



# City of Santa Barbara

## California

### STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 28, 2015  
**AGENDA DATE:** February 4, 2015  
**PROJECT ADDRESS:** 2334 De la Vina Street (MST2013-00419)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner  
 Kelly Brodison, Assistant Planner

*AKB for RLB*

#### I. PROJECT DESCRIPTION

The proposed project consists of the construction of a new 6,301 square-foot, three-story building containing three new residential condominiums on an existing 7,405 square-foot vacant corner lot in the R-4 Zone. The building would contain a 1,635 square-foot two-story unit, a 1,888 square foot three-story unit, a 1,578 square-foot two-story unit, and three two-car garages on the ground floor. One driveway on De la Vina Street and two driveways on Junipero Street would be removed, and two new driveway curb cuts on Junipero Street would be constructed to provide access to the six covered parking spaces.

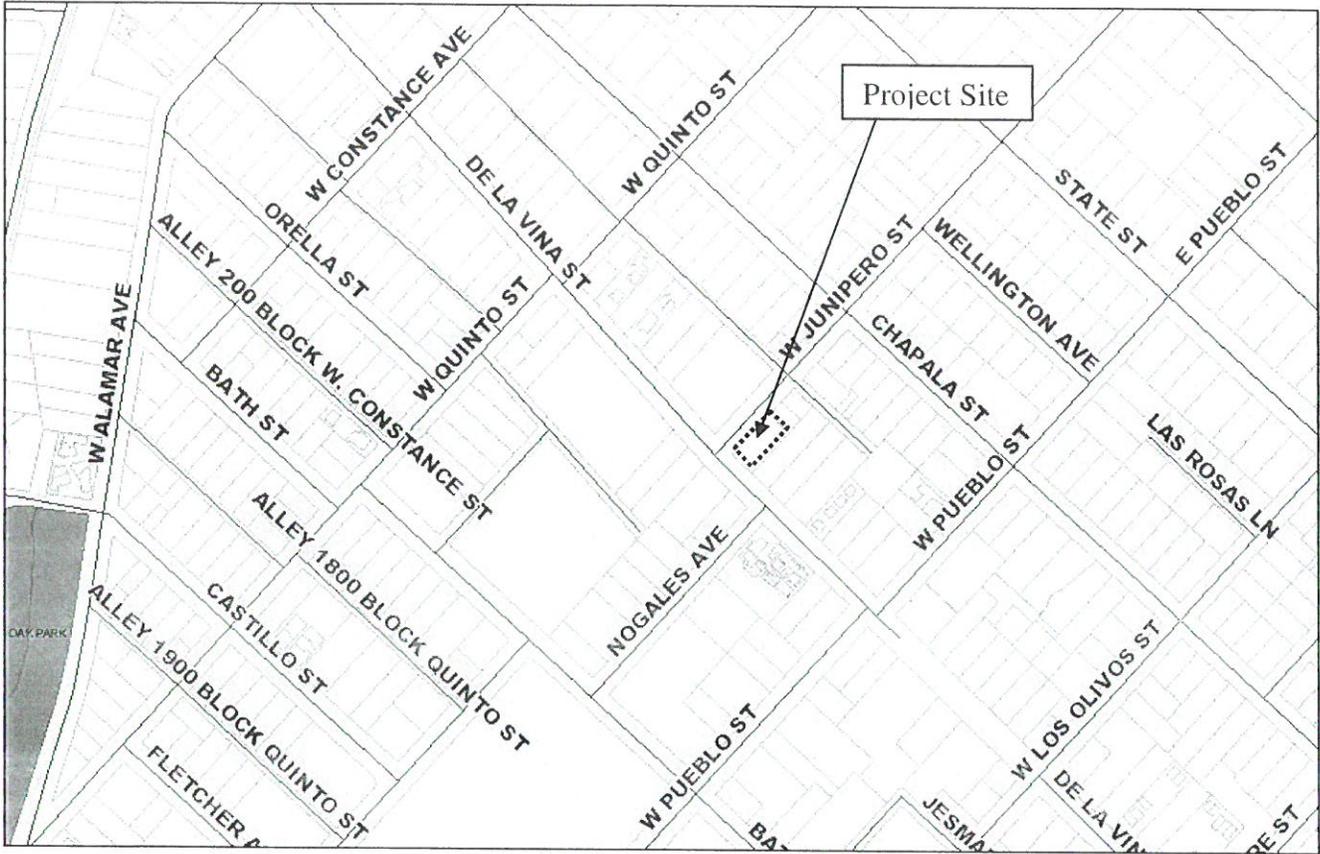
#### II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units (SBMC Chapters 27.07 and 27.13).

