



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** September 10, 2009  
**AGENDA DATE:** September 17, 2009  
**PROJECT ADDRESS:** 617 Bradbury Avenue (MST2007-00559)

**TO:** Planning Commission

**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Suzanne Riegler, Assistant Planner *SR*

### I. PROJECT DESCRIPTION

This is an appeal of the July 15, 2009 Staff Hearing Officer's approval of a Modification and Tentative Subdivision Map. The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,488 square foot (s.f.), three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

### III. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal, and approve the project making the findings and subject to the conditions of approval contained in Staff Hearing Officer Resolution # 062-09 attached as Exhibit A.

### IV. ISSUES

On July 25, 2009, an appeal was filed by Wanda Livernois, a neighbor, and is attached as Exhibit B. The neighbor has appealed the approval of the project because she believes the

building is not compatible with the neighborhood and a modification should not have been granted to locate the required 15' by 15' common open area in a front yard.

#### **A. COMMON AREA MODIFICATION**

The outdoor living space required in SBMC§ 28.21.081 of the ordinance allows for two methods of providing required outdoor living space. The applicant chose to provide this space using the private outdoor living space method (Method A), which is comprised of three areas: 1) Private Outdoor Living Space for each unit based on unit size and the location it is provided. 2) Open Space which is to be provided on grade and total a minimum of 10% of the lot area and to be located outside of the required setbacks; and 3) Common Open Space area which can be located on grade, on the second or higher story or a roof deck but must be accessible by all units.

The private outdoor living space has been met and exceeded. Each of the two-bedroom units would be required to provide an 84 s.f. private outdoor living space area with a minimum 6-foot dimension. Unit 1 has a total of 239 square feet (almost 3 times the required area, provided in a 140 s.f. deck, a 51 s.f. rear balcony, and a 48 s.f. side balcony). Unit 2 has a total of 254 square feet (3 times the required area, provided in 155 s.f. deck, a 51 s.f. rear balcony, and a 48 s.f. side balcony).

The open space area must be 10% of the lot area or 500 square feet for the subject site, which by ordinance is required to be located outside of setbacks. The project proposes 718 square feet of open space on grade or 14.3% of the lot area. The project is mixed-use project requiring zero setbacks.

The project before the commission meets the size requirements for each of the open space but does not meet the locational requirements of the Common Open Space as allowed for in SBMC§28.21.081.3. The ordinance states that the common open space may not be located in a front yard as defined by SBMC§ 28.04.710. The project is providing an area in the front yard that includes the walkway, which measures 15' 6" by 21' 6" (333.25 sq. ft.). The SHO discussed the appropriateness of including the walkway in the dimensions and determined it was not appropriate to include the walkway. The area, excluding the walkway, measures 12' x 21'6" (258 sq. ft.) is the appropriate common open area. The SHO determined that the area exceeded the 225 square feet (15' x 15') required by the ordinance and provided a useable common open area for the development. As discussed in the July 15, 2009 staff report the applicant considered other solutions that would result in a project that did not require a modification request. Consideration was given to relocating the common area but it was determined that the design would be negatively impact and would result additional mass being brought forward to the street. A roof top location would result in an increase in height with the addition of required railings and roof access, and/or would reduce the ability to achieve the projects goal of a sustainable building that includes green roofs and solar panels.

#### **B. NEIGHBORHOOD COMPATIBILITY**

The project site is located in area that is adjacent to El Pueblo Viejo Landmark District and is a block away from the Brinkerhoff Landmark District. The appellants feels that the project is

incompatible in architectural style as well as use. Stating that the style is too modern and should be more compatible with the one-story bungalows that are Victorian and early twentieth century in styles, and that the commercial use would be a new introduction on this side of the block. Staff recognizes that the area is a transitional area that is changing from residential uses to more commercial uses allowed by the C-2 zoning. As described in the June 11, 2009 staff report the property has a general plan designation of Commercial/Residential 12 units per acre and it was envisioned that the properties from De La Vina to Chapala would transition over time from single family residential to higher density residential or low intensity commercial uses. Staff continues to find that the use is consistent with the goals and policies of the General Plan and local zoning ordinance with regards to neighborhood compatibility.

The architectural style and project design as they relate to neighborhood compatibility have been reviewed by the Architectural Board of Review (ABR) on six occasions (meeting minutes are attached as Exhibit E). On March 23, 2009, the ABR forwarded the project to the SHO with comments finding that the mass, bulk and scale was acceptable with additional comments on design issues. The majority of the board found that the architectural style is compatible with the neighborhood. The vote by the board was split with three in favor, two in opposition and one member abstaining from the vote. The opposition and abstention votes were based on concerns with regards to neighborhood compatibility and size, bulk, and scale. The project returned to the ABR on June 29, 2009 for additional comments on the parking and the common open space related issues. The ABR supported the location of the open yard with further refinement to the design to provide a visual benefit for the community and neighborhood while meeting the operational requirements for the users of the site. The board felt the direction given at the previous meeting on March 23, 2009 gave the applicant adequate direction that the mass, bulk and scale was appropriate and did not provide any further comment.

Exhibits:

- A. Staff Hearing Officer Resolution No. 062-09 dated July 15, 2009
- B. Appellant's letter, dated July 25, 2009
- C. July 15, 2009 Staff Hearing Officer Staff Report
- D. July 15, 2009 Staff Hearing Officer Minutes
- E. June 17, 2009 Staff Hearing Officer Staff Report
- F. June 17, 2009 Staff Hearing Officer Minutes
- G. ABR Minutes





# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 062-09  
617 BRADBURY AVENUE  
MODIFICATION AND TENTATIVE SUBDIVISION MAP  
JULY 15, 2009

**APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC,  
617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN  
DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)**

The project consists of the demolition of an existing single-family residence, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,508 square foot, two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 983 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 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 Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

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

**WHEREAS**, one person appeared to speak in favor of the application, and three people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 9, 2009.
2. Staff Report and Attachments, June 17, 2009.
3. Site Plans
4. Correspondence received in support of the project:  
Greg Griffin, 428 De La Vina Street, Santa Barbara, CA

5. Correspondence received in opposition to the project:
  - a. Theony Candos, 4754 Camino del Rey, Santa Barbara, CA
  - b. Karen McFadden, submitted via e-mail

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

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

A. **Modification (SBMC §28.21.081.A.3. and §28.92.110.A)**

The modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement of the lot. Each of the residential units of this mixed-use building has more than double the required private outdoor living space which provides adequate useable outdoor area. The proposed 270 square foot common open space, although it does not meet minimum dimensions, provides adequate useable outdoor space for both the commercial and residential tenants.

B. **Tentative Map (SBMC §27.07.100)**

With approval of the Modification, the Tentative Subdivision Map is consistent with the City of Santa Barbara's Zoning Ordinance and General Plan as discussed in Sections V and VI of the June 11, 2009, staff report. The site is physically suitable for the proposed development, and the proposed use is consistent with the vision for the West Downtown neighborhood of the General Plan.

As discussed in Section VIII of the June 11, 2009, staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems

C. **New Condominium Development (SBMC §27.13.080)**

1. As demonstrated in Section V and VI of the June 11, 2009, staff report, and with approval of the modification of the common open area, the project complies with all provisions of the City's Condominium Ordinance, including density requirements, laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space.

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

The project is found consistent with policies of the City's General Plan including the Land Use and Housing Elements, as discussed in Section VII.B of the June 11, 2009, staff report. The project will provide residential development that is compatible with the surrounding neighborhood.

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 design has been reviewed by the Architectural Board of Review, which found the architecture and site design appropriate. 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, as described in the June 11, 2009, staff report. In addition, a stated goal of the project is LEED Platinum certification.

