

DRAFT

City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

June 11, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:06 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, Sheila Lodge, and Harwood A. White, Jr.

Commissioner Jacobs arrived at 3:50 P.M.

Absent:

Commissioner John Jostes

Julie Rodriguez, Planning Commission Secretary

STAFF PRESENT:

Bettie Weiss, City Planner

Danny Kato, Senior Planner

Jaime Limón, Senior Planner

N. Scott Vincent, Assistant City Attorney

Heather Baker, Project Planner

Allison De Busk, Project Planner

Dan Gullett, Associate Planner

Kathleen Kennedy, Associate Planner

Gabriela Feliciano, Commission Secretary

Kathleen Goo, Commission Secretary

I. ROLL CALL

Roll call was taken: Commissioner John Jostes was absent. Commissioner Charmaine Jacobs arrived during the review of Item V, Draft Updated Upper State Street Area Design Guidelines.

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.
- B. Announcements and appeals.
None.
- C. Comments from members of the public pertaining to items not on this agenda.
Chair Larson opened the public hearing at 1:07 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEMS:

ACTUAL TIME: 1:07 P.M.

- A. **APPLICATION OF PATSY STADELMAN, BROWNSTEIN HYATT FARBER SCHRECK, LLP, AGENT FOR ANDREW M. SEYBOLD, 415 ALAN ROAD, APN 041-091-024, A-1/SD-3, ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2009-00083)**

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Steve Amerikaner, Attorney, gave the applicant presentation joined by Andrew Seybold, Property Owner.

Chair Larson opened the public hearing at 1:29 P.M. and acknowledged the correspondence received.

Gill Barry, neighbor, spoke in opposition to the project on behalf of neighbor Dr. Timothy Rodgers, who could not be present at the meeting. He cited concerns over the lot split and increased density and stated that a previous condition of approval prohibited any further subdivision of the parcel.

With no one else wishing to speak, the public hearing was closed at 1:33 P.M.

Scott Vincent, Assistant City Attorney, answered Planning Commission questions about how the slope density provisions of the City's Ordinance apply to the project. Mr. Vincent also stated that the City cannot place a condition on a property that would not allow an owner to request further division of the property.

The Commission made the following comments:

1. Commissioner Lodge was not in support because it would become denser.
2. Commissioner White concurs but may be in support of a secondary unit in the future.
3. Commissioner Bartlett was in support because the new lot would conform and the applicant is willing to pay in-lieu fees and construct a green building. Need to fix the rules.
4. Commissioner Bartlett suggested that the General Plan and Zoning inconsistencies in this area be addressed in the future.
5. Commissioner Thompson suggested that the in-lieu fee option be explored.

MOTION: Lodge/White

Assigned Resolution No. 025-09

Denied the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment for the proposed project as recommended in the Staff Report.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Bartlett/Thompson) Abstain: 0 Absent: 2 (Jacobs/Jostes)

Chair Larson announced the ten calendar day appeal period.

ACTUAL TIME: 2:00 P.M.

B. **APPLICATION OF CEARNAL ANDRULAITIS, LLP, ARCHITECT FOR RICHARD SANDERS INVESTMENTS, 203 CHAPALA STREET, APN 033-041-001, R-4 AND SD-3 ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2007-00634, CDP2009-00007)**

The project involves demolition of 9,909 square feet of an existing 11,211 square foot commercial building, and construction of a 12,367 square foot addition, resulting in 13,669 square feet of floor area on the 20,553 square foot parcel. The building would change from commercial to residential use with seven new residential condominiums (four 3-bedroom and three 2-bedroom units). The maximum building height would be 33 feet. Sixteen parking spaces would be provided in seven private garages, two carports, and two uncovered guest parking spaces.

The discretionary applications required for this project are:

1. Modification to allow a portion of the existing building to remain within the front setback on Yanonali Street (SBMC Subsection 28.21.060.A.2.a and §28.92.100.A);
2. Modification to allow the accessible access aisle encroach into the ten foot front setback on Los Aguajes Avenue (SBMC Subsection 28.21.060.A.3 and §28.92.100.A);
3. Modification to allow the second story of the building to encroach four feet into the ten foot rear setback (SBMC Subsection 28.21.060.C.2 and §28.92.100.A);
4. Coastal Development Permit (CDP2009-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
5. Tentative Subdivision Map for a one-lot subdivision to create seven residential condominium units (SBMC Chapters 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (infill development).

