City shall require the owner to irrevocably dedicate easement(s) for public sidewalk purposes of these public improvements that encroach onto project property. The owner shall submit an application with the Public Works Department and pay fees for review and approval of the easement document(s). The easement survey and property description(s) shall be provided to the City and prepared by a licensed professional registered in the State of California for submittal to the Public Works Department for review and approval. The Public Works Director will recommend that the City Council accept the irrevocable offer of easement(s) for the driveways on Hitchcock Way and other irrevocable offers of dedication adjacent to Calle Real or S. Hope Avenue may be accepted at or near the time of future driveway construction or modification(s) proposed by the Owner or required by the City as part of a future development application.

c. **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.

d. **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.

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. The Owner shall submit a hydrology report and worksheets from Appendix D of the Storm Water BMP Guidance Manual 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 Creeks Division, the City Building & Safety Division, and the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- c. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- d. **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.
- 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. **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 if in a multi-family or commercial zone or six square feet if in a single family zone.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
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.

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
 5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
- G. **General Conditions.**
1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 45-86, 70-86, 022-88 and 007-10.
 2. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any

government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

3. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

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

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

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission action approving the Development Plans 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.



City of Santa Barbara California

Exhibit B: The site plan for 402 S. Hope Avenue has been distributed separately.

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

June 20, 2016

Applicant:

SB Automotive LLLP - Santa Barbara Auto Group 402 S. Hope Ave. Santa Barbara, Ca

City of Santa Barbara
630 Garden Street
P.O. Box 1990
Santa Barbara, CA 93102

Re: Planning Commission approval for Building Improvements with additional square footage (DART Submittal).

The proposed project at 402 Hope Ave. was designated by City Council January 12, 2016 as a Community Benefit Project and allocated the additional square footage of 4,447 sf of nonresidential floor area to the project from the Nonresidential Growth Management Program's Community Benefit Category.

The existing BMW and Audi dealerships located at 402 S. Hope have a requirement from their corporate offices to update their locations to the new standards and specifications. In order to conform to the new requirements more square footage is necessary in the showrooms, the current building square footage conditions do not allow for the accommodation of said requirements due to the limited space.

The proposed Showroom additions for BMW and Audi will allow for revised Reception and Sales areas for each, added interior Vehicle Display(per required size), New Car Delivery, Customer Lounge/Waiting Areas and other details to enhance the customers experience at the dealerships.

BMW is proposing to add approx. 3,683 sf gross/3,584 sf net. The proposed expansion to the showroom will be built out over existing auto display areas outside the existing showroom. The Demo at this portion of the building will remove a portico display area and the facade will be removed and modified to expand the showroom. The proposed architectural exterior design will be done to match existing construction as much as possible. Audi is proposing approx. 784 sf gross/673 sf net. The proposed expansion to the showroom will be moving the existing glass line out to the limits of the existing soffit and enclosing the existing roofed entry soffit. Total area of requested additional square footages is approximately 4,447sf gross/4,257sf net (See attached Site Plan Project Data).SF totals for the BMW/Audi Bldg. are Exist. 10,570 SF GR/10,155.6 SF NT and Prop. 15,017SF /14,412 NT. Over an existing below grade Parking Garage of 34,396 SF.

The building and property use will remain the same (Auto Dealerships) as they are right now with an increase in building square footage and exterior/interior improvements. There are no major impacts to the site and landscape (no change). No grading is required for the expansion. The areas of expansion are over existing hardscaped areas. Existing drainage patterns to be the same, added pervious paving at existing drives and addition of landscape per the required SWMP. Parking on site will remain the same with the addition of a transportation coordinator and program and also some added offsite employee and inventory parking.. There will be no added exterior lighting, no creation of smoke or odors, no creation of new noise, no geotechnical studies are required for the existing developed site, resource or constraint studies are not needed (see exist. property profile on file at City of Santa Barbara), sidewalks and improvements are existing around existing improved site, site is not located around creek or water course.

The proposed length of construction activity for the new addition is estimated that exterior demo will take approximately 2 weeks. No grading will be required and the estimated duration of construction activity will be approximately 4-5 months. Equipment and materials will be staged out of public view when not in use.

Mike Ramsey

Planning Manager – Lusardi Construction Company - 760-744-3133 x1310

EXHIBIT C

Relevant General Plan Policies

Land Use Element

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

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

Environmental Resources Element

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

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

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

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

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

Aesthetics and Visual Resources Policies

ER29. Visual Resources Protection. New development or redevelopment shall preserve or enhance important public views and viewpoints for public enjoyment, where such protection would not preclude reasonable development of a property.