- II. 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. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied.
    1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
    2. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk using a different walkway material.
    3. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
    4. **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.
  - 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 Staff Hearing Officer on July 15, 2009, is limited to a three-story, 5,978 square foot mixed use building on a 5,000 square foot lot located in the Central Business District. The proposal includes two residential condominiums and two commercial condominium units totaling 918 square feet of non-residential square footage. Parking is provided in two residential one-car garages and four open parking spaces (1 parking space is accessible) on the ground floor of the project 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 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. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices 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 is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **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. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
  - f. **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.
7. **Use Limitations.** Due to potential parking impacts, the conversion of residential units to commercial floor area is not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

- 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:
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 will prepare said agreement for the Owner's signature.
  3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section B.6. above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
  4. **Drainage Calculations/Hydrology Report.** The Owner shall submit drainage calculations prepared by a registered civil engineer 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. **Bradbury Avenue Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Bradbury Avenue. As determined by the Public Works Department, the improvements shall include the following: sidewalk (width to match existing), parkway, supply one install one 36 inch minimum box size *Pyrus kawakamii* (Evergreen Pear), residential driveway apron modified to meet Title 24 requirements, raise

existing sandstone curb, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, one new sewer lateral, public drainage improvements with supporting drainage calculations for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per MUTCD with CA supplements, new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement, and prior to recordation of the map if improvements are not complete at the time of map recordation.
8. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.

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 Parcel Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department, or shall submit securities for the public improvements if map recordation is deferred until following construction.

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 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist 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. **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 Transportation Manager.
  4. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
  5. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- 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 Architectural Board of Review, 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 Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.5. above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.  
  
Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
6. **Conditions on Plans/Signatures.** The final Staff Hearing Officer 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. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
  2. **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.
  3. **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.
  4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
  5. **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.
  6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.

7. **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 31 <sup>st</sup> *
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 feet 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.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
- 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.
  - 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.
9. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map and Site Plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
10. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
11. **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.
12. **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.
  4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
  5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
  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. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
  8. **Story Pole Photographic Record.** The applicant shall submit photographs of the completed building from the same locations as the photographs taken of the story pole installation for recordation purposes.
- 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.

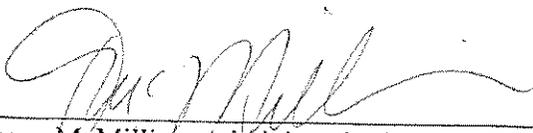
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification 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 TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Map shall expire three (3) 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 15th day of July, 2009, by the Staff Hearing Officer of the city of Santa Barbara.

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



Deana McMillion, Administrative/Clerical Supervisor on behalf of  
Gloria Shafer, Staff Hearing Officer Secretary

7-21-09

Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.



July 25, 2009

**RECEIVED**  
JUL 27 2009

Santa Barbara City Planning Commission  
630 Garden Street  
Santa Barbara, CA. 93101

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

To Whom It May Concern:

The residents, property owners, of Brinkerhoff Avenue, De la Vina Street, and environs, regarding a proposed mixed-use project at 617 Bradbury Avenue (MST2207-00559), believe that the Staff Hearing Officer erred in granting to the applicant on July 15, 2009, a modification of the common open area requirements (SBMC 28,21,081,A.3). We hereby appeal that decision to the Planning Commission, and ask that the Commission take corrective action and deny this modification.

The grounds for our appeal are as follows:

1. The primary purpose of modifications is to prevent unreasonable hardship for a homeowner or developer when an existing, non-conforming feature is part of or is accommodated by a project. In the proposal for 617 Bradbury, the project area is essentially a vacant lot (there is a small, 392-square-foot structure that is planned to be demolished). There is no reason to grant a modification when there are no barriers to complying with the zoning ordinance.
2. Though it is unfortunate that staff apparently originally misinformed the applicant about the minimum common open area requirement, that is not an excuse for waiving the requirement, especially as no plans have received preliminary approval.
3. The SHO justified the modification with the observation that "each of the residential units of this mixed-use building has more than double the required private outdoor living space which provides adequate useable outdoor area." This ignores the clear language and stated intent of 28.21.081.A ("Outdoor Living Space: Private Living Space Method"). It is not within the discretion of the SHO simply to ignore parts of the ordinance that the applicant finds inconvenient.

SBMC 28.21.081 A describes three distinct types of outdoor space: 1. private outdoor living space; 2. open space; and 3. common open area. Each of these types of outdoor space has a required minimum area, and at no point in the ordinance is it suggested that the over-provision of one type obviates the need for another. The applicant is free to provide more than the minimum of any or all of the three types of outdoor space, but according to the ordinance, he must provide at least the minimum of each of the three.

The ordinance language on open space is particularly telling: "In addition to all setbacks, every lot satisfying the outdoor living space requirement in accordance with this private outdoor living space method shall provide on grade open space of an area not less than ten percent (10%) of the

**EXHIBIT B**

net lot area in accordance with the provisions of this paragraph 2. *The intent of this provision is to provide relief from building volume, driveways, and parking beyond that afforded by setbacks.*

The last sentence makes it clear that, contrary to the SHO's assumption, the provision of open space is meant not only to satisfy the need for private open space; the explicit tri-partite structure of 28.21.081.A was carefully designed to supply public amenities as well.

This points to the larger, fundamental problem with this project. It is out of harmony with its surroundings. It is a massive, lot-line-to-lot-line, three story structure that will tower over its neighbors, primarily one-story bungalows in Victorian and early-twentieth-century styles. It intrudes a commercial use into a block face that is almost exclusively residential. What's more, this massive modernist building is proposed to be built on a site scarcely a hundred feet from the Brinkerhoff Avenue Landmark District. The proposed project would substantially affect the properties in the 600 block of De la Vina. Both the Planning Commission and the Architectural Board of Review need to seriously consider how this project, in its current form would damage the surrounding neighborhood.

Sincerely,

*Wanda Livernois*

Wanda Livernois  
533 Brinkerhoff Avenue  
Santa Barbara, CA. 93101  
805-962-42477  
Email: Livernois@hotmail.com



**City of Santa Barbara**  
Community Development Department

**Staff Hearing Officer Report**

**REPORT DATE:** July 9, 2009

**AGENDA DATE:** July 15, 2009

**PROJECT ADDRESS:** 617 Bradbury Avenue (MST2007-00559)

**TO:** Staff Hearing Officer

**FROM:** Planning Division  
Danny Kato, Senior Planner  
Suzanne Johnston, Assistant Planner

**Background**

On June 17, 2009, the Staff Hearing Officer (SHO) held a hearing on the subject property. At that hearing, a required Modification of common open space was not noticed; therefore the SHO could not take action on the project. After reviewing the project, the SHO continued the project with direction for the applicant to resolve the open space issue and to restudy the amount of parking and provision of private garages, as well as address the concerns regarding privacy issues between the project site and adjacent properties. The purpose of this staff report is to augment the previous staff report, dated June 11, 2009.

**Project Description**

The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,508 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 983 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

## **Recommendation**

With the approval of the requested Modification, the proposed project conforms to the City's Zoning and Building Ordinances, and policies of the General Plan. Additionally, the size and massing of the project are compatible with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in this report, dated July 9, 2009, and subject to the conditions of approval in Exhibit A of the staff report dated June 11, 2009.

## **ISSUES**

### **Circulation Element**

The project proposes two parking spaces per unit, located in garages inside a parking area on the ground floor. The Zoning Ordinance requires a minimum of one parking space per unit for mixed use buildings in the Central Business District. During the June 17<sup>th</sup> hearing, the SHO questioned the project's consistency with the General Plan Circulation Element, with regard to the excess residential parking provided. Although parking maximums have been a subject of discussions in the Plan Santa Barbara process, there are no policies in the Circulation Element that require or even encourage parking maximums. There are policies that recognize downtown housing creates opportunities for less reliability on the automobile and that minimizing the demand for parking in the downtown area is a goal. Policy 8.5 states,

*The City Shall promote/ facilitate the development of [downtown] housing to decrease the need for parking through an increased walking/biking population that lives, works, and shops in the Downtown (see Chapter 13).*

Chapter 13 expands on this policy with 13.2.2, stating,

*Consider amending the Zoning Ordinance to reduce parking requirements for properties near major transit corridors if it can be demonstrated that a negative impact will not occur. In conjunction with this reduction, the City shall evaluate and aggressively monitor the results to ensure continued use of alternative means of travel and to justify reduced parking demands.*

These policies recognize the benefits of locating residential units downtown, by limiting additional traffic and parking demand through use of alternative modes of transportation. However, no policy states that a means of achieving a reduction for parking demand downtown is to limit the amount of available, private, on-site residential parking. Therefore, although staff supports one space per unit for a project at this site, staff believes that the provision of two parking spaces per residential unit is consistent with the Circulation Element.