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Daniel Gullett, Associate Planner, gave the Staff presentation.

Brian Cearnal, Architect, gave the applicant presentation.

Chair Larson opened the public hearing at 2:17 P.M. and with no one else wishing to speak, the public hearing was closed.

Chair Larson acknowledged receipt of a public comment letter from Paula Westbury expressing opposition to the project.

MOTION: White/Thompson

Assigned Resolution No. 026-09

Approved the project, making the findings for Coastal Development Permit, Tentative Subdivision Map and three modifications making the findings as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) Add condition A3 that the applicant shall work with the Historic Landmarks Committee to explore feasible options for solar power for the project; and 2) Add condition A.4 that the applicant will provide enhanced paving at the unloading zone.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs/Jostes)

Chair Larson announced the ten calendar day appeal period.

IV. ENVIRONMENTAL HEARING:

ACTUAL TIME: 2:34 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest Commissioner Bartlett recused himself from hearing this item due to being a neighbor to the site.

APPLICATION OF STEVE WELTON, SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES FOR MONTECITO COUNTRY CLUB; 920 SUMMIT ROAD; APN: 009-091-014, 009-091-020, 009-151-006, 009-151-007, 015-211-009, 015-211-010, 015-280-014, 015-300-001, 015-300-002, 015-300-003; A-2/S-D-3 AND E-2 ZONES; GENERAL PLAN DESIGNATION: OPEN SPACE AND RESIDENTIAL – TWO UNITS PER ACRE (MST2005-00831)

The proposed project is an amendment to the Montecito Country Club Conditional Use Permit (CUP). The project site is approximately 117 acres in size, and is made up of approximately ten parcels located immediately north of Old Coast Highway. The project involves several changes to the site plan of the existing Montecito Country Club and Golf Course (MCC), including a redesign of the existing golf course, consisting of grading, removal of 361 trees, a habitat restoration and revegetation plan, and replacement fencing; improvements to the facade of the existing clubhouse and surrounding area; demolition of the existing maintenance buildings (4,211 sq. ft.), cart barn (12,510 sq. ft.), tennis pro shop (618 sq. ft.) and flammable materials building (232 sq. ft.); and construction of a new maintenance building (7,771 sq. ft.), new golf pro shop (1,133 sq. ft.), new tennis pro shop (580 sq. ft.), four new tennis courts and a new cart barn (9,407 sq. ft.). The project would result in the construction of 982 net square feet of additional square footage. Parking at the site would be reconfigured and increased in number from 335 spaces to 400 spaces (268 paved, 132 grass), as originally required by the existing CUP, based on a membership of

680. The project would involve approximately 106,000 cubic yards of cut and 86,000 cubic yards of fill, which would be balanced on site.

No formal action on the development proposal will be taken at the environmental hearing.

The discretionary applications required for this project are:

1. A Modification to allow fencing to exceed 3-½ feet in height along the front lot lines (SBMC §28.92.110.A.3);
2. A Coastal Development Permit (CDP2008-00021) for the portion of the project (grading and vegetation removal) that is within the Appealable and Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
3. A Development Plan to allow the construction of 7,771 square feet of nonresidential development on APN 009-091-020 (SBMC §28.87.300); and
4. A Conditional Use Permit Amendment to permit the proposed changes to the site plan for the Montecito Country Club (SBMC 28.94).

Case Planner: Allison De Busk, Project Planner
Email: ADebusk@SantaBarbaraCA.gov

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

Bill Medel, Ty Warner Hotels & Resorts, introduced David Van Hoy, Architect, who gave the applicant presentation, and introduced William Brunsky, Landscape Architect, Girvin Associates; Jeremy Salts, Civil Engineer, Penfield & Smith; Larry Hunt, Biologist; Steve Welton, Suzanne Elledge Permit Planning Services; and Doug Fell, Attorney.

Chair Larson opened the public hearing at 2:59 P.M.

The following people commented in support of the project:

1. Hillary Hauser, Heal the Ocean - supports the project and the MND, applauds the storm water management plan.
2. Kalon Kelly – existing trees block his views, this is a good time to thin or remove these trees; informal pedestrian access and fire protection of the neighborhood is not discussed in the MND.
3. Michael Ditmore – supports the overall plan, but the loss of the emergency gate is a concern as it puts all traffic onto Alston.
4. Emmy Dunn – supports the project.
5. Woody Barrett – supports the project, applauds the improved drainage and water savings.

