



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: September 25, 2014
AGENDA DATE: October 2, 2014
PROJECT ADDRESS: 1298 Coast Village Road (MST2004-00293)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4565
 Renee Brooke, AICP, Senior Planner *ALD for RLB*
 Peter Lawson, Associate Planner *P*

I. PROJECT DESCRIPTION

The project consists of reconfiguring the residential portion of an approved, but not yet constructed, three story mixed-use development. The proposal includes reducing the number of units from eight to six dwelling units and changing the layout of the units from two-level town house style condominiums to single-level condominiums. Four units would be located on the second level and two units would be located on the third level. The bedroom configuration would change from a range of one- to three-bedroom units to all units having three bedrooms. The size of the commercial space on the ground floor would not change from what was approved.

On the third level, an uncovered patio along the northern lot line is proposed for each unit. One patio would be located in the area of a second level roof element and the other patio would be located in an area approved as habitable space. The required private storage space for each residential unit would be relocated from the ground level, adjacent to the parking area, into each unit. The reduction in units and relocated private storage would result in additional parking being available for both the residential and commercial components. Finally, the proposed re-configuration would cause minor revisions to the northern and western elevations, but no changes to the overall gross square footage.

II. REQUIRED APPLICATION

The applicant is requesting a Substantial Conformance Determination (SCD) by the Community Development Director on the proposed changes to the approved project. A SCD is an administrative action and staff solicits input from other City departments, boards and commissions, and/or public groups, depending on the nature of the proposed changes. This input will be provided to the Community Development Director to aid in his decision on the request.

Because the proposed project results in minor changes to the elevations, staff requested that the project be scheduled for design review. The project was presented to the Architectural Board of Review for an in-progress review on August 18, 2014. The item was noticed to all property owners within 300 feet of the project and interested parties. Additionally, staff is requesting input from the Planning Commission on the proposed changes.

III. BACKGROUND

The discretionary actions for the project included a Development Plan, Coastal Development Permit, three Modifications, Tentative Subdivision Map, and a Local Coastal Program Amendment. The original project proposed the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The approved three story, 18,196 square foot mixed-use building is comprised of eight residential condominiums and approximately 5,000 square feet of commercial space located on the ground floor. All of the residential units are townhouse style with the entrances located on the second level off of a common interior courtyard. Five of the approved residential units have two bedrooms, two units have one bedroom each and one unit has three bedrooms. A total of 36 parking spaces are provided in the approved project, with 8 covered parking spaces located at grade level and 28 parking spaces located below grade. Access to the parking areas would be from Olive Mill Road. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

The project originally included four Modification requests:

- 1) A second floor balcony encroachment into the Coast Village Road front setback;
- 2) An emergency stairs encroachment into the Olive Mill Road front setback;
- 3) An encroachment into the northern interior setback; and
- 4) Allowing the common open yard to be partly located on the second level).

The Planning Commission reviewed the project at two conceptual review hearings (April 7, 2005 and February 16, 2006). On March 20, 2008, the Planning Commission approved the project on a 3 – 1 vote [Myers no] but denied the Olive Mill Road Modification (Exhibit C - Minutes). The Commission felt the applicant had responded to their previous concerns and that overall the project complied with the Urban Design Guidelines. However, a majority of the Commissioners could not support the Modification to the Olive Mill Road setback because they felt it was not necessary for the project design and that there was adequate space within the design for the stairs to be consistent with the required setback.

The Planning Commission's decision was appealed by two groups who opposed the overall project. On July 15, 2008, City Council denied the appeal and upheld the Commission's action with the exception of a portion of the Modification to allow both the ground and second floors to encroach into the northern interior setback. Council supported an encroachment for the first floor only. Council also provided direction that the applicant continue to work with ABR on transitioning the project into the residential neighborhood to the north.

After Council's action on the project, ABR granted preliminary approval of the project on February 23, 2009 and this action was appealed to City Council. City Council denied this appeal and added a Condition of Approval to the project requiring a minimum reduction of 1.5 feet in the height of the north side of the building (Units 1 and 8). On November 2, 2009, the project returned to the ABR where the Board conducted an in-progress review of the project that included the height reduction per Council's direction.