The parking area is on the ground floor, with the residential units above, and the commercial spaces in front. This type of parking area is commonly referred to as a parking garage, since it's mostly enclosed. The four residential parking spaces and the two commercial spaces are contained within the parking garage. Each set of two residential spaces is separated from the rest of the parking garage by a garage door (like those found on a garage attached to a house). The SHO voiced concerns about

the configuration of garages within a parking garage, in that this configuration eliminated the ability for the residential and commercial uses to share parking spaces, which is one of the benefits of mixed-use buildings. This is a common solution to the residential parking requirement. On June 29, 2009, the Architectural Board of Review (ABR) found the garage within a garage concept acceptable.

### **ABR Review**

The ABR reviewed the project again on June 29, 2009, and found the location of the proposed common open space to be acceptable, although the design needed further study to accommodate the users' need for outdoor living and a visual benefit for the community and neighborhood; found the garage within a garage concept acceptable; found the balcony solution (raising the outer wall to be 4.5 feet high) to be unacceptable, and suggested widening the side balconies inwards, so that users would not be forced to the outer edge of the balcony; found the proposed trees on the south property line and at the sidewalk to be unacceptable due to concerns about trees and roots crossing property lines and affecting sidewalks and pavement, and directed the applicant to return with tall, columnar trees that would not have to be trimmed; had concerns about the viability of the green walls for installation and maintenance due to the proximity of the walls to the property line, on the south and west property lines. The ABR's action did not include comments on the size, bulk and scale, as the members felt that the direction given to the applicant at the March 23, 2009 meeting (size, bulk and scale are acceptable) is still appropriate.

### **Modification for Common Open Space**

The project is providing private outdoor living space for the residential units. The project must also provide a common open space that is at least 15'x15'. The purpose of the common open space is to provide some recreational open space for occupants of the building. The common open space is not allowed to be in the front yard (setback or remaining). Unfortunately, Staff did not examine the new requirements closely, and mis-interpreted this locational requirement. Therefore, Staff thought the common open space met all requirements, and so informed the applicants early in the review process. Staff discovered the error just prior to the June 17<sup>th</sup> meeting. Since a Modification had not been noticed, the SHO could not take action on the project.

The applicants studied several locations for the common open space, and found the proposed location to be the most viable for recreational space. Additionally, they have enlarged the area, by relocating the bicycle storage area. The proposed common open space includes the main walkway into the development and a large palm tree. The ABR found the location to be appropriate, with the design to be further refined. Additionally, the project provides oversized private outdoor living space (140 s.f. and 155 s.f. provided vs. 84 s.f. required), and two additional decks (approx. 75 s.f. and 50 s.f.) per unit. The combination of the excess private outdoor living space and the common open space is more than adequate for the two proposed units, despite the common open space's location in the front yard.

## FINDINGS

The Staff Hearing Officer finds the following:

**A. Modification (SBMC §28.21.081.A.3. and §28.92.110.A)**

The modification is consistent with the purposes and intent of the Zoning Ordinance because a useable common open space is provided in a location found to be acceptable by the ABR, and each of the residential units is being provided with more than double the required private outdoor living space. The modification is necessary to secure an appropriate improvement of a mixed use building whose mass, bulk and scale has been found appropriate by the ABR.

**B. Tentative Map (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the City of Santa Barbara's Zoning Ordinance and General Plan as discussed in Sections V and VI of the June 11, 2009 staff report. The site is physically suitable for the proposed development, and the proposed use is consistent with the vision for the West Downtown neighborhood of the General Plan.

As discussed in Section VIII of the June 11, 2009 staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems

**C. New Condominium Development (SBMC §27.13.080)**

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

As demonstrated in Section V and VI of the June 11, 2009 staff report, the project complies with all provisions of the City's Condominium Ordinance, including density requirements, laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space.

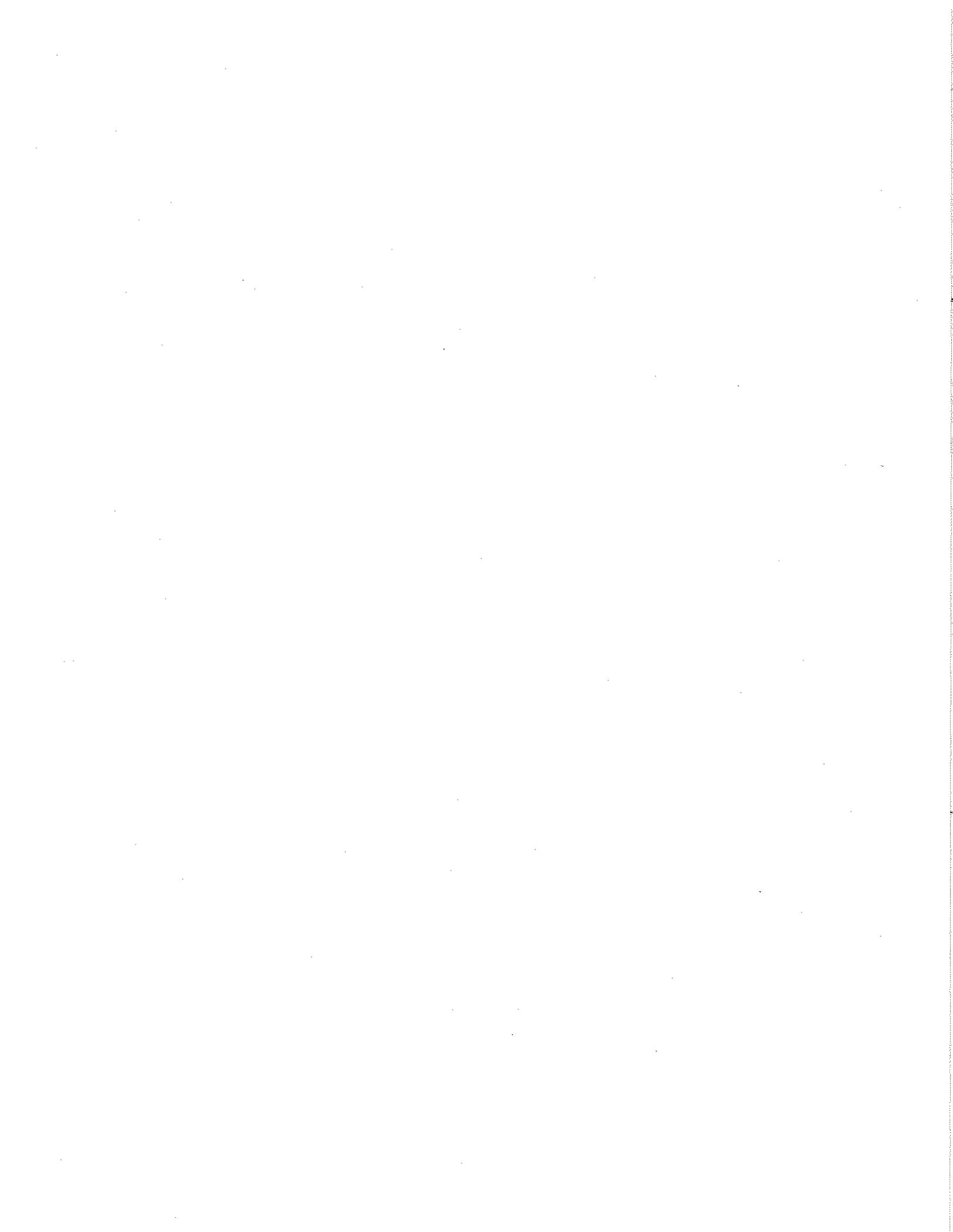
2. *The proposed development is consistent with the General Plan of the city of Santa Barbara.*

The project is found consistent with policies of the City's General Plan including the Land Use and Housing Elements, as discussed in Section VII.B of the June 11, 2009 staff report. The project will provide residential development that is compatible with the surrounding neighborhood.

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 design has been reviewed by the Architectural Board of Review, which found the

architecture and site design appropriate. 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, as described in the June 11, 2009 staff report.



**ACTUAL TIME: 9:59 A.M.**

**CONTINUED FROM JUNE 17, 2009**

**E. APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)**

The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,508 square feet, two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 983 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 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 Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

Danny Kato, Senior Planner, gave the Staff presentation and recommendation. Mr. Kato stated that the project was continued from the previous SHO hearing due to an error in failing to note that the Zoning Ordinance requires a 15x15 open space on the lot which cannot be located in the front yard. The 15x15 open space proposed in the front yard does not meet Zoning Ordinance requirements. Mr. Kato reported on the ABR's comments and concerns.