6. Tom Orlando – supports the project, applauds the reduced water consumption, reduced flooding, treatment of run-off, native plants and best management practices proposed.
7. Nigel Copley – supports the project, applauds the reduced water and pesticide use.
8. Hiro Tsuzuki – supports the project, it's environmentally friendly and fixes the existing drainage problems.
9. Debbie Dalee – agrees with previous comments about the proposed irrigation improvements.
10. Dave and Peter Alpert – support the project.
11. Gloria Vaughn – supports the proposed improvements, noted history of flooding issues on Old Coast Highway.
12. Lou Simioni – project benefits include new irrigation, site is an aesthetic gem.
13. Dawn Lucian – supports the project, it will be an improvement.
14. Marie Louise Peterson – agrees with prior comments.
15. Judy Hatfield – supports the project, site is like a gateway to the City.
16. Sam Maphis – project will fix existing environmental problems, safety improvements related to errant balls are positive.

With no one else wishing to speak, the public hearing was closed at 3:16 P.M.

Ms. De Busk responded to additional Planning Commission questions about the safety issues related to the closure of the gate by stating that the Fire Department had taken into consideration safety factors when it determined that the proposed solid fence would be acceptable; confirmed that reclaimed water is used for the golf course and will be used wherever possible;

Mr. Medel stated that the applicant will continue to work with the Fire Department and neighbors on emergency access ideas, as well as work with the owners to minimize liability.

The Commissioners made the following comments:

1. Commissioner Lodge requested more information on evacuation and supports the Golf course's use of reclaimed water, and would like to see even greater use.
2. Commissioner White asked that fire hazard and safety response and evacuation access/egress issues should be carefully studied. He remembers historic access through the site; it is a benefit to the neighborhood.
3. Commissioner White also asked that any potential impact on public views from Old Coast Highway, due to the berm, be studied.
4. Commissioner White wants more information about the pond liners – questioned the use of an impermeable system.
5. Commissioner White suggested that single residency occupancy units be looked at for maintenance employees, which could lower transportation demands. He also

- suggested studying shuttle services that the Club could offer employees for being picked up from the closest bus stop.
6. Commissioner White wants to hear about the Club's composting program and would like solar energy opportunities to be studied.
 7. Commissioner White also noted that the MND's Historical section did not include discussion of the history of the tennis courts.
 8. Commissioner Thompson would like to see the use of recycled water usage covered in more depth, especially since we are looking at use by a golf club in an area where water is critical.
 9. Commissioners Thompson and Larson would like to see the use of chemical fertilizers and pesticides covered with mitigations and procedures in place to not employ polluting chemicals, suggested following the city plan for safeguarding the environment.
 10. Commissioners Thompson, Lodge, White and Larson believe the emergency access gate issue needs to be covered from the standpoint of the neighborhood, not just the standpoint of the club. The issue needs much more analysis and discussion.

Chair Larson called a recess at 3:31 P.M. and reconvened the meeting at 3:41 P.M.

V. DISCUSSION ITEM:

ACTUAL TIME: 3:41 P.M.

DRAFT UPDATED UPPER STATE STREET AREA DESIGN GUIDELINES.

The draft guidelines constitute an update to the 1992 Upper State Street Area Design Guidelines (Guidelines). The guidelines are generally for public and City hearing body use in the formulation and review of development proposals. The updated guidelines are largely adapted from the Upper State Street Study adopted by City Council in May 2007. Staff presented the major updates and errata to the guidelines and recommends the Architectural Board of Review (ABR) and Planning Commission (PC) review and recommend the guidelines to the City Council for adoption.

Case Planner: Heather Baker, Project Planner
Email: HBaker@SantaBarbaraCA.gov

Heather Baker, Project Planner; Bettie Weiss, City Planner; and Jaime Limon, Senior Planner, gave the Staff presentation.

Chair Larson opened the public hearing at 3:49 P.M.

The following people commented on the project:

1. Connie Hannah, Santa Barbara League of Voters, submitted a public comment letter summarizing the League's concerns which included the protection of public views.

2. Paul Hernadi, Citizens Planning Association, submitted a public comment letter and summarized four points regarding divergence from the letter and spirit of the SD-2 ordinance.