IV. DISCUSSION

Staff Review

Staff determined that the extent of the proposed changes to the project, which are summarized in the table below and “bubbled” on the plans submitted with the project (see Exhibits D & E), would be consistent with the criteria of a Level II Substantial Conformance Determination (SCD) as defined in the 1997 Planning Commission Guidelines. Relocating square footage within the envelope of an approved building with minor changes in the elevations and/or site plan are examples of a Level II SCD. Typically, for a Level II SCD, the Planning Commission is provided a copy of the letter with the Director’s determination on the requested changes. However, given the history of the project, staff felt it was appropriate to provide a presentation on the proposed changes to the Planning Commission and receive feedback that would be provided to the Director.

The proposed project changes would not affect any of the City Council discretionary actions, which included making the required findings on the Coastal Development Permit, Development Plan and Modifications (refer to Exhibit B – City Council Resolution No. 08-084), or conflict with staff’s original analysis of the project. A Negative Declaration was prepared for the original project and the conclusions of the environmental review would remain the same for the proposed project. The project would continue to be consistent with the Zoning Ordinance, with the granted Modifications, and there are no changes to the portions of the project where the Modifications were granted. The reduction in units and reconfiguration of the bedrooms do not affect staff’s original conclusion that the project is consistent with the multi-family variable density provision of the Zoning Ordinance. Two uncovered patios will be added on the third level, within the footprint of the building, to provide the required outdoor space.

The required residential private storage for condominiums would be relocated from the ground floor area (adjacent to the commercial parking area) into each unit. Doing this allows the ground level commercial parking area to expand by two parking spaces. City Transportation staff reviewed the proposed parking layout and found it acceptable. Also, with the reduction of two residential units, three additional parking spaces would be available to the remaining units and/or guests.

The principle issue at the Council hearings was the height of the structure and neighborhood compatibility. There is no increased height with this proposal and the elevations along Coast Village Road and Olive Mill Road, which are consistent with City Council’s direction, would remain the same. The uses within the development would remain the same and the change in unit configuration would not affect the density of the site such that it becomes inconsistent with zoning regulations.

Architectural Board of Review

The project would result in a minimal amount of additional habitable square footage by eliminating common walls and some stairs. Changes to the floor plan to create single level units, combining or eliminating patios, adding two patios to the third level, and eliminating some access stairs would result in minor changes to the western and northern elevations, which require design review approval.

On August 18, 2014, the Architectural Board of Review (ABR) reviewed the proposed changes to the elevations and found they substantially conformed to the original design (Exhibit F). The Board’s review of the minor changes to the elevations included consideration of Council’s action and direction on both project appeals to ensure that the project transitions well into the

residential neighborhood to the north by lowering the height of the rear units, eliminating a portion of a setback encroachment into the northern setback, and reducing the bulk along Olive Mill Road.

Proposed Revision Comparison			
		APPROVED BY COUNCIL	PROPOSED CHANGE
Height		35' 6"	No Change
Overall square footage (sf)		17,270 s.f. (net)	17,802 s.f. (net)
Number of units		8	6
Unit bedroom count		Two one-bedroom Six two-bedroom	Six three-bedroom
Required Parking:	Commercial	19 parking spaces	19 parking spaces
	Residential	17 parking spaces (includes 2 guest spaces)	14 parking spaces (includes 2 guest spaces)
Provided Parking	Commercial	19 parking spaces	21 parking spaces
	Residential	17 parking spaces (includes 2 guest spaces)	17 parking spaces (includes 2 guest spaces)
Total Parking		36 parking spaces	38 parking spaces
Outdoor decks/patios		1 per unit all located on the 2 nd level	1 per unit: 2 nd level – 1 patio eliminated & remaining patio/decks in same location 3 rd level – 2 new patios along northern elevation
Required residential storage		Ground Floor next to commercial parking	Within each unit

V. RECOMMENDATION

Staff recommends that the Planning Commission receive a presentation on the proposed changes to the project located at 1298 Coast Village Road and provide input on the request for a Substantial Conformance Determination.