Mr. Kato stated that the three foot wide strip of land to the west of this site is owned by the heirs of the original subdivision, not the City as previously thought.

Present: Clay Aurell, Architect; Josh Blummer, Associate; Fae Perry and David Black, Owners; Jack Kessel, Landscape Architect.

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

Ms. Reardon asked whether other areas were considered for the open space. Mr. Aurell stated that staff suggested having open space on the roof, but ADA issues prevented that option. An alternative was to utilize space at an upper level deck, but the 15 foot dimension was not acceptable. The best option was to have open space at the ground plane.

The Public Hearing was opened at 10:35 a.m.

Caroline Vassallo, opposed: three ABR members had problems with size, bulk, scale, and were concerned about lack of story poles. Not opposed to mixed use, but sensitivity of street charm is needed.

Wanda Livernois: surprised by applicant's problem with uncovered parking; requested copies of story pole photographs.

Robert Livernois: questioned whether story poles were installed; opposed to tree removal; supported the parking.

Andy Roteman: in support of the modification; having open yard space in front is the best option.

A letter in support of the project from Greg Griffin was acknowledged.

Two letters in opposition of the project from Karen McFadden and Theony Condos.

The Public Hearing was closed at 10:47 a.m.

Ms. Reardon questioned whether there is room to have an open garage and a closed garage for each unit. Ms. Swanson explained that it might be reasonable to reduce the garage width by 6 inches providing a garage narrower for the single user, allowing the open shared garage space to be wider.

Ms. Reardon stated that the added planters on the second story decks that are to be located on the north and south sides responds adequately to her previous concerns, but requested the ABR to restudy the privacy issues related to the proposed balconies on the west (rear) side of the proposed building for an appropriate solution. Ms. Reardon also asked the applicant to work with the ABR to further reduce the mass, bulk and scale of the building in particular with regards to the third floor mass.

**ACTION:**

**Assigned Resolution No. 062-09**

Approved the subject application making the findings contained in the Staff Report dated July 9, 2009, as revised at the hearing, and subject to the Conditions of Approval contained in Exhibit A of the Staff Report dated June 11, 2009, as revised at the hearing, with the following conditions: 1) B.1: revise to state "...parking is provided in two residential one-car garages and five open parking spaces..."; 2) B.2: delete "the following three protection measures shall be incorporated" and 3) add the new condition "H.7. Story Pole Photographic Record. The applicant shall submit

photographs of the completed building from the same locations as the photographs taken of the story pole installation for recordation purposes.”

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

**III. ADJOURNMENT:**

Ms. Reardon adjourned the meeting at 11:46 a.m.

Submitted by,

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Deana McMillion, Administrative/Clerical Supervisor on behalf of  
Gloria Shafer, Staff Hearing Officer Secretary





# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** June 11, 2009  
**AGENDA DATE:** June 17, 2009  
**PROJECT ADDRESS:** 617 Bradbury Avenue (MST2007-00559)

**TO:** Staff Hearing Officer

**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner  
Suzanne Johnston, Assistant Planner

### I. PROJECT DESCRIPTION

The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,508 s.f., two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 983 s.f. and are located on the 1<sup>st</sup> and 2<sup>nd</sup> floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 983 square feet of nonresidential development (SBMC §28.87.300); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

### III. RECOMMENDATION

The proposed project conforms 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 IX of this report, and subject to the conditions of approval in Exhibit A.