**APPLICATION DEEMED COMPLETE:** January 5, 2015  
**DATE ACTION REQUIRED PER MAP ACT:** February 24, 2015

#### III. RECOMMENDATION

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



2334 De la Vina Street – Vicinity Map

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Jason Grant		
<b>Property Owner:</b>	BLH Properties, LLC		
<b>Site Information</b>			
<b>Parcel Number:</b>	025-113-001	<b>Lot Area:</b>	7,405 sq. ft.
<b>General Plan:</b>	Medium High Density Residential (15-27 du/acre)	<b>Zoning:</b>	R-4
<b>Existing Use:</b>	Vacant	<b>Topography:</b>	~4%
<b>Adjacent Land Uses</b>			
<b>North</b> – Single-Family		<b>East</b> – Multi-Family	
<b>South</b> – Medical Office		<b>West</b> – Multi-Family	

**B. PROJECT STATISTICS**

	Living Area	Garage
Unit 1 – 2 story	1,635 sq. ft.	400 sq. ft.
Unit 2 – 3 story	1,888 sq. ft.	400 sq. ft.
Unit 3 – 2 story	1,578 sq. ft.	400 sq. ft.
Total	5,101 sq. ft.	1,200 sq. ft.
<b>Total</b>	<b>6,301 sq. ft.</b>	

### C. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10' (1 <sup>st</sup> & 2 <sup>nd</sup> story) 20' (3 <sup>rd</sup> story & parking )		10' 20'
-Interior	6' (1 <sup>st</sup> & 2 <sup>nd</sup> story) 10' (3 <sup>rd</sup> story)	Vacant Lot	6' 10'
-Rear	6' (1 <sup>st</sup> story) 10' (2 <sup>nd</sup> & above)		6' 10'
Building Height	3 stories and 45'	N/A	31'-7"
Parking	6 spaces (1 covered and 1 uncovered space per unit)	N/A	6 covered spaces
Density (Base)	3 units	N/A	3 units
10% Open Space	740 sq. ft.	N/A	740 sq. ft.
Private Outdoor Living Space	160 sq. ft. per unit (3 bedrooms)	N/A	160 sq. ft. per unit
Lot Coverage			
-Building	N/A	Vacant Lot	3,312 sq. ft. 45%
-Paving/Driveway	N/A		1,297 sq. ft. 18%
-Landscaping	N/A		2,796 sq. ft. 37%

The proposed project would meet the requirements of the R-4 Multiple-Family Residence Zone with regard to parking, setbacks, density, open space and private yard, building height, and the Solar Access Ordinance.

### **Inclusionary Housing Ordinance**

Projects involving new construction of for-sale residential units are subject to the City's Inclusionary Housing Ordinance (SBMC Chapter 28.43), Applicants for developments of less than ten units may choose to either provide at least one unit as an owner-occupied Middle Income restricted unit or pay to the City an in-lieu fee. The project applicant is opting to pay the fee, which amounts to \$17,275 per unit. However, for projects of less than five units, the first unit is exempt from the fee. Therefore, the required Inclusionary Housing Ordinance Fee for this project is \$34,550.