With no one else wishing to speak, the public hearing was closed at 3:56 P.M.

Staff answered the Planning Commission's questions regarding Staff's consistency with the Guidelines and the SD-2 Ordinance; clarified that there are no side or rear setbacks in the overlay of the SD-2 zone or commercial zones; clarified the intent of open space land uses within front yard setback areas; and provided a status on the Army Reserve Center discussions. Staff also explained the logic behind uniformity in driveway spacing along Upper State Street to ease traffic friction.

Chair Larson re-opened the public hearing at 4:14 P.M.

Cathie McCammon concurred with comments made by the League of Women Voters, Citizens Planning Association, and Allied Neighborhood Association. Would like to see discussion on the SD-2 reviewed and changed. Asked that modifications not be granted for 'community benefits' that are already a part of city policy or law. Stated that the protection of public views should be addressed in the Guidelines, making exception for three-story buildings only if having the square footage which a two-story building would afford, maintaining parking for shoppers and support of pedestrian-friendly and alternative transportation amenities.

With no one else wishing to speak, the public hearing was closed at 4:16 P.M.

The Commissioners made the following comments:

1. The consensus of the Commission was that the Draft Design Guidelines were not ready for City Council consideration and constituted a "rough draft".
2. Commissioner Jacobs felt that Draft Design Guidelines would not be helpful to development applicants in Upper State Street due to too much internal contradiction. The Guidelines also need important elements that came out of the State Street Study, such as the corrected map that includes all of La Cumbre Plaza, and a corrected statement regarding the lack of parking in the central subsection. Will submit comments separately due to the large number of comments. Would like to see the contradictions in the Guidelines resolved. Suggested a similar size team work on the guidelines as was assigned for the Urban Design Guidelines.
3. Commissioner Thompson felt that the Guidelines are in need of serious editing; including providing Attachment A and correcting the sub-neighborhood map. Suggested that a Planning Commissioner and Architectural Board of Review Member could assist Staff if desired. Suggested strengthening directive phrases to "should /shall" rather than "may" and "could". Will submit individual comments to Staff.

4. Commissioner White would like to see the underground parking square footage clarified and see a comparison of the individual intent with what is now proposed.
5. Commissioner Bartlett noted that Page 1-1 should define the area as between Highway 101 and Calle Crespis, not Calle Laureles. Also, the Guideline's references material that talks about existing conditions needs to be updated to delete businesses and uses that no longer exist.
6. Commissioners Thompson and Bartlett requested clarification of the neighborhood map, and a review of the General Plan designation name of "North State Street", since State Street runs East and West.
7. Commissioner Bartlett suggested that modifications and community benefits need further clarification. With regard to underground parking, he stated that there are existing buildings, some that pre-date the SD-2 Ordinance, that have underground parking that is not visible from the street.
8. Commissioner Bartlett appreciated the form-based elements in the Guidelines and hope that they are further developed. Thought the pedestrian connections should be reviewed, such as the one from Chuck's Steak House to the Santa Barbara Cemetery.
9. Commissioner Bartlett, Thompson, and Lodge will be in attendance at the Architectural Board of Review on Monday, June 15th.

Ms. Weiss clarified that, from previous direction from Council, it was decided to affirm and not change the zoning standards and ordinance. Setback variation should be addressed through case-by-case setback modifications (not as a new standard). Maintenance of the required SD-2 20-foot setback is included in the Guidelines. Changes will not be made to the Guidelines which conflict with the Council Resolution, but other recommended changes to the Guidelines will be considered.

Chair Larson requested that Commissioners submit any written comments to Staff.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:46 P.M.

- A. Committee and Liaison Reports.
None were given.
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Chair Larson reported on the June 3, 2009 Staff Hearing Officer meeting.

VII. ADJOURNMENT

Chair Larson adjourned the meeting at 4:51 P.M.

Recorded by Gabriela Feliciano and Kathleen Goo, Commission Secretaries.