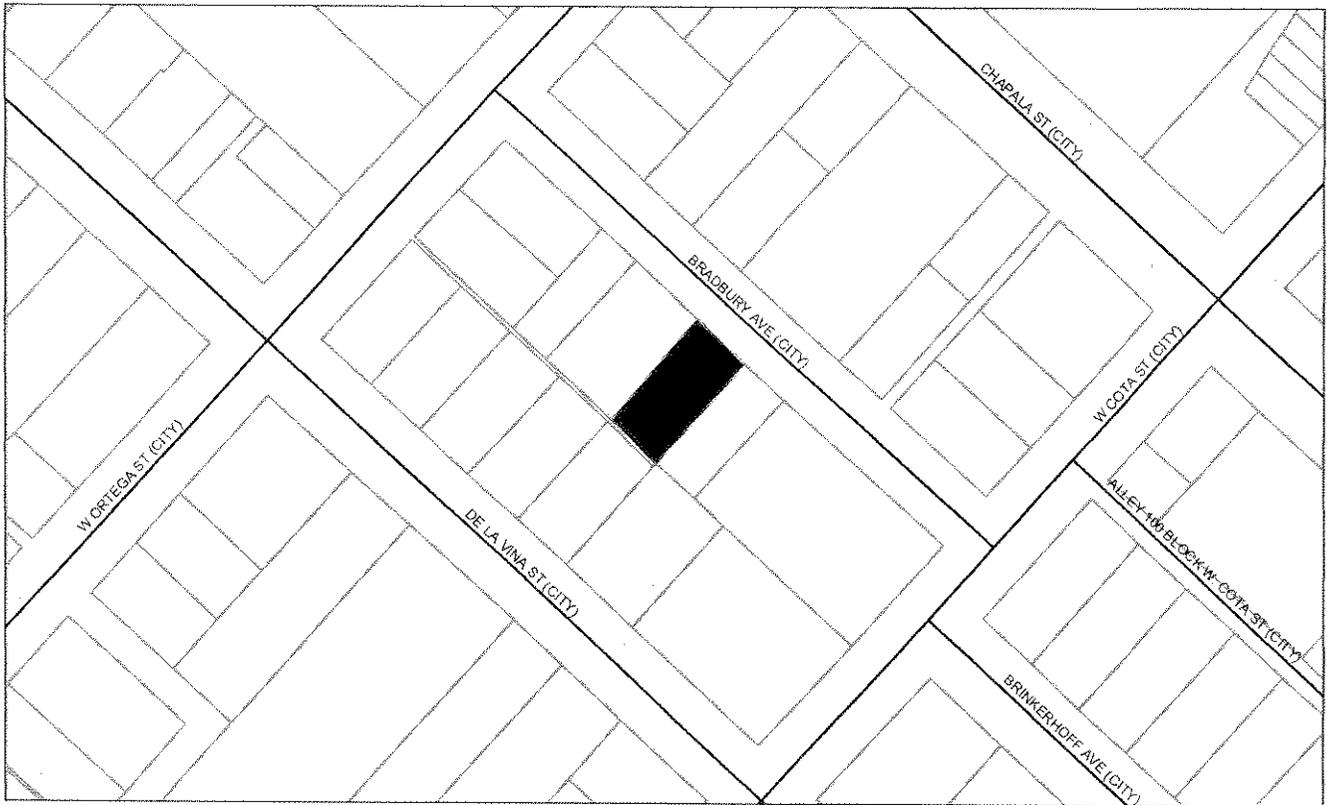


Figure 1: Vicinity Map

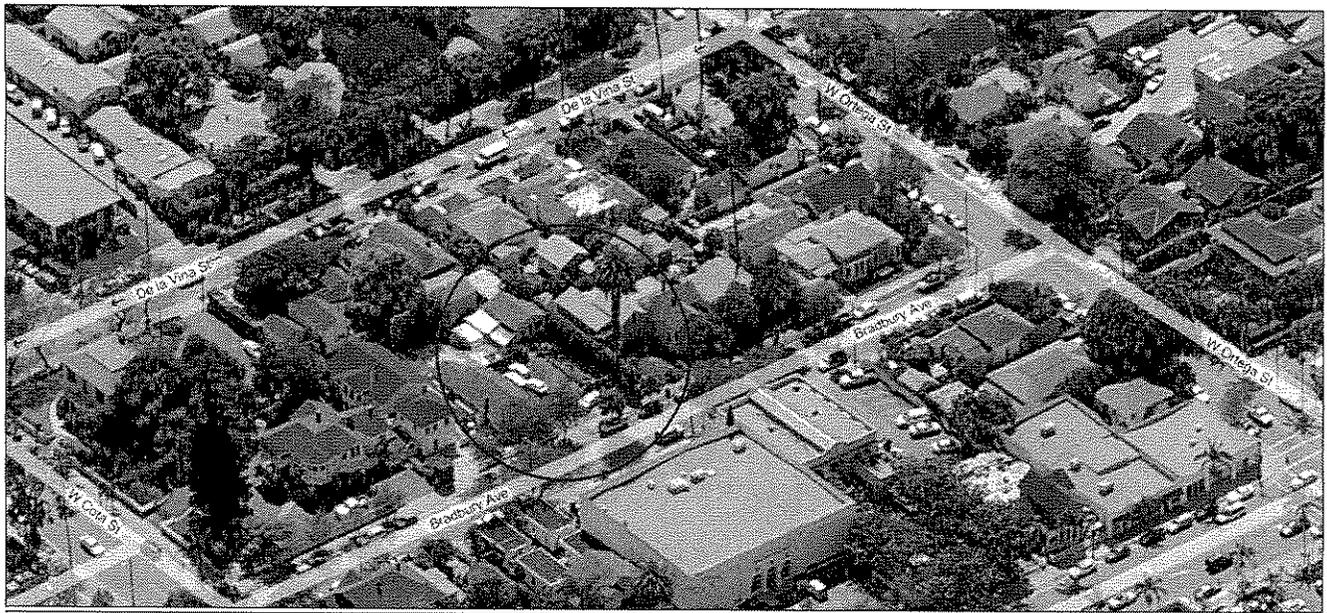


Figure 2: Birds eye aerial view of property from the west.

**APPLICATION DEEMED COMPLETE:** May 7, 2009  
**DATE ACTION REQUIRED PER MAP ACT:** June 26, 2009

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Clay Aurell AB Design Studio, Inc.	Property Owner: LEED Santa Barbara, LLC
Parcel Number: 037-122-006	Lot Area: 5,000 s.f.
General Plan: Commercial / Residential 12 Units/Acre	Zoning: C-2 Commercial
Existing Use: Residential	Topography: 2%
Adjacent Land Uses:	
North – Residential South – Residential	East - Commercial West - Residential

**B. PROJECT STATISTICS**

	Existing	Proposed
Living Area	392	3,012
Garage	0	1,478
Commercial	0	998
Total	392	5,488
Decks	0	576

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	0'	75'	0'
-Interior	0'	3'	1'
-Rear	0'	1'	6"
Building Height	60'		29' 8"
Parking	1 space/residential unit 1 space/500 s.f. commercial	2	4 residential 2 commercial
Lot Area Required for Each Unit (Variable Density)	2,320 s.f. per 2 bed. unit	> 2,320 sf.	4,640 sf 2 two-bedroom units

10% Open Space	500 sf	> 500 sf	714 sf	
Private Outdoor Living Space	84 s.f. on 2 <sup>nd</sup> story or above 10' min dimension	> than 500 sf	140 s.f. - Unit 1 155 s.f. - Unit 2	
Common Open Area	15' x 15' (225 sf)	> than 15' x 15'	15' x 15'	
Lot Coverage				
-Building	N/A	432	8.6%	3,595 72.0%
-Paving/Driveway	N/A	1,749	35.0%	687 13.7%
-Landscaping	N/A	2,819	56.4%	718 14.3%

The proposed project would meet the requirements of the C-2 Zone.

**VI. NEW RESIDENTIAL CONDOMINIUM DEVELOPMENT**

Section 27.13.060 discusses the required physical standards for new residential condominium developments. The standards include parking, private storage space, separate utility metering, either private or common laundry facilities for all units, waiver of the right to protest a public improvement district, density requirements, minimum unit size and minimum outdoor living space requirements, and that a determination regarding the storage of recreational vehicles be made by the advisory agency at the time of approval. The project exceeds the minimum required number of off-street parking spaces, provides separate laundry facilities, and all condominiums have separate utility metering. The private storage space requirement for new residential condominiums is allowed to be waived if an enclosed garage is provided for that unit. The two residential units have separate two-car garages which would allow for the waiver to be granted. The number of dwellings is consistent zoning ordinance density requirements.

The outdoor living space provided is consistent with SBMC Section 28.21.081. The residential development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. However, the General Plan Land Use and Housing Elements recognize that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. The proposed projects would result in a density of approximately 17 units per acre, which, based on the above discussion, would be consistent with the Land Use and Housing Elements of the General Plan.

**VII. ISSUES**

**A. DESIGN REVIEW**

This project was reviewed by the ABR on five (5) occasions (meeting minutes are attached as Exhibit D). On March 23, 2009, the most recent review, the ABR stated that the applicant has made considerable effort to reduce the overall mass, bulk, and scale of the building, and in reducing the massing away from the north and south property lines; the Board finds the mass, bulk, and scale of the project acceptable; and that the applicant should study and confirm the

privacy (concerns) of the balconies of the two residential units toward the north and south adjacent neighbors. The Board further stated that the applicant should continue to study and confirm the detailing and sustainability of the green screen. The project was forwarded to the Staff Hearing Officer with a split vote. The ABR vote was 3 in favor of the motion, 2 in opposition, and one member abstained. The concerns of the opposition and abstention votes centered around neighborhood compatibility and size, bulk, and scale.

## **B. COMPLIANCE WITH THE GENERAL PLAN**

### ***Land Use Element:***

The West Downtown neighborhood is bounded on the north by Sola Street; on the south and west by Highway 101; and on the east by De la Vina, Ortega and Chapala Streets. West Downtown contains extensive commercial as well as residential use. One of the oldest residential neighborhoods in the City, West Downtown contains some of Santa Barbara's architecturally important residential structures. Many of these homes have been converted into relatively low-density apartments. In addition, new apartment complexes are replacing older single-family houses as West Downtown continues in transition to higher-density residential and commercial uses. Increased commercial activity has occurred in the eastern portions of the area, primarily on Chapala and Carrillo Streets.

This section of Carrillo Street west of De la Vina Street is destined to become one of the most traveled arterials in the City circulation system. For that reason, the General Plan proposed that it shall be designated to perform the principal function of carrying traffic from the freeway, the Westside, and the Mesa into the Core and existing and future commercial uses should minimize conflict with smooth traffic flow into the CBD. "Commercial uses are appropriate if they are of a low intensity and are suited to this transition area." Since it is in close proximity to the downtown business and shopping area, the General Plan considers West Downtown to be appropriate for apartment development, and allows twelve dwelling units to the acre. The entire neighborhood is zoned for multiple-unit development or commercial uses (R-3, R-4 or C-2), even though substantial portions are currently occupied by single-family homes. The project is consistent with the zoning, density, and land use designations for the neighborhood and will provide an additional residential unit.

### ***Housing Element***

A goal of the Housing Element is to provide a full range of housing opportunities for all persons. Santa Barbara has very little vacant or available land for new infill residential development and, therefore, the City has supported build-out of housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The proposed development would provide homeowner opportunities in a neighborhood with close proximity to employment and commercial opportunities. The project site is located within walking distance to many local restaurants and shops creating opportunities for alternative modes or transportation. The project's residential density is consistent with the city's zoning and general plan policies as discussed in Section VI above.

**C. PARKING**

The parking required for the development proposed is two commercial parking spaces and two residential parking spaces, because the site is located in the Central Business District. All residential units are required to have only one parking space. The commercial parking no matter what use is to be provided at a rate of one parking space per 500 net square feet of floor area. The site is also located in a 10% parking zone of benefit. Staff considers the site to be "over parked" with 6 parking spaces provided. During Plan Santa Barbara General Plan Update process, there have been discussions that included the idea of parking maximums and allowing no more than what is currently allowed for in the parking ordinance to be provided, with alternative modes of transportation being encouraged. The property is located in the downtown's central business districts with an abundance of shops, restaurants, and public transportation with a few blocks of the location. It is the applicants desire to pursue a project with two-car garages for each unit for better marketability.

**D. MEASURE E (NON RESIDENTIAL SQUARE FOOTAGE)**

The project proposes a total of 983 square feet of new non-residential square footage in two commercial condominiums. Every commercially zoned property in the city was allocated 3,000 square feet of new commercial square footage when Measure E was passed in 1989 by the City's voters. The first 1,000 square feet of additions is allocated from the Minor Additions category and does not require that a development plan be approved for the project.