Noise Element

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

Circulation Element

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

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

C9. Accessibility. Make universal accessibility for persons with disabilities, seniors, and other special needs populations a priority in the construction of all new development for both public and private projects.

Motion: Ratify the Consent Calendar of **June 20, 2016**. The Consent Calendar was reviewed by **Miller and Wittausch**.

Action: Hopkins/Moore, 4/0/0. Motion carried. (Miller/Cung absent).

D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.

- a. Ms. Gantz announced that Board members Miller and Cung would be absent from the meeting.
- b. Board member Moore announced that he would be stepping down from Item two, 325 W. Anapamu St., and Item six, 220 W. Gutierrez St.
- c. Board member Hopkins announced he would be abstain from Item one, 402 S. Hope Ave., and Item five, 711 N Milpas St.

D. Subcommittee Reports: There were no reports made at this time.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

1. 402 S HOPE AVE

E-3/PD/SD-2 Zone

(3:15) Assessor's Parcel Number: 051-240-017
 Application Number: MST2015-00603
 Owner: Santa Barbara Auto Group
 Contractor: Lusardi Construction Company
 Business Name: BMW/Audi

(Proposal for a 4,257 square foot one story addition to an existing 42,551 square foot commercial building for the BMW/Audi dealership. An exterior remodel of the existing one and two story building is also proposed. There will be no grading or parking lot changes on this 4.37 acre parcel. A Community Benefit allocation of nonresidential floor area was approved by City Council on January 12, 2016. Planning Commission approval of two Development Plans is required.)

(Comments only; requires Environmental Assessment and Planning Commission approval.)

Actual time: 3:07 p.m.

Present: Mike Ramsey, Agent for Santa Barbara Auto Group; Bob Cunningham, Landscape Architect; Jessica Grant, Project Planner, City of Santa Barbara.

Public comment opened at 3:17 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board finds that the mass, bulk, and scale are acceptable and mostly in keeping with the architectural design, with the exception of the east elevation.
- 2) Applicant to provide more exposed plaster columns to break up the long span of glass and to adjust the placement of the columns so they create a uniform exposure.
- 3) Study adding more colorful groundcover in the areas where groundcover is proposed for removal.

Action: Gradin/Tripp, 3/0/1. Motion carried. (Hopkins abstained, Wittausch/Miller/Cung absent).

*** THE BOARD BRIEFLY RECESSED AT 3:27 P.M., AND RECONVENED AT 3:52 P.M. ***

CONCEPT REVIEW - CONTINUED ITEM**3. 402 S HOPE AVE****E-3/PD/SD-2 Zone**

(4:15) Assessor's Parcel Number: 051-240-017
 Application Number: MST2015-00603
 Owner: Santa Barbara Auto Group
 Contractor: Lusardi Construction Company
 Business Name: BMW Audi

(Proposal for a 4,257 square foot one story addition to an existing 42,551 square foot commercial building for the BMW/Audi dealership. An exterior remodel of the existing one and two story building is also proposed. There will be no grading or parking lot changes on this 4.37 acre parcel. A Community Benefit allocation of nonresidential floor area was approved by City Council on January 12, 2016. Planning Commission approval of two Development Plans is required.)

(Comments only; requires Environmental Assessment, Compatibility Criteria Analysis, and Planning Commission approval. Project was last reviewed on July 5, 2016.)

Actual time: 4:02 p.m.

Present: Mike Ramsey, Contractor, Lusardi Construction; and Jessica Grant, Project Planner, City of Santa Barbara.

Public comment opened at 4:06 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to Planning Commission with comments:

1. Applicant to provide more explanation on the swale planting.
2. Provide a sample and detail of the paver proposed.
3. Provide a photograph of the existing storefront and update the elevations accordingly.
4. The Board has reviewed the proposed project and the Compatibility Analysis criteria (SBMC 22.22.145.B. and 22.68.045.B.) were generally met as follows:
 - a. The Board made the finding that the proposed development project's design complies with all City Regulations and is consistent with ABR Design Guidelines.
 - b. The proposed design of the proposed development is compatible with the distinctive architectural character of the Santa Barbara and of the particular neighborhood surrounding the project.
 - c. The proposed development's size, mass, bulk, height, and scale are appropriate for its neighborhood.
 - d. There are no Adjacent Landmarks or Historic Resources that The Board is aware of.
 - e. The projects responds appropriately to the public view of the Mountains.
 - f. The project's design provides an appropriate amount of open space and landscaping.

Action: Miller/Tripp, 4/1/0. (Hopkins abstained. Gradin and Cung absent.) Motion carried.