After receiving comments from staff, ABR, and the Planning Commission, the Community Development Director will make a determination about whether the revised project is in substantial conformance with the approved project. If the project is in substantial conformance, the applicant may proceed to the ABR for Project Design and Final architectural approvals and, ultimately, building permits. If the revised project is not found in substantial conformance, the applicant would have the option to further revise the project to resolve outstanding issues or proceed with the project as originally approved.

Exhibits:

- A. Applicant Letter
- B. City Council Resolution Number 08-084
- C. March 20, 2008 Planning Commission Minutes
- D. November 2009 ABR approved plan set (under separate cover)
- E. August 2014 Proposed Plans (under separate cover)
- F. August 18, 2014 ABR Minutes



September 23, 2014

City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

**Re: 1298 Coast Village Road
Montecito, CA 93108
A.P.N. # 009-230-43 Zone: C-1/ R-2**

Planning Commission Substantial Conformity Determination Request

Planning Commissioners:

Purpose:

My client is requesting a Substantial Conformity Determination, and compliance with City Council Resolution No. 08-084 for minor changes made to the preliminarily approved plans.

Project description:

This project received ABR Preliminary approval on November 2, 2009 and was last reviewed as an "in progress review" by the ABR on August 18, 2014, to review and comment on minor changes to the approved plans.

The revisions include:

- Reducing the number of residential units from eight two story to six flats
- Exterior elevation and plan adjustments to accommodate

Included in this package are two sets of drawings for your comparison:

- 1) The Preliminary approved plans (noted in red PRELIM APRVL)
- 2) The proposed Substantial Conformity Determination (noted in red SC PROP.)

EXHIBIT A

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1298 Coast Village Road

Montecito, CA 93108

A.P.N. # 009-230-43 Zone: C-1/ R-2

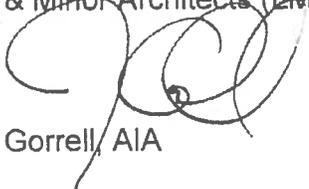
(Planning Commission Substantial Conformity Determination)

Information of note as you review the plans:

- 1) The overall building height remains the same.
- 2) The Coast Village Road and Olive Mill Road are essentially the same with the second floor elevation lowered 1.5 feet to allow for a bit more ceiling height in the residences; important for marketing.
- 3) Two more parking spaces are created by moving the residential storage from the ground floor to each unit. Also, two storage units were eliminated.
- 4) The residential square footage total increases by 727 s.f. Reason being, five sets of stairs are eliminated by converting to flats, reducing the number of sound walls between units, adjusting the number, and size of patios, etc.
- 5) The ground floor North West corner footprint is reduced.
- 6) The North elevation third floor units introduce mountain-view patios adding tremendously to the value, enhancing the architecture and reducing the apparent M, B, & S.
- 7) The aforementioned, two additional parking spaces will be added, one each to the top two units.
- 8) Flipping back and forth between plan and elevations is the best way to get a sense of the minimal changes.

Sincerely,

Lenvik & Minor Architects (LMA)


Jeff A. Gorrell, AIA

RESOLUTION NO. 08-084

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND APPROVE A MIXED-USE PROJECT LOCATED AT 1298 COAST VILLAGE ROAD, MAKING ENVIRONMENTAL FINDINGS, APPROVING CERTAIN MODIFICATIONS, AND ISSUING A COASTAL DEVELOPMENT PERMIT AND A DEVELOPMENT PLAN APPROVAL FOR NON-RESIDENTIAL DEVELOPMENT, ALONG WITH THE NECESSARY TENTATIVE SUBDIVISION MAP FOR EIGHT RESIDENTIAL CONDOMINIUM UNITS AND FOR A 4,800 SQUARE-FT. NON-RESIDENTIAL COMMERCIAL DEVELOPMENT

WHEREAS, the City accepted an application from Lenvik & Minor, Agent for Olive Oil & Gas LP, requesting a re-zone and a related Local Coastal Program Amendment to re-zone a portion of the property located at 1298 Coast Village Road from R-2/S-D-3, Two-Family Residential and Coastal Overlay Zone, to C-1/S-D-3, Limited Commercial and Coastal Overlay Zone, and redevelop the property by demolishing the existing service station and constructing a mixed use project including 5,000 square feet of commercial space and eight residential condominiums and related parking, all requiring approval of Modifications, a Development Plan, a Tentative Subdivision Map and Coastal Development Permit;