Submitted by Julie Rodriguez, Planning Commission Secretary

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City of Santa Barbara California

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CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 025-09

415 ALAN ROAD

ZONE CHANGE, GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT

JUNE 11, 2009

APPLICATION OF PATSY STADELMAN, BROWNSTEIN HYATT FARBER SCHRECK, LLP, AGENT FOR ANDREW M. SEYBOLD, 415 ALAN ROAD, APN 041-091-024, A-1/SD-3, ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2009-00083)

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

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

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

1. Staff Report with Attachments, June 4 2009.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Steven Amerikaner
 - b. Steve H. Dougherty, via email
 - c. Richard B. Tanner, Santa Barbara, CA

4. Correspondence received in opposition to the project:
 - b. Judy Orias, Allied Neighborhood Association, via email
 - c. Herbert L. Gravitz and Julie Borden, via email
 - d. Timothy Rodgers, M. D., via email
 - e. Paula Westbury, Santa Barbara, CA

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

Denied the initiation of the Zone Change, General Plan Amendment and Local Coastal Program Amendment.

This motion was passed and adopted on the 11th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Bartlett, Thompson) ABSTAIN: 0 ABSENT: 2 (Jacobs, Jostes)

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

Julie Rodriguez, Planning Commission Secretary

Date

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



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 026-09

203 CHAPALA STREET

MODIFICATIONS, COASTAL DEVELOPMENT PERMIT, TENTATIVE SUBDIVISION MAP

JUNE 11 2009

APPLICATION OF CEARNAL ANDRULAITIS, LLP, ARCHITECT FOR RICHARD SANDERS INVESTMENTS, 203 CHAPALA STREET, APN 033-041-001, R-4 AND SD-3 ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2007-00634, CDP2009-00007)

The project involves demolition of 9,909 square feet of an existing 11,211 square foot commercial building, and construction of a 12,367 square foot addition, resulting in 13,669 square feet of floor area on the 20,553 square foot parcel. The building would change from commercial to residential use with seven new residential condominiums (four 3-bedroom and three 2-bedroom units). The maximum building height would be 33 feet. Sixteen parking spaces would be provided in seven private garages, two carports, and two uncovered guest parking spaces.

The discretionary applications required for this project are:

1. Modification to allow a portion of the existing building to remain within the front setback on Yanonali Street (SBMC Subsection 28.21.060.A.2.a and §28.92.100.A);
2. Modification to allow the accessible access aisle encroach into the ten foot front setback on Los Aguajes Avenue (SBMC Subsection 28.21.060.A.3 and §28.92.100.A);
3. Modification to allow the second story of the building to encroach four feet into the ten foot rear setback (SBMC Subsection 28.21.060.C.2 and §28.92.100.A);
4. Coastal Development Permit (CDP2009-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
5. Tentative Subdivision Map for a one-lot subdivision to create seven residential condominium units (SBMC Chapters 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (infill development).

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

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

1. Staff Report with Attachments, June 4, 2009.
2. Site Plans

3. Correspondence received in opposition to the project:

a. Paula Westbury, Santa Barbara, CA

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

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

A. Front Setback Modification for Yanonali Street

As discussed in Section V of the staff report dated June 4, 2009, because of the preservation of the historic resource and the change of use to conform to the current zoning, this modification is consistent with the purposes and intent of the zoning ordinance and is necessary to secure an appropriate improvement on the lot.

B. Parking Setback Modification for Los Aguajes Avenue

As discussed in Section V of the staff report dated June 4, 2009, because the access aisle prevents the placement of any vehicle or structure within the ten foot setback and considering the lot constraints, including historic resources, mature vegetation, adjacent Mission Creek, and three front setbacks, this modification is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot.

C. Rear Setback Modification

As discussed in Section V of the staff report dated June 4, 2009, because the encroachment is adjacent to a parking lot, and in consideration lot constraints, including historic resources, mature vegetation, adjacent Mission Creek, and three front setbacks, this modification is consistent with the purposes and intent of the zoning ordinance and necessary to secure an appropriate improvement on the lot.

D. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara as discussed in Section VII.B of the staff report dated June 4, 2009. The site is physically suitable for the proposed development considering the flat topography and soil composition; the project is consistent with the variable density provisions of the Municipal Code and the General Plan as demonstrated in Section V of this staff report; and the proposed use is consistent with the vision for this neighborhood of the General Plan as demonstrated in Section VII.B of the staff report dated June 4, 2009. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems as discussed in Section VII.D of the staff report dated June 4, 2009.

E. The New Condominium Development (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

As discussed in Section VI of the staff report dated June 4, 2009, the project complies Condominium Ordinance.

2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

The project is consistent with policies of the City's General Plan including the Housing Element, and Circulation Element. The project will provide infill residential development that is compatible with the surrounding neighborhood, as discussed in Section VII.B of the staff report dated June 4, 2009.