### **D. TENTATIVE SUBDIVISION MAP**

The Subdivision Ordinance provides physical development standards required for new condominium projects (SBMC Chapter 27.13). The standards include parking, private storage space, utility metering, laundry facilities, unit size and outdoor living space. This project is designed to meet all applicable standards and the conditions of approval include proper allocation of parking spaces, a prohibition on storage of recreational vehicles, and a waiver of a right to protest the formation of public improvement districts as required by the condominium ordinance. The project would also meet the minimum requirements for density, unit size and outdoor living space.

### **V. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on three separate occasions (meeting minutes are attached as Exhibit D). The first conceptual review took place on October 28, 2013. The ABR stated that a traditional Spanish style design would be appropriate for this neighborhood and requested the applicant study lowering the tall narrow entry elements, eliminate a third floor setback encroachment, pull the third floor elements inward and to restudy the floor plans to create a more compact building and improve the utilization of space.

The applicant addressed the ABR's requests and returned to the Board on December 17, 2013. The Board requested the applicant restudy the third floor element and how it fits into the project, and provide more information on details, colors and landscaping. The Board forwarded the project on for discretionary review by the Staff Hearing Officer

At Staff's request, the applicant returned to the ABR for a third review on November 10, 2014 for the Board to consider the Project Compatibility Criteria per SBMC §22.68.020. The Board requested that the applicant continue to study certain elements of the project including the De la Vina Street elevation, providing additional tree screening elements from adjacent neighbors, and various details.

The project would return to the ABR for continued review and refinement subsequent to receiving a discretionary approval for the Tentative Subdivision Map.

### **VI. GENERAL PLAN CONSISTENCY**

The project site is located in the Oak Park neighborhood of the city of Santa Barbara. This neighborhood is predominantly a medium-high density neighborhood. The area north of Mission Street, where the project site is located, has a General Plan Density of Medium High that allows a range of 12-27 dwelling units per acre and is primarily zoned R-3 and R-4. This

proposed three-unit condominium development is consistent with that range at 17 units per acre. The land uses in this neighborhood are predominantly multi-family, medical related, or office and institutional uses. While there are some single family homes in the area, most of the parcels with residential development are multi-family buildings.

Exhibit E is a list of relevant, applicable General Plan policies. The most pertinent policies are summarized below.

#### **A. LAND USE ELEMENT**

The Land Use Element calls for enhancement of community character and includes a possible implementation action to ensure that proposed buildings are compatible with the surrounding built environment by considering the context of the proposed structure in relation to surrounding uses and parcels along the entire block.

The proposed development would be consistent with the residential density of the General Plan as well as the character of the neighborhood. The surrounding lots are developed with a mix of multi-family and single-family homes as well as commercial development. Parking for the project would be provided on site with two covered spaces per unit, consistent with the Land Use Element direction that new development comply with current parking requirements.

#### **B. HOUSING ELEMENT**

Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support buildout of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. A goal of the Housing Element is to encourage construction of a wide range of housing types to meet the needs of various household types and to assist in the production of new housing opportunities which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The project would be consistent with the Housing Element as it would add three new residential units to the City's existing housing stock. The development would provide for homeowner opportunities in a neighborhood with close proximity to the downtown, shopping, parks, the beach and Highway 101, and therefore meets the goals outlined in the City's Housing Element.

#### **C. PEDESTRIAN MASTER PLAN**

The project is subject to the recommendations of the City's Pedestrian Master Plan. Both street frontages would meet the minimum width recommendations for sidewalk and parkway. One large driveway curb cut would be removed on De la Vina Street, which is an overall benefit to vehicles and pedestrians on this heavily traveled road. Two existing curb cuts would be removed on the Junipero Street frontage and two new curb cuts would be constructed to provide access to the three two-car garages. The larger of the two proposed curb cuts has been narrowed down from what was originally proposed, in order to minimize the expanse of the driveway. Finally, the amount of on-street parking would remain constant on the project frontage, as a total of approximately four on-street spaces would be removed as a result of the new curb cuts, but four spaces would be gained (one space on the Junipero Street frontage and three spaces on the De La Vina Street frontage) due to the removal of existing curb cuts.