WHEREAS, the proposed mix of residential unit types would include five two-bedroom units, two one-bedroom units and one three-bedroom unit;

WHEREAS, parking would be provided in accordance with the Zoning Ordinance parking requirements, including 28 spaces in an underground parking garage and 8 surface parking spaces servicing the commercial development;

WHEREAS, the Planning Commission initiated the rezone and Local Coastal Program Amendment for the subject parcel on April 7, 2005;

WHEREAS, the City's Architectural Board of Review held a concept review of the preliminary design of the Project on November 14, 2005;

WHEREAS, the Planning Commission held a concept review /work session with respect to any environmental or land-use concerns raised by the Project on February 16, 2006;

WHEREAS, pursuant to and in accordance with the California Environmental Quality Act, a draft Mitigated Negative Declaration ("MND") for the Project was released for public comment and public review between November 14, 2007 to December 13, 2007;

WHEREAS, the City Planning Commission held a public hearing on January 17, 2008, to receive public input and public comments on the draft MND and took public comment from two speakers and thereafter continued the public hearing to March 13, 2008;

WHEREAS, on March 10, 2008, the Planning Commission conducted a second noticed site visit to the Project Site and received information concerning the physical dimensions of the Project from staff and the Project architect. At the site visit, the Planning Commission also observed "story poles" with respect to the Project showing the height of the Project in comparison to the adjacent buildings;

WHEREAS, on March 13, 2008, the Planning Commission of the City of Santa Barbara held a noticed public hearing on the Project; heard presentations from Staff and the Applicant, took public comment from 73 speakers, received a staff report dated March 6, 2008 from Jan Hubbell (Senior Planner) and Peter Lawson (Associate Planner) concerning revisions to the draft Mitigated Negative Declaration ("MND") "Public Services Section," and after substantial discussion and due to time constraints, the Planning Commission continued the project to March 20, 2008 to consider the information received at the hearing, to allow Staff to respond to questions and comments received at the hearing, and to deliberate and to make a decision on the Project;

WHEREAS, on March 20, 2008, Planning Commission approved the Project, made recommendations to City Council with respect to those aspects of the Project to be decided by the City Council (such as the re-zone request) and adopted the environmental findings required pursuant to CEQA necessary to support the use of a Mitigated Negative Declaration for the Project, and the Commission recommended approval of the requested re-zone and related Local Coastal Program Amendment needed for the Project;

WHEREAS, the City Council has received and accepted a proposed amendment to the current Zoning Map and Local Coastal Program with respect to the real property upon which the Project is located;

WHEREAS, on March 28, 2008, John and Sandy Wallace and Save Coast Village Road appealed the Planning Commission approval of the Project and on March 31, 2008 Friends of Outer State Street and Delfina Mott also appealed the Planning Commission approval of the Project;

WHEREAS, on July 11, 2008, the MND, the Planning Commission Staff Report dated March 4, 2008, and the follow-up Staff Report dated March 18, 2008, the Mitigated Negative Declaration and the revision to the public services section of the Mitigated Negative Declaration dated March 6, 2008, and all related pieces of correspondence were transmitted to the Council as part of the reading file in preparation for the July 15, 2008, City Council appeal hearing;

WHEREAS, on July 14, 2008, the Council of the City of Santa Barbara conducted a noticed site visit to the Project Site, walked the site and viewed the architectural plans, as well as the neighboring properties, and received information and responses to questions from Staff regarding the physical nature of the proposed Project;

WHEREAS, on July 15, 2008, the Council of the City of Santa Barbara held the required noticed public hearing regarding the above appeal and necessary to re-zone the property and to amend the City's Local Coastal Plan, considered the Planning Commission action of approval, read and considered the Planning Commission approved Mitigated Negative Declaration and related staff reports, considered presentations from Staff, Appellants, Applicant and three (3) Planning Commissioners, and considered public comment from numerous public speakers;