**VIII. ENVIRONMENTAL REVIEW**

An environmental assessment was completed under the City's Master Environmental Assessment and it was determined that the project was not located in environmentally sensitive areas, with the exception of the archaeological sensitivity map. A phase I archaeological report was completed by Stone Archaeological Consulting, and a determination was made that the project would not have a significant impact on archaeological resources, and that no mitigation would be required. Staff has determined that, with the above recommendation, the project qualifies for an exemption from further environmental review under Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions) California Environmental Quality Act (CEQA) Guidelines.

**IX. FINDINGS**

The Staff Hearing Officer finds the following:

**A. THE TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the City of Santa Barbara's General Plan as discussed in Section VI of the staff report and consistent with the Zoning Ordinance, as shown in staff report Section V. The site is physically suitable for the proposed development, and the proposed use is consistent with the vision for the West Downtown neighborhood of the General Plan.

As discussed in Section VIII of the staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems

**B. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)**

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

As demonstrated in Section V and VI of the staff report, the project complies with all provisions of the City's Condominium Ordinance, including density requirements, laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space.

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

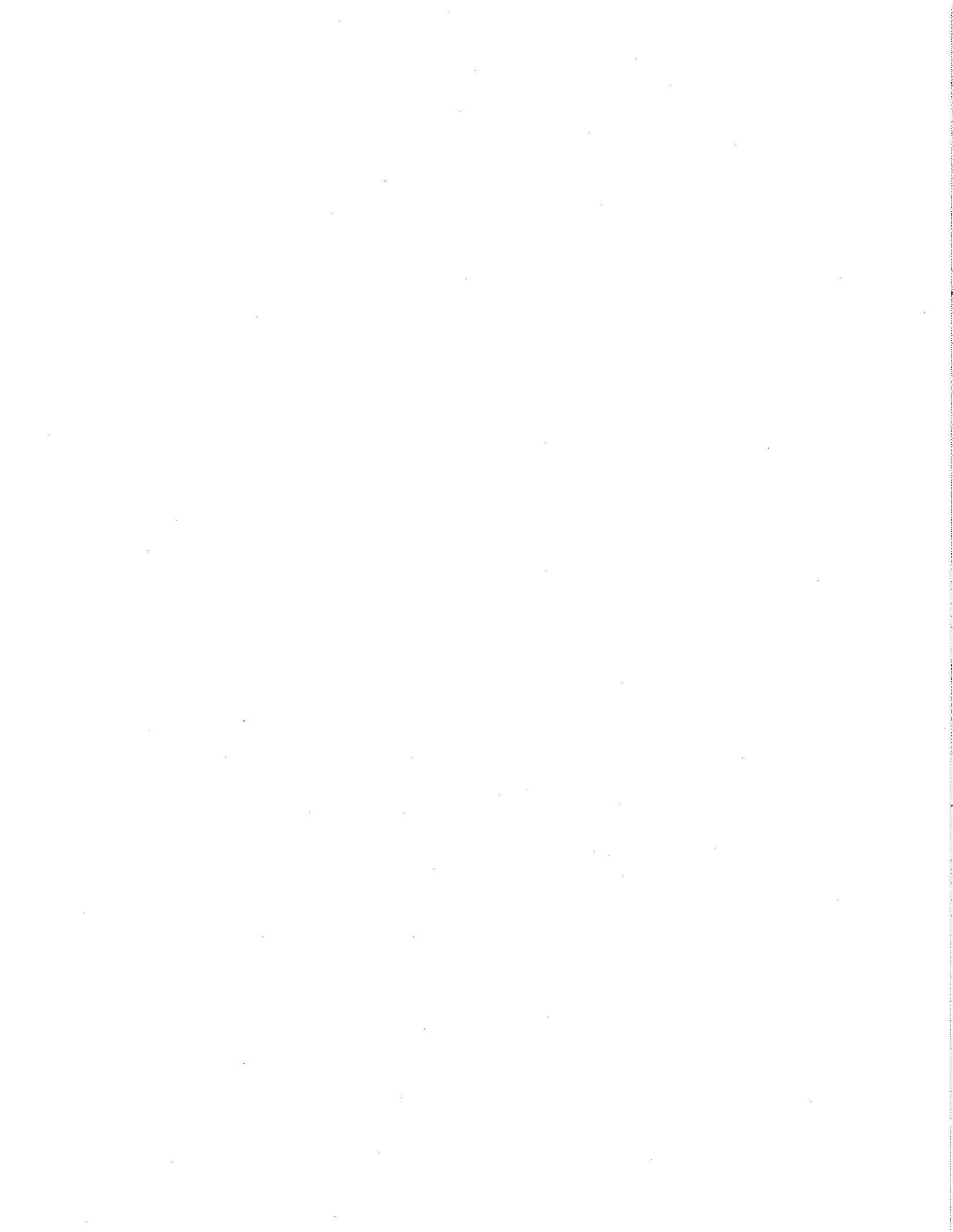
The project is found consistent with policies of the City's General Plan including the Land Use and Housing Elements, as discussed in Section VII.B in the staff report. The project will provide residential development that is compatible with the surrounding neighborhood.

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 design has been reviewed by the Architectural Board of Review, which found the architecture and site design appropriate. 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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated April 6, 2009
- D. ABR Minutes



ACTUAL TIME: 10:49 A.M.

**G. APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)**

The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,508 s.f., two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 983 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 983 square feet of nonresidential development (SBMC §28.87.300); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 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 Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Use Divisions).

Present: Josh Blummer, Architect; Fae Perry, Owner.

Danny Kato, Senior Planner, gave the Staff presentation and recommendation. Mr. Kato explained that the Zoning Ordinance requires a 15x15 open space on the lot which cannot be located in the front yard. The 15x15 open space proposed in the front yard does not meet the Zoning Ordinance requirements. Therefore the Staff Hearing Officer can not take action on the project today. Mr. Blummer responded that during initial discussions it was the Zoning staff's understanding that the space as proposed was in compliance with the ordinance.

Ms. Dawn Sherry, ABR Vice-Chair, explained that in the first two reviews it was felt that the project was too large. However the new applicant worked with ABR on reducing the mass, bulk, and scale. Some Board members were still not comfortable with the mass, bulk, and scale, but reductions of height and distance to the interior property line allowed a majority of the board to make finding of compatibility and massing.

The Public Hearing was opened at 11:17 a.m.

Wanda Livernois, opposed: concerned about the loss of sunlight; size is not compatible to the neighborhood; the lot is too small for a mixed use project.

Robert Livernois, opposed: the mass, bulk, scale and architecture are not compatible with the neighborhood.

Caroline Vassallo, opposed: the proposal is not compatible with the character and style of the neighborhood.

A letter in opposition from Paula Westbury was acknowledged.

The Public Hearing was closed at 11:31 a.m.

Ms. Reardon requested clarification of the provision for excess parking and potential inconsistencies with the city's adopted Circulation Element and current discussions occurring in the Plan SB process, maneuverability, and shared parking for mixed-use projects. Ms. Swanson, Transportation Planner, explained that maneuverability issues were corrected through the DART process. Applicants with projects larger than two units are advised to meet but not exceed the Parking Ordinance of one space per unit, however it was the applicant's preference to provide two parking spaces per unit. The proposed garage door design currently is not prohibited by Zoning Ordinance.

Ms. Reardon also expressed concerns regarding proposed balconies in regards to privacy issues between the project site and adjacent neighboring properties; and suggested the project return to ABR for additional comments related to the projects size, bulk, and scale and neighborhood compatibility.

The hearing was recessed at 11:58 and reconvened at 12:10.

Ms. Reardon continued the project four weeks to July 15 for the applicant to resolve the open space issue and to restudy the amount of parking and provision of private garages, as well as address the concerns regarding privacy issues between the project site and adjacent properties.

### III. ADJOURNMENT

The meeting was adjourned at 12:11 a.m.