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.

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. The design has been reviewed by the Historic Landmarks Commission, which found the architecture and site design appropriate.

F. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act; and

As shown in Section VII.B of the Staff Report dated June 4, 2009, the proposed project is consistent with the policies of the California Coastal Act.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

The proposed project is consistent with all applicable Local Coastal Plan policies of the Coastal Land Use Plan as demonstrated in Section VII.B of the staff report dated June 4, 2009, and all applicable Zoning Ordinance regulations with the requested modifications, as shown in Section IV.B of the staff report dated Junr 4, 2009.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The project is subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Appropriate Plants within Development Limitation Area.** Special attention shall be paid to the appropriateness of the existing and proposed plant material within the 25 ft development limitation area adjacent to Mission Creek. All

existing non-native or invasive plants within the 25 ft development limitation area shall be removed and replaced with native plant material as specified on the landscape plan consistent with the Biologist Assessment.

2. **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.
3. **Solar Power.** The applicant shall explore feasible options for the project, including stubbing out connections for future solar panel installation.
4. **Paving.** The applicant shall provide enhanced paving at the unloading zone.

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

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on June 11, 2009 is limited to demolition of 9,909 sf of an existing 11,211 sf commercial building and construction of a 12,166 sf residential addition and 2,641 sf garage, change from commercial to residential use for seven new residential condominiums (four 3-bedroom and three 2-bedroom units) and the improvements shown on the Tentative Subdivision Map signed by the chairperson of the Planning Commission on said date and on file

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| <ol style="list-style-type: none">1. natural watercourses, conduits and any access road, as appropriate.2. Recreational Vehicle Storage Prohibition. No recreational vehicles, boats, or trailers shall be stored on the Real Property.3. Landscape Plan Compliance. The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accor |
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at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, dance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices

intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). 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 applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

4. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of 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. **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.
 - d. **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.

- e. **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.
 5. **Pesticide or Fertilizer Usage near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Mission Creek Development Limitation Area.
 6. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Public Works Submittal Prior to Final 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 Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final 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 will prepare 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 submittal to Public Works for the Final Map review.
 4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by 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, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

6. **Chapala Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Chapala Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following: 6 ft wide sidewalk, 4 ft wide parkway, two one-way directional access ramps (one at intersection), new curb and gutter with 10 ft radius at intersection, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 ft beyond the limit of all trenching, public drainage improvements with supporting drainage calculations for drainage pipe and A470 curb drain outlet, supply and install one 21 ft residential Dome Style standard street light at intersection of Chapala and Yanonali Streets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, provide and install new street trees and tree grates if determined necessary by the City Parks Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **Yanonali Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Yanonali Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall the following: 6 ft wide sidewalk and 4 ft wide parkway along property frontage with the exception of +/- 60 lf sidewalk and new curb bulbout around the existing street trees, curb and gutter where damaged, +/- 15 lf of additional red curb, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 ft beyond the limit of all trenching, connection to City water main, public drainage improvements with supporting hydrology report for installation of drainage pipe and A470 curb drain outlet, City crews to retire street lamp from power pole across Yanonali Street near intersection of Los Aguajes Avenue, supply and install one Dome Style 21 ft residential standard street light in place of retired lamp in front of project site, with final placement per City Facilities Superintendent and, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, provide and install new street trees and tree grates if determined necessary by the Parks Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
8. **Los Aguajes Avenue Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Los Aguajes Avenue. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the

Public Works Department, the improvements shall be the following: 6 ft wide sidewalk and 4 ft wide parkway along property frontage, remove existing driveway approach and replace with new curb, gutter, sidewalk and parkway, construct new driveway approach modified to meet Title 24 requirements, saw-cut and replace curb and gutter where damaged, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 ft beyond limits of all trenching, connection to City sewer main, public drainage improvements with supporting hydrology report for installation of drainage pipe, and curb drain outlet, supply and install one 21 ft residential Dome Style standard street light at intersection of Los Aguajes Avenue and Yanonali Street, to be reviewed by the appropriate design review board and final location per City Facilities Superintendent, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, provide and install new street trees and tree grates if determined necessary by the Parks Commission, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

9. **Land Development Agreement.** The Owner shall submit an executed *Land Development Agreement*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 10. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building Permit.
 3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager.
- E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

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 ft 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 the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. 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.
 2. **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 copy of the notice to the Planning Division.
 3. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work with required monitoring as specified in the Tree Protection Plan dated September 21, 2008. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
 4. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. As of the date of project approval, the inclusionary housing fee is \$18,000 for each unit/lot in the project. For this project, the required inclusionary fee is \$126,000.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section A above.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

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

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

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Parks Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is 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.