WHEREAS, in the Council's independent judgment and analysis and on the basis of the record before it, the City Council of the City of Santa Barbara denied the appeal and approved the Final MND as complete, accurate and a good faith effort toward full disclosure and as being reflective of the independent judgment of the City of Santa Barbara under the California Environmental Quality Act, and approved the requested modifications (limited to the first floors only with respect to the northern interior yard setback), a Coastal Development Permit in the non-appealable jurisdiction of the City's Coastal Zone, a Development Plan for the non-residential portion of the Project, and a tentative subdivision map;

WHEREAS, the denial of the appeal and the approval of the Project was done with the understanding and on the express condition that the Project would return to the Architectural Board of Review with specific directions from Council, "... to work with the Applicant to reduce the apparent bulk of the building with emphasis on compatibility with the Olive Mill neighborhood, to specifically study the tower and the relationship between the second and third floor setbacks";

WHEREAS, at the public hearing the Applicant voluntarily amended the Project Description to provide that the Applicant would pay the inclusionary fee to the City of Santa Barbara in an amount equal to \$17,000 per residential unit included in the Final ABR-approved Project; and

WHEREAS, documents and materials which constitute the record of proceedings upon which this decision is made are on file at the City of Santa Barbara, Community Development Department.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

- I. That the City Council denies the Appeal of the Project and has conditionally approved the subject applications for the Project making the following findings, determinations and conclusions:

A. Approval of Recitals. Each of the above-stated recitals are true and correct and they fully and accurately reflect the record of the City's proceedings concerning this Project and the determinations and considerations which went into the Planning Commission's and, thereafter, the City Council's decision to conditionally approve the Project. These recitals also appropriately describe the scope of the City's review of the 1298 Coast Village Road Application and Project, in particular, the detailed review by the Planning Commission and the City Council (both with respect to individual Commission and Council members and the City collectively) which has been conducted with respect to the Project since the time its original Application was filed with the City.

B. Final Mitigated Negative Declaration of Adoption.

1. The City Council has considered the proposed Final Mitigated Negative Declaration for the Project together with all comments received during the public review process, the Staff responses to comments, including, in particular, the revisions contained in the MND (as described in the March 6, 2008 memo from Senior Planner Jan Hubbell and Associate Plan Peter Lawson concerning the Public Services Section of the MND), as well as the presentation of and statements of Environmental Analyst, Debra Andaloro, at the July 15, 2008, City Council appeal hearing with respect to the availability of water for the Project and with respect to how the Project might impact public views.
2. The City Council finds, on the basis of the whole record before it (including the initial study, revisions to the MND, and public comments received and all responses to comments) that there is no substantial evidence that the Project, as mitigated by the MND, will have a significant adverse effect on the environment.
3. The City Council finds that the Final Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.
4. The City Council finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The City Council hereby adopts the Final Mitigated Negative Declaration for the project.
5. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the mitigation measures required in the Project Conditions of Approval (as originally approved by the Planning Commission) and made a condition of approval to mitigate or avoid potential significant environmental effects and to provide an identified process to ensure compliance with mitigation measures required as part of the Project and Conditions of Approval, all as modified by the City Council as a result of the appeal hearing.

6. The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is the environmental analyst for the Project, Debra Andaloro (or the Community Development Custodian of Records) both of whom are based at City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California and who can be reached via email via the City website or at this location.

C. Setback Modification (SBMC §28.92.110.A.2).

The modifications of yard, lot and floor area regulations as requested for the Project are hereby granted because the requested modifications are consistent with the purposes and intent of the City's Zoning Ordinance, and are necessary to both to secure an appropriate improvement on the affected real property, and to promote uniformity of improvement.

More specifically, the Council finds that the northerly setback modification (as modified during the Council appeal hearing) is approved as to the first floor of the Project only. As approved, the modifications to the front yard setback on Coast Village Road and the interior yard setback on the northerly lot line would provide more flexibility in the design of the development, and would serve to break up the massing of the Project and provide visual corridors to the north of the site. The Council also notes that the adjacent properties on Coast Village Road do not meet required setbacks and that the parcel immediately next door to the Project has a covered balcony that not only extends into the setback, but also encroaches into the public right-of-way. The Council observes that portions of the overall Project development are not being fully developed to the required setback lines and additional common open space and private outdoor space beyond what is required is being provided by the Project; as a result, the Modifications needed for the Project would not cause overdevelopment of the site and would meet the overall purpose and intent of the Zoning Ordinance.