Submitted by,

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Gloria Shafer, Staff Hearing Officer Secretary



ARCHITECTURAL BOARD OF REVIEW  
CASE SUMMARY

617 BRADBURY AVE

MST2007-00559

M-MIXED USE

Page: 1

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**Project Description:**

The project consists of the demolition of an existing 392 square foot single-family residence, and the construction of a sustainable, 5,488 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Bicycle parking and a changing room are provided within the garage structure. The residential units are 1,506 square foot, two-bedroom, and three-story units at the rear of the lot. The commercial units are a total of 998 square feet and are located on the first and second floor adjacent to the street. The proposal includes 2,015 square feet of green roof and upper level landscape plantings. The project requires compliance with Staff Hearing Officer Resolution No. 062-09.

**Activities:**

**7/27/2009**                      ***ABR-Preliminary Review Hearing***

*(Project requires compliance with the Staff Hearing Officer Resolution No. 062-09.)*

**7/20/2009**                      ***ABR-Resubmittal Received***

*For Preliminary Approval*

**6/29/2009**                      ***ABR-Concept Review (Continued)***

*(Sixth Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Staff Hearing Officer review of a Tentative Subdivision Map.)*

*(7:24)*

*Present: Josh Blumer of AB Design Studio; David Black, Landscape Architect; Fae Perry, Owner; and Danny Kato, Senior Planner.*

*Public comment opened at 7:41 p.m.*

*The following people spoke in opposition to the proposed project: Robert Livernois, Wanda Livernois, and Theory Condos.*

*Opposition letters from Paula Westbury, Caroline Vassallo, and Karen McFadden were acknowledged*

**Activities:**

*by the Board.*

*The following people spoke in support of the proposed project: Glen Griffin and Mike McCormack  
A support letter from Glennon Mueller was acknowledged by the Board.*

*Public comment closed at 7:54 p.m.*

*Motion: Continued indefinitely to the Staff Hearing Officer and return to Full Board with comments:  
ARCHITECTURE:*

- 1) The Board is concerned with the proximity of the south and west walls to the property line with regards to the ability to both construct the wall and adequately maintain the plantings.*
- 2) The common area within the front setback is acceptable, but it appears that the design is somewhat complicated. One Board member suggested removal of the palm tree to allow for more planting area.*
- 3) The Board finds the garages within garages are an acceptable and appropriate solution to maintain privacy for the tenants of the residential units.*
- 4) Increasing the depth toward the center of the proposed second level balconies would be one solution to alleviate the privacy issue by allowing the tenant to step away from the outside edge of the balconies.*
- 5) The Board is disappointed of not being notified of the posted story poles; however, the Board upholds its previous motion from 03/23/09: "Applicant has made considerable effort to reduce the overall mass, bulk, and scale of the building, and in reducing the massing away from the north and south property lines; the Board finds the mass, bulk, and scale of the project acceptable." The Board would still like the applicant to provide photo documentation of the story poles at the next meeting.*

*LANDSCAPING:*

- 1) The trees proposed on the south property line and the sidewalk should be replaced with trees that do not have to be trimmed.*

*Action: Sherry/Rivera, 3/3/0. Motion failed. (Gross/Zink/Manson-Hing opposed, Mosel stepped down, Aurell absent.)*

*Substitute Motion: Continued indefinitely to the Staff Hearing Officer and return to Full Board with comments:*

*ARCHITECTURE:*

- 1) The Board is concerned with the proximity of the south and west walls to the property line with regards to the ability to both construct the wall and adequately maintain the plantings.*
- 2) The common area within the front yard is acceptable, but it appears that the design is somewhat complicated. The Board looks forward to an appropriate design to return at a future date.*
- 3) The Board finds the garages within garages are an acceptable and appropriate solution to maintain privacy for the tenants of the residential units.*
- 4) Increasing the depth toward the center of the proposed second level balconies would be one solution to alleviate the privacy issue by allowing the tenant to step away from the outside edge of the balconies.*
- 5) The Board would support a design for the open yard area to accommodate the users need for outdoor living and in addition provide a visual benefit to the community and a more neighborhood feel.*

*LANDSCAPING:*

- 2) The trees proposed on the south property line and the sidewalk should be replaced with tall slender trees that do not have to be trimmed.*

*Action: Sherry/Rivera, 4/2/0. Motion carried. (Zink/Manson-Hing opposed, Mosel stepped down, Aurell absent.)*

**Activities:**

*Staff notes: The Board was disappointed of not being notified of the posted story poles; however, the Board upholds its previous motion from 03/23/09: "Applicant has made considerable effort to reduce the overall mass, bulk, and scale of the building, and in reducing the massing away from the north and south property lines; the Board finds the mass, bulk, and scale of the project acceptable." The Board would still like the applicant to provide photo documentation of the story poles at the next meeting in order to clarify the approval of the mass, bulk and scale for this project.*

**6/23/2009                      ABR-FYI/Research**

*Meeting on 6/29/09 will be the sixth concept level review at ABR. Applicant notified prior to the last ABR meeting that fees are due for the fifth and each subsequent reviews. (\$290.00 = 1/4 of the current fees.)*

**6/23/2009                      ABR-Resubmittal Received**

*Resubmittal for ABR progress review.*

**3/23/2009                      ABR-Concept Review (Continued)**

*(Fifth Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Staff Hearing Officer review of a Tentative Subdivision Map.)*

*(7:47)*

*Present: Josh Blumer and Denise Rocha of AB Design Studio; and Fae Perry/David Black, Owners.*

*Mr. Blumer clarified that the palm tree on the site is no longer proposed to be removed, which will also be indicated on the plans.*

*Staff clarified that the "compatibility" of the project are "Compatibility Criteria" and are not "findings" for the Board to make as referenced in comments made by the Board.*

*Public comment opened at 8:00 p.m.*

*Tony Vassalo, posed various questions and concerns, tallest height on project (29.8 feet), number of parking spaces provided by two commercial unit (2 parking spaces for the one commercial unit), the City's requirement for commercial parking (1 parking space per 500 sq. ft.), staff verified no parking exception is not requested nor required.*

*Wanda Livernois, opposed: size, bulk and scale is still too large and massive on a small lot, and not compatible with neighborhood, project should be redone.*

*Robert Livernois, opposed: architectural style of project not compatible with neighborhood, buildings are too high and big for small lot, and project lacks adequate landscaping.*

*Opposition letters from Jim and Kathy Smock, and Paula Westbury were acknowledged by the Board.*

**Activities:**

*Public comment closed at 8:09 p.m.*

*Motion: Continued indefinitely to the Staff Hearing Officer and return to Full Board with comments:  
ARCHITECTURE:*

*1) Applicant has made considerable effort to reduce the overall mass, bulk, and scale of the building, and in reducing the massing away from the north and south property lines; the Board finds the mass, bulk, and scale of the project acceptable.*

*2) Study and confirm the privacy (concerns) of the balconies of the two residential units toward the north and south adjacent neighbors.*

*LANDSCAPING:*

*1) Continue to study and confirm the detailing and sustainability of the green screen.*

*Action: Sherry/Gross, 3/2/1. Motion carried. (Zink/Rivera opposed, Manson-Hing abstained, Aurell/Mosel stepped down, Blakeley absent).*

**3/17/2009**

***ABR-Resubmittal Received***

*Received three sets for continued full board review. Project was continued four weeks from 2/23/09.*

**3/16/2009**

***ABR-FYI/Research***

*Note to Counter Staff: Project is scheduled for the 3/23 ABR meeting and it will be the fifth review. Submittal expected on 3/16/09. Please advise applicant that fees are required for 5th and subsequent fees (1/4 of the current fee).*

*Please advise applicant to pay fees. I already told applicant about the fees and added the fees for the 3/23/09 meeting (\$290.00).*

*Project continued four weeks from 2/23/09 ABR meeting.*

**3/16/2009**

***ABR-FYI/Research***

*Note that the 3/23/09 review is the 5th project review - but third review with the new architects - AB Design.*

**2/23/2009**

***ABR-Concept Review (Continued)***

*(Fourth ABR Concept Review. Comments only; Project requires Environmental Assessment and Staff Hearing Officer review of a Tentative Subdivision Map.)*

*(6:50)*

*Present: Josh Blumer and Denise Rocha of AB Design Studio; and Fae Perry, Owner.*

*Chair Manson-Hing disclosed that he met with the applicant to review the progress of the project.*

*Chair Manson-Hing would like it to be noted for the record that while this is the fourth review of the*