### **VII. ENVIRONMENTAL REVIEW**

The proposed project is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. The project is consistent with the development potential designated and analyzed by the Program EIR. City Staff have reviewed the project and determined that all project-specific environmental effects are substantially mitigated by the imposition of uniformly applied development policies and standards. Therefore, no further environmental analysis is required for this project pursuant to the California Environmental Quality Act (Public Resources Code 21082.3 and CEQA Guideline Section 15183). City Council environmental findings adopted for the General Plan remain applicable for this project.

## **VIII. FINDINGS**

The Staff Hearing Officer finds the following:

### **A. ENVIRONMENTAL REVIEW**

The project has been found to be consistent with the General Plan. Therefore, the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

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

As described in Sections IV and VI of the Staff Report, the Tentative Subdivision Map and three unit condominium development are consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development because the R-4 zone allows for a 7,405 square foot lot to be developed with three units and the proposed use is consistent with the vision for the Oak Park Neighborhood of the General Plan because it provides a multi-family project at a density of approximately 17 units per acre in the Medium-High density (15-27 units/acre) residential area. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems. This is an in-fill development within an existing residential neighborhood and the proposed land use is similar to the surrounding area in the neighborhood.

### **C. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance, as described in Section IV of the Staff Report.

The project complies with the physical standards for condominiums related to parking, private storage space, utility metering, laundry facilities, density, and outdoor living space requirements as described in Section IV of the Staff Report.

2. The proposed development is consistent with the General Plan of the city of Santa Barbara, including the Land Use Element and Housing Element, as described in Section VI of the Staff Report.

The project will provide infill residential development that is compatible with the surrounding neighborhood, as described in Section VI of the Staff Report.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources as described in Section VI of the Staff Report.

The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts because, once the minimal number of new trips (AM and PM peak hour) are added to the street network, there will not be an impact at any of the City's identified year 2030 impacted intersections. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate, as described in Section V of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated October 23, 2014
- D. ABR Minutes
- E. Applicable General Plan Policies

**STAFF HEARING OFFICER CONDITIONS OF APPROVAL**

2334 DE LA VINA STREET  
TENTATIVE SUBDIVISION MAP  
FEBRUARY 4, 2015

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

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

1. Obtain all required design review approvals.
2. 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 that would conflict with the Parcel Map. A Building Permit may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Comply with condition F "Construction Implementation Requirements."
4. Pay Inclusionary Housing In-Lieu Fee.
5. Submit an application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.
6. Permits following recordation of Parcel Map.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.

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

B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition or other appropriate (as determined by City staff) building permit for work in anticipation of primary project improvements, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on February 4, 2015 is limited to three residential condominiums and the improvements shown on the Tentative Subdivision Map

signed by the Staff Hearing Officer on said date and on file at the city of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted 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. **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. **Residential Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
6. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
  - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
  - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
  - c. **Parking Space Assignment.** Parking spaces within the project shall be assigned to specific residential units.

- d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
  - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - f. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.
  - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project except a demolition or other appropriate (as determined by City staff) permit for work in anticipation of primary project improvements:
- 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  - 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
  - 3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Parcel Map.
  - 4. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall comply with the Hydrology Report dated May 22, 2014 prepared by Windward Engineering, demonstrating that the new development will comply with the City's Storm Water Management Plan. 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 significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

5. **Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontages. 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:

Street Improvements:

- Remove one existing driveway curb cut on De la Vina Street and two driveway curb cuts on Junipero Street.
- Install new curb, gutter, parkway, and sidewalk where curb cuts are being removed.
- Provide 6-foot parkway as measured from the face of curb to edge of sidewalk. Provide parkway landscaping designed by a Landscape Architect to be reviewed and approved by the ABR, City Arborist and Public Works. The parkway landscaping and street trees shall be consistent with designated street trees, protect existing trees and provide plantings consistent with the City's design criteria for parkway landscaping.
- Provide new driveways on Junipero Street as shown on the approved Tentative Map and an access ramp at the southeast corner of the intersection of De la Vina Street and Junipero Street as shown on the approved Tentative Map.
- Install one new City standard street light and retire the existing street light mounted on the wood pole along the project frontage. The new street light location and City standard type shall be as approved by the City Engineer.
- Slurry seal streets a minimum of 20 feet beyond all utility trenching.

Water Improvements:

- Install new water service with manifold for dedicated fire service and individual meters for each condominium unit. Water meters shall be set by Public Works after application is received for water service.

Wastewater Improvement:

- Install a gravity flow sewer lateral that serves all the condominium units. The existing sewer lateral may be utilized.

Other Utilities:

- Above-ground utilities onsite such as gas meters, backflow preventers, and electrical transformers that are in public view shall be shown on the elevations and site plan as needed for appropriate review and approval by the Architectural Board of Review.
6. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
- D. **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 devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
  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 (at least 50 percent of the total area) 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.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to 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 C.5 "Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement for Land Development Improvements*.

- b. **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.
- c. **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 Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for the new residential units.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

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

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

- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
  - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
4. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- G. **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. **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.
  4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B “Recorded Conditions Agreement” have been recorded.
- H. **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. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$34,550.00 to the Community Development

Department. If the project includes five or more residential units, payment is due prior to issuance of building permits. If the project involves four or fewer residential units, payment is due prior to issuance of a Certificate of Occupancy. If the project involves a subdivision without construction of units, payment is due prior to approval of the Parcel/Final Map.

4. **Site Maintenance.** The existing site shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
5. **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.

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

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



**J. GRANT DESIGN STUDIO**

DESIGN LAND PLANNING RENDERING

3040 State Street Ste "E"

Santa Barbara, Ca 93105

Ph (805) 682-1141 fax(805) 682-0586

E-MAIL JGRANTDESIGN@SBCGLOBAL.NET

Date: 10-23-14  
ATTN: Staff Hearing Officer

RECEIVED  
OCT 30 2014

Project Address: 2334 De La Vina Street (MST#2013-00419) CITY OF SANTA BARBARA  
Santa Barbara, ca 93110 PLANNING DIVISION  
APN 025-113-001

Staff Hearing Officer

I am seeking a Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC Chapters 27.07 and 27.13) located at 2334 De La Vina Street.

. The existing lot is 7,405 s.f., zoned R-4 and has no existing structures on site. The existing lot topography is flat with an approximate 3.5% cross slope from South to North. The project has requested and received a waiver from Public Works Transportation Division consistent with SBMC Section 28.90.045B. There is an existing 24" Palm tree that will be removed as part of this proposal.

Surrounding parcels consist of; to the East- multi-family residential, West- 3 story apartment complex, North- residential, South- Mixed use Commercial

The proposed development will consist of three attached condominiums with attached 2 car garages for each unit.

**Unit #1** – 2 Story Structure 3 bedroom, 2 bath with attached 2 car garage  
Proposed Unit size = 2,035 s.f. net 2,159 s.f. gross

**Unit #2** - 3 Story Structure 3 bedroom, 3 bath with attached 2 car garage  
Proposed Unit size = 2,288 s.f. net 2,439 s.f. gross

**Unit #3** - 2 Story Structure 3 bedroom, 2 bath with attached 2 car garage  
Proposed Unit size = 1,978 s.f. net 2,117 s.f. gross

**Lot Coverage Statistics;**

Building Footprint = 3,312 s.f. (45%)  
Hardscape = 1,297 s.f. (17%)  
Landscape = 2,796 s.f. (38%)

Regards  
Jason Grant

**2334 De La Vina Street**  
**ABR Minutes**

**October 28, 2013 - First Conceptual Review**

Public Comment: The letter in opposition from Vadim Hsu for Ms. Roya Bahari, adjacent neighbor, was summarized by staff as expressed concerns regarding potential large size, height, bulk, scale, density of the development, privacy concerns, neighborhood compatibility, and potential negative impact to protected historic resources of her home.