- G. **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
1. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 2. **Construction-Related Truck Trips.** Construction-related truck trips 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 3. **Haul Routes.** 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, shall be approved by the Transportation Manager.
 4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st*
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 Chief of Building and Safety 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 ft of the parcel of intent to carry out night 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.

6. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
7. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
 9. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 10. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
 11. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 12. **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, telephone number(s), 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 ft in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square ft if in a multi-family or commercial zone or six square ft if in a single family zone.
 13. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, as follows:
 - a. **Grading Plan Notes.** Notes on the grading plan that specify the following:

- (1) Existing trees located on site shall be protected to the maximum extent feasible.
- (2) No grading or development shall occur within the driplines of trees which occur within the construction area.
- (3) No trenching of any kind is to occur within the critical root zone of any tree without the knowledge and supervision of the project arborist.
- (4) All trees within 25 ft of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to the City of Santa Barbara throughout all grading and construction activities. The fencing shall be installed six ft from the trunk base of each tree and shall be staked every six ft. All workers are to be apprised of the fact that tree trunk scarring is a permanent condition leaving it disfigured for life.
- (5) No construction equipment shall be parked, stored, or operated within six ft of tree dripline.
- (6) All concrete and plaster tool and paint brush cleaning is to be done using a moveable metal basin and disposed of off site each time it is full. No washing out onto the ground is to occur.
- (7) Fill soil may be temporarily filed onto tree roots for no longer than two months duration. Where soil compaction from heavy machinery is anticipated over root zones, chips are to be used to a depth of 3-4" to cover the soil.
- (8) Roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under direction of an Arborist/Biologist approved by the City of Santa Barbara.
- (9) Sycamore tree roots may be encountered in the area of the two rectangular building extensions at the northeast end and even in shallow areas of patio hardscape installation. Excavation is to be carried out manually only (except in the case of boring for pylon placement). Any roots over three inches in diameter are to be bridged utilizing the pylon grade beam type of foundation. This will be needed along most of the edge of the Chapala Street side building edge to protect roots and avoid over excavation and soil compaction. The project arborist is to be called in during critical points of potential tree impact.
- (10) Trenching required within the dripline or sensitive root zone of a tree shall be done by hand.

- (11) No permanent irrigation shall occur within the dripline of existing tree. Construction activity required within three ft of the tree's dripline shall be done with hand tools.
 - (12) Trees located within 25 ft of proposed buildings shall be protected from stucco or paint during construction.
 - (13) All new paving under existing trees to remain, unless otherwise noted, will be ungrouted pavers on a sand base.
 - (14) The trunk junction of the Western sycamore tree (#7 on landscape plan) is to be cleaned out. The attachment could be weak which may lead to re-attaching a non-functional cable connection (though up higher along the trunks).
 - (15) Grading for the driveway and construction activity will affect the root system of the rear Star pine tree (#5 on the landscape plan) and Canary Island date palms (#2 and #4 on the landscape plan). The activity here is to be overseen by a qualified arborist. All roots encountered over two inches in diameter are to be cut cleanly with a saw.
 - (16) As noted by red shading on the landscape plan, at all points of critical procedures and decision involving tree protection, the project arborist is to be called to supervise.
 - b. **Tree Relocation.** The existing Canary Island date palm trees noted as #11 and #12 on the landscape plan shall be relocated on the Real Property and shall be fenced and protected during construction.
 - c. **Existing Tree Preservation.** The existing trees shown on the approved Landscape Plan to be saved shall be preserved and protected and fenced six ft outside the dripline during construction.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 15. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
 16. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological

resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant 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.

- H. **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 damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if spas, pools or solar panels are installed, at this time or any time in the future.
 4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not

mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).

6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
 7. **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.
 8. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
- I. **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 the City Council denial of the appeal and approval of 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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's 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.

This motion was passed and adopted on the 11th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Jostes)

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

Julie Rodriguez, Planning Commission Secretary

Date

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