However, the City Council cannot make the findings to support the interior yard setback on the northerly lot line for the second story of the development and this modification is therefore appropriately modified to delete the modification for the second floor only.

D. Modification – Common Open Space (SBMC §28.92.110.A.2).

A modification of yard, lot and floor area regulations is also granted because these modifications are consistent with the purposes and intent of the City's Zoning Ordinance, and is necessary to secure an appropriate improvement on a lot, and to promote uniformity of improvement.

Specifically, the Council finds that approximately 1,000 square feet of the required 1,820 square feet of common open space is being provided on

the ground level, consistent with the requirements of the Zoning Ordinance. This Modification would allow the remaining portion of the common open space to be located on the second floor. As approved, 1,820 square feet would be located in a courtyard setting, with landscaping being considered. Additionally, with two front yard setbacks, the Project would have approximately 2,000 square feet of additional open space, along with appropriate landscaping. Finally, the required open space is intended primarily for the use of the residential occupants of the Project. Its location on the second floor will make it more available for residential use and less likely to be used by the public, which is more appropriate.

E. The Tentative Map (SBMC §27.07.100).

With approval of the zone change to remove the R-2 zoned portion of the Project's real property, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The Project site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood. The design of the Project, as conditioned, will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

F. The New Condominium Development (SBMC §27.13.080).

1. There is compliance by this Project with all provisions and requirements of the City's Condominium Ordinance.
2. The Project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development of the Project is fully consistent with the General Plan of the City of Santa Barbara.
4. The Project can be and hereby is found consistent with policies of the City's General Plan including the Housing Element, the Conservation Element, and the Land Use Element. The mixed use project will provide commercial space on the ground floor and residential development that is compatible with the surrounding neighborhood on the second and third floor.
5. The proposed development of the Project is fully consistent with the principles of sound community planning and, with mitigation measures, will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking or other community facilities and resources.
6. The Project is a mixed-use project proposed in an area where a mixed use development is a permitted use. The Project is adequately served by public streets, will provide adequate parking

to meet the demands of the project and will not result in traffic impacts and will apparently result in fewer potential traffic impacts than that of the existing development on the real property. Pursuant to the direction of the City Council, the Project is conditioned to return to the City ABR for further design review with directions from Council to reduce the apparent bulk of the Project, with particular emphasis in seeing that the Project is compatible with its Olive Mill Road neighbors. In addition, the ABR has been asked to study the tower element of the Project and the relationship between the second floor and third floor setbacks as well as a possible landscape buffer between the Project and its neighbor to the north.

G. Coastal Development Permit (SBMC §28.45.009).

1. The Project is consistent with the policies of the California Coastal Act.
2. With conditioned approval of the Local Coastal Plan Amendment by the Coastal Commission, the Project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The Project is consistent with Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because there will be no effect on the coastal access and minimal effects on public recreation.

H. Development Plan Approval (SBMC §28.87.300).

1. The proposed development of the Project complies with all of provisions of the City Zoning Ordinance with the approval of the requested Zone Boundary Change;
2. The proposed development of the Project is fully consistent with the principles of sound community planning;
3. The proposed development of the Project, as conditioned, will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;
4. The proposed development of the Project will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock, particularly with the condition that the Project applicants make a substantial contribution to the City's dedicated fund for affordable housing;
5. The proposed development of the Project will not have a significant unmitigated adverse impact on the City's water resources;

6. The proposed development of the Project will not have a significant unmitigated adverse impact on the City's traffic, and, in fact, should have a lower traffic demand than that of the existing development;
7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

Specifically, the Council determines that the proposed project includes three modifications and with approval of those modifications, the project would be consistent with the Municipal Code. The project would provide a gateway development into the Coast Village area, for both residential and commercial uses. The project would add housing to a site that is currently developed with commercial usage only. The Project will return to the ABR for design review with directions from Council to reduce the apparent bulk of the Project. Accordingly, subject to revisions by the ABR, the Project is considered compatible with the surrounding neighborhood. The traffic use would decrease with the proposed development. Annual water use would increase by 1.41 acre-feet and the Montecito Water District has issued a "can and will serve" letter. Therefore, the project is consistent with this finding requirement.