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

- 1) Many Board members find that a traditional Spanish style design would be more appropriate for the neighborhood.
  - 2) Study the tall, narrow entry elements to possibly lower the height of those elements.
  - 3) The Board finds that the third-floor setback encroachment is not necessary; study to pull third-floor elements inward.
  - 4) Study the floor plans at the interior stairway of the center unit to be more compact and improve utilization of the spaces.
  - 5) Restudy the extremely tall chimney facing De La Vina Street.
  - 6) The large and tall glazed windows on the west elevation are not appropriately scaled for the style of the structure.
- 

**December 17, 2013 - Second Concept Review**

Public Comment: Mohamad Hijazi (adjacent neighbor), opposition; expressed written concerns regarding impacts the proposed project on his adjacent property next door. These written concerns include: possible impacts to adjacent properties and residents to be included in the submitted drawings and plans (esp. north and south of the project), neighborhood compatibility regarding the proposed size and scale of the project, grading and fill impacts, water flow and drainage impacts, and privacy concerns regarding the placement of windows and decks or patios. A Board site visit was requested.

**Motion: Continued indefinitely to the Staff Hearing Office to return to Full Board with comments:**

- 1) Restudy the third floor element and how it fits into the whole project.

- 2) Provide further details, a color board, and a landscape plan.
  - 3) Provide compliance with Storm Water Management Program (SWMP) requirements.
- 

**November 10, 2014 - Third Concept Review**

Public Comment: Shaula Hijazi expressed concern regarding privacy and potential project impacts.

Two letters of concern from Mohamad and Shaula Hijazi were acknowledged.

**Motion: Continued indefinitely to Staff Hearing Office, and then to return to Full Board, with comments:**

- 1) A majority of the Board was in general conceptual support of the proposed project.
- 2) Provide quality materials for the materials board, quality windows, and study to recess the windows.
- 3) The Board had concerns about the direct vent fireplace; study to either disguise the vent or route to the roof.
- 4) Restudy the De La Vina Street elevation for a more elegant entry and a more varied façade for increased hierarchy.
- 5) Study to provide additional tree screening elements from adjacent neighbors.
- 6) Study to match the configuration of the third-floor roof where the rear yard portion meets the gable.
- 7) Restudy to increase the wall thickness at the end of the east elevation.
- 8) Restudy the proposed stair-stepping center tower design on the west elevation to be more cohesive and in keeping with the quality of design shown elsewhere on the site (i.e., the north stair tower of Unit #3).
- 9) The Board is concerned that the third-story massing is not sufficiently recessed from the street; provide a building section of the third-story element.

**2334 DE LA VINA STREET**  
**TENTATIVE SUBDIVISION MAP**  
**RELEVANT GENERAL PLAN GOALS, POLICIES, & IMPLEMENTATION STRATEGIES**

**LAND USE ELEMENT (2011)**

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**GOALS**

- *Resource Allocation:* Achieve a balance in the amount, location and type of growth within the context of available resources including water, energy, food, housing, and transportation.
- *Character:* Maintain the small town character of Santa Barbara as a unique and desirable place to live, work, and visit.
- *Design:* Protect and enhance the community's character with appropriately sized and scaled buildings, a walkable town, useable and well-located open space, and abundant, sustainable landscaping.
- *Historic Preservation:* Protect, preserve and enhance the City's historic resources.
- *Neighborhoods:* Maintain and enhance neighborhoods with community centers where requested, and improved connectivity to daily necessities, including limited commercial activity, transit, and open spaces while protecting the established character of the neighborhood. Maintain or reduce the existing ambient noise levels in single family neighborhoods.
- *Public Health:* Improve public health through community design and location of resources by promoting physical activity, access to healthy foods and improved air quality.
- *Mobility:* Apply land use planning tools and strategies that support the city's mobility goals.