**Activities:**

*project it is the second review by the new architects.*

*Public comment opened at 7:03 p.m.*

*Opposition letters from Jim Smock, Kathy Smock, Mark Maslan, and Paula Westbury were acknowledged by the Board.*

*The following members of the public expressed opposition to the proposed project:  
Wanda Livernois, Robert Livernois, and Tony Vassalo.*

*Public comment closed at 7:22 p.m.*

*Motion: Continued four weeks to Full Board with comments:*

**ARCHITECTURE:**

- 1) A majority of the Board agreed that the materiality and style of the proposed project are compatible, and that the compatibility criteria could be made on the project.*
- 2) Applicant to confirm with Transportation Staff and return with maneuverability issues and Building Code issues resolved.*
- 3) The majority of the Board is not comfortable with the mass and scale of the proximity and height of the north and south two-story green walls at the adjacent property lines.*

**LANDSCAPING:**

- 1) The Board would prefer the palm tree to remain as a nice skyline tree enjoyed from many locations in the surrounding neighborhood; however, it was noted that the palm tree is not an essential component to the project. One Board member was opposed to the removal of the palm tree.*

*Action: Sherry/Gross, 3/1/1. Motion carried. (Zink opposed, Manson-Hing abstained, Mosel/Aurell stepped down, Blakeley/Rivera absent).*

**1/30/2009****ABR-Resubmittal Received**

*Received three sets for continued concept review at FB. Itemized explanation on resubmittal sheet explaining how changes have been made from previous motion on 12/1/08.*

**12/1/2008****ABR-Concept Review (Continued)**

*(Comments only; Project requires Environmental Assessment and Staff Hearing Officer review of a Tentative Subdivision Map and Development Plan Approval Findings.)*

*(7:07)*

*Present: Josh Blumer and Denise Rocha of AB Design Studio; and Fae Perry, Owner.*

*Public comment opened at 7:27 p.m.*

*The following members of the public spoke in opposition to the proposed project:  
Wendy Livernois, Greti Croft, Michael Terry, and Barbara Primeau.*

*Five opposition letters from Greti and Jim Croft, James and Kathleen Smock, Tony and Caroline*

**Activities:**

*Vassallo, Paula Westbury, Mark Maslan and Ann Cumming were acknowledged and read into the record.*

*The Arborist report by Peter J.H. Winn was read into the record regarding the palm tree species proposed for the project.*

*Public comment closed at 7:44 p.m.*

*Motion: Continued indefinitely to return to Full Board with the following comments:*

**ARCHITECTURE:**

- 1) The Board finds a desire to have a more compatible development with the neighborhood. Some Board members find that the actual style of the building and roof would be more appropriate. Applicant to restudy the size, bulk, scale and materiality.*
- 2) Applicant to study size, bulk, and scale of the rear portion of the project. The Board feels that the walls on the property line are not helping in this relationship, in that in a transitional neighborhood, the walls make it look too large; whereas a lot of the neighborhood has setbacks on the property line allowing for landscaping, fencing, trees, etc. Applicant to have more of the structure relocated off the property line by at least 3 feet.*
- 3) Board looks for continual design elements to break up the boxiness in the rear area like some of the elements used in the front portion of the building such as columns, corbels, beams that help break down the scale and have relationship to the neighborhood porches.*
- 4) Direction is better, and finds the two story mass in the front and the setback on either side to the neighborhood for landscaping as acceptable.*
- 5) Show how fireplace chimney works with the building.*
- 6) The Board finds that Items #2 and #3 of the Compatibility Guidelines are still lacking.*
- 7) Some Board members find that Items #4 of the Compatibility Guidelines is still lacking neighborhood compatibility.*

**LANDSCAPING:**

- 1) Roof planters and secondary roof forms are a concern, not only on how they will be used but how they will be maintained. Applicant to find solutions.*
  - 2) Provide adjacent and back building scaled elevations*
  - 3) Arborist to revise the report to reflect the life span of the variety of trees; specifically the palm tree.*
- Action: Mosel/Blakely, 6/0/0. Motion carried. (Gross absent, Aurell stepped down).*

**12/1/2008**                      **ABR-Notice Prepared-PC/SHO Req**

**10/22/2008**                      **ABR-Resubmittal Received**

*Three sets received for ABR.*

**6/30/2008**                      **ABR-Concept Review (Continued)**

*(Second Concept Review. Comments only; project requires environmental assessment and Staff Hearing Officer review of a Tentative Subdivision Map and Development Approval Findings.)*

**Activities:**

Time: 4:27

Present: Ted Powel, Architect; Laura Powel, Landscape Designer; Kay Perry, Owner.

Public comment opened at 4:46 p.m.

1. A letter in opposition from Paula Westbury was acknowledged.
2. A letter from Mark Maslan addressing concerns for hindrance of the historic aesthetic of the neighborhood was read (photo submitted).
3. A letter from Berka Smock addressing height concerns was read (2 photos submitted).
4. A letter from Celeste and Lee Varner, addressing concern for the historic neighborhood was read.
5. A letter in support from Christi Vior was read.
6. Wanda Livernois : the project is too big for the neighborhood.
7. Mark Maslan: the project is too tall for the neighborhood.

Public comment closed at 4:57 p.m.

Straw vote: How many board members are concerned about neighborhood compatibility? 6/0/0.

Straw vote: How many board members are concerned about the size bulk, scale 6/0/0.

Straw vote: How many board members are concerned about lack of landscape and open space? 6/0/0.

Motion: Continued indefinitely and return to the Full Board with the following comments:

- 1) The Board is concerned with the size, bulk, and scale of the project and the lack of neighborhood compatibility, landscaping and open space in relation to the surrounding neighborhood. The board looks to the applicant to study ways to reduce the size, bulk, and scale, in addition to providing a project that is LEED certified and blends with the surrounding neighborhood.
- 2) Provide building sections on both sides, and indicate distance between building floors.
- 3) The Board appreciates the applicant's efforts to provide a quality LEED building; however, there is concern with the wind turbines as shown, the appropriateness to the neighborhood, and the possibility of other design solutions. Study and provide cut-sheets and solutions that address the turbine units and the appropriateness to the neighborhood.
- 4) Prior to resubmittal, applicant to confer with the City Arborist and obtain a letter addressing the existing Canary Island Palm tree.
- 5) The elevations are dark and unreadable; therefore, the Board is unable to comment on the architecture. Provide accurate and clear drawings and elevations.
- 6) Applicant to verify planning and building issues prior to resubmittal.

Action: Sherry/Zink, 5/0/0. Motion carried. (Aurell and Blakeley absent.)

6/10/2008

**ABR-Resubmittal Received**

2/11/2008

**ABR-Concept Review (New) - PH**

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER REVIEW OF A TENTATIVE SUBDIVISION MAP AND DEVELOPMENT APPROVAL FINDINGS.)

**Activities:**

*Presenters: Ted Powel, Architect; Laura Powel, Landscape Designer; Kay Perry, Owner. Heather Baker, Project Planner, City of Santa Barbara.*

*Staff comment: Per recommendation of the City Arborist, the existing palm tree is a significant skyline tree and can be saved. The tree in the existing state is not hazardous; however it is suggested for maintenance to remove the dead fronds.*

*Public comment opened at 8:01 p.m.*

*1) Wanda Livernois: project not compatible to the neighborhood, concerned about possible loss of tree.*

*2) Robert Livernois: concerned about potential loss of a significant tree.*

*3) Letters from Paula Westbury, James Smock, and Mark Maslan were read into the record.*

*Public comment closed at 8:19 p.m.*

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

*1) Research the exterior character to be more compatible with the neighborhood style.*

*2) Redesign the project to be more authentic in styling.*

*3) The existing tree should remain in its current location.*

*4) Show the adjacent structures on the site plan.*

*5) The Board is happy to see a project striving for LEED certification.*

*Action: Paul Zink/Christopher Manson-Hing, 7/0/0. Motion carried. (Blakeley absent.)*

**2/11/2008**

***ABR-Notice Prepared-PC/SHO Req***

**1/31/2008**

***ABR-Posting Sign Issued***

*posting sign issued to Fay Perry, applicant*

**1/2/2008**

***ABR-Resubmittal Received***

*Received three sets with revised cover sheet and project statistics forms. Revised project description in Advantage per applicant's direction. I checked items requested by Heather Baker and this is taken off HALT status. S. Gantz*