II. Said approval is subject to the following conditions:

- A. **Approval Contingent Upon Adoption of Zoning and General Plan Map and Local Coastal Program Amendment.** Approval of the subject project is contingent upon City Council approval of the Zoning Map and Local Coastal Program Amendment and California Coastal Commission approval of the Local Coastal Program Amendment.
- B. **Recorded 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the 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.

4. **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 approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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 Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
5. **Approved Development.** The development of the Real Property approved by the City Council on July 15, 2008 is limited to the following project description:

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new approximately 17,270 square foot mixed use building would be comprised of eight residential condominiums and 4,800 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. 36 parking spaces are provided, with eight covered parking spaces located at grade level and 28 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill. As part of the Project Description, the applicant has agreed to pay \$17,000 per residential unit to the City's Inclusionary Housing Fund prior to issuance of the building permit. The setback on Olive Mill Road shall be met. The interior yard setback on the northerly property line shall be met for the second story but not the first story.
6. **Use Limitations.** Due to potential parking impacts, uses other than office and commercial uses, as described under §28.90.100.1

Parking Requirements, are not permitted without further environmental and/or Planning Commission 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.

7. **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 residential and commercial 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. **Assigned Residential Parking.** At least one, but no more than two, parking space(s) shall be assigned to each residential unit.
 - d. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site
 - e. **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, including the row of existing Ficus trees along the northern property line.
 - f. **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.

- g. **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.
- h. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final/Parcel Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. All street purposes along Coast Village Road and Olive Mill Road in order to establish a variable width wide public right-of-way for sidewalk purposes.
3. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from the Montecito Water District and demonstrate that there is water available from the Montecito Water District to provide water service to the Project.
4. **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.
5. **Required Private Covenants.** The Owner shall submit to the Planning and Development Department, 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.7 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.

6. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
7. **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 Permit. 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 (such as automobile oil, grease and metals), 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. (W-2)
8. **Coast Village Road Public Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Coast Village Road. The C-1 plans shall be submitted separately from plans submitted for a Building Permit and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include: State Street style decorative brick sidewalk, curbs, gutters, 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, underground service utilities (*SBMC*§22.38.125 and §27.08.025), connection to Montecito Water District water main and City sewer main, public drainage improvements with supporting drainage calculations for installation of drainage improvements, supply and install one Coast Village Road style street light, preserve and/or reset survey monuments and contractor stamps, supply, replace the wooden Coast Village Road sign located in the center median and install directional/regulatory traffic control signs as determined by the Transportation Operations Manager, provide storm drain stenciling at existing drop inlet, supply and install new designated street trees and tree grates as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. (W-3)

9. **Olive Mill Road Public Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Olive Mill Road. The C-1 plans shall be submitted separately from plans submitted for a Building Permit and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include the following: State Street style decorative sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), 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, underground service utilities (*SBMC*§22.38.125 and §27.08.025), connection to Montecito Water District water main and City sewer main, public drainage improvements with supporting drainage calculations for installation of drainage improvements, supply and install one Coast Village Street light (if not located on Coast Village Road), preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs as determined by the Transportation Operations Manager, storm drain stenciling at drop inlets (if any), supply and install new designated street trees and tree grates as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. (W-3)
10. **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.
11. **Encroachment Permits.** The Owner shall obtain encroachment permits for any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
12. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures, including the Montecito Water District water main located on Olive Mill Road, must be performed by the Owner or by the person or persons having ownership or control thereof at the developers' expense.
13. **Relocation of MTD Fixtures.** The Owner shall relocate the MTD bus stop, red curb, bench pole and sign on Olive Mill Road, as applicable and as determined by the Public Works Director and MTD.