**Land Use Policies**

LG6. Location of Residential Growth. Encourage new residential units in multi-family and commercial areas of the City with the highest densities to be located in the Downtown, La Cumbre Plaza/Five Points area and along Milpas Street.

**Community Design Policies**

LG12. Community Character. Strengthen and enhance design and development review standards and process to enhance community character, promote affordable housing, and further community sustainability principles.

*Possible Implementation Actions to be Considered*

LG12.2 Building Size, Bulk and Scale. Ensure that proposed buildings are compatible in scale with the surrounding built environment.

- c. Community Character Preservation. Include in design guidelines that as part of any major new in-fill development or remodel, consider the context of the proposed structure in relation to surrounding uses and parcels along the entire block; ensure that the proposed development will not eliminate or preclude preservation of the key visual

assets of the particular block or corridor, including landmark structures, structures of merit, potentially historic structures, key scenic view points that provide unique or important views to the surrounding hills, and specimen trees and other important visual resources. Require building design modifications as needed to preserve essential elements of the community character along that block or corridor.

## **HOUSING ELEMENT (2011)**

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### **GOALS**

- *Housing Opportunities:* Ensure a full range of housing opportunities for all persons regardless of race, religion, sex, age, marital status, sexual orientation, ancestry, national origin, color or economic status, with special emphasis on providing housing opportunities for low income, moderate, middle income and special needs households.
- *New Housing Development:* Encourage the production of new housing opportunities which are sustainable, and increase equity by providing a sufficiently wide range in type and affordability to meet the needs of all economic and social groups, with special emphasis on housing that meets the needs of extremely low, very low, low, moderate, middle income and special needs households.
- *Public Education and Information:* Continue public education regarding affordable housing to increase awareness of the housing needs of extremely low, very low, low, moderate and middle income and special needs households and to inform the public about existing affordable housing opportunities, available resources and programs.

### **New Housing Development Policies**

H10. New Housing. Given limited remaining land resources, the City shall encourage the development of housing on vacant infill sites and the redevelopment of opportunity sites both in residential zones, and as part of mixed-use development in commercial zones.

## **ENVIRONMENTAL RESOURCES ELEMENT (2011)**

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### **GOALS**

- *Sustainable Resource Use.* Protect and use natural resources wisely to sustain their quantity and quality, minimize hazards to people and property, and meet present and future service, health and environmental needs.
- *Reduce Fossil Fuel Use.* Reduce fossil fuel use through increased efficiency and conservation, and by developing renewable energy sources.

### **Energy Conservation Policies**

ER5. **Energy Efficiency and Conservation.** As part of the City’s strategy for addressing climate change, minimizing pollution of air and water, depleting nonrenewable resources and insulating from volatility of fossil fuel prices, dependence on energy derived from fossil fuels shall be reduced through increased efficiency, conservation, and conversion to renewable energy sources when practicable and financially warranted.

*Possible Implementation Actions to be Considered*

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).

ER6. **Local and Regional Renewable Energy Resources.** Provide both within the city, and regionally through working with the County and other local jurisdictions or parties, opportunities to preserve, promote and participate in the development of local renewable energy resources such as solar, wind, geothermal, wave, hydro, methane and waste conversion.

*Possible Implementation Actions to be Considered*

ER6.6 Solar Energy. Encourage the use of solar photo-voltaic arrays on new construction, redevelopment, and significant remodel projects, as appropriate, taking into consideration project scale and budget, building size, orientation, roof type, and current energy use.

- a. For multi-residential projects of 3 or more units, require provision of a minimum 2 kw system per unit consistent with the City’s Solar Energy System Design Guidelines, if physically feasible.

**Hydrology, Water Quality and Flooding Policies**

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