- D. **Design Review.** The following items are 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 conditions have been satisfied.
1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Landscaping & Development Adjacent to Trees.** Landscaping & development of the driveway adjacent to the Ficus tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Bill Spiewak, dated June 1, 2006, shall be implemented. (BIO-1)
 2. **Landscape Screening.** The existing Ficus trees along the northern property line shall continue to be maintained to buffer the parking area and site development from the adjacent residential zoned lot.
 3. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 4. **Minimize Visual Effect of Paving.** Where feasible and consistent with Fire Department regulations, 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.
 5. **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.
 6. **Northerly Interior Yard Setback.** The northerly side of the project shall be redesigned such that there will be no setback encroachment on the second floor of the building.
 7. **Reduce Apparent Bulk.** Work with the applicant to reduce the apparent bulk of the building, with emphasis on compatibility with the Olive Mill Road neighborhood.
 8. **Tower Element.** Study or consider removal or relocation of the tower element.
 9. **Second and Third Floor Restudy.** Study the relationship between the second and third floor setbacks to reduce the apparent bulk of the building.

- E. **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 Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- F. **Community Development Requirements Prior to Building or Public Works Permit Application.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.
 - c. A list of reporting procedures, including the responsible party, and frequency.
 - d. A list of other monitors to be hired, if applicable, and their qualifications.
 - e. Submittal of biweekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department.

The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
 2. **Neighborhood Notification Prior to Construction.** At least thirty (30) 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 Project Environmental Coordinator (PEC) and 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. (N-6)

3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. The Owner shall submit a copy of the notice to the Planning Division.
4. **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.
5. **Arborist's Monitoring.** The Owner shall submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division. (BIO-1)
6. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 30 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance shall be performed of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural

damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

7. **Corrective Action Plan** - Written evidence of completion of a Corrective Action Plan approved by the California Regional Water Quality Control Board and the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the Corrective Action Plan. (H-1)
 8. **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.
 9. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Arborist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
 10. **Inclusionary Housing Fund Payment.** Prior to issuance of any building permit to construct the project (not including any demolition permit), Owner shall pay the City \$17,000 per residential unit, to be designated for the Inclusionary Housing Fund.
- G. **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 C above.
 2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the

Property Owner Arborist, Project Environmental Coordinator, Contractor and each Subcontractor.

3. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.

4. **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.

5. **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 incorporate 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 Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A-4, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

6. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
7. **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. (PS-1)
8. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided. (PS-1)
9. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project. (W-4)
10. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
11. **Interior Noise Reduction:** As identified in the Preliminary Acoustical Study, certain residential units (Units 3, 4, and 5) shall require a "windows closed" condition in order to meet the maximum interior 45 dBA Ldn noise level standard. As recommended in the Study, these units shall provide the following:

"The mechanical ventilation and cooling system shall supply a minimum of two air changes per hour to each habitable room,

including 20% fresh make-up air obtained directly from the outdoors. The fresh air inlet duct shall be of sound attenuating construction and shall consist of a minimum of ten feet of straight or curved duct or six feet plus one sharp bend."

Note that this mitigation could be removed if a detailed acoustical analysis determines that there is an alternative means for achieving the required interior noise level. (N-2)

12. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
13. **Conditions on Plans/Signatures.** The final City Council 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. _____

- H. **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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

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. (PS-3)

2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways. (T-1)
3. **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 Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **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:

New Year's Day	January 1st*
Martin Luther King Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
After Thanksgiving Day	Friday after 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. (N-7)

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager. (T-2)
8. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)
10. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads. (AQ-4)

12. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. (AQ-5)
13. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District. (AQ-6)
14. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector. (AQ-7)
15. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
16. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
17. **Groundwater/ Dewatering.** Water, when encountered in the excavation, shall be removed using a suitable dewatering system. A stockpile of 3- to 6-inch gabion rock material (approximately 10 to 20 cubic yards) shall be available when excavating near the property line in case a caving side wall or a boiling subgrade condition develops. In such a case, the rock must be placed on the caving excavation or the boiling subgrade until stabilization results. (W-5)
18. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices:
 - a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible. (AQ-9)

- b. The engine size of construction equipment shall be the minimum practical size. (AQ-10)
- c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
- d. Construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-12)
- e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
- f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
- g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
- h. Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
- i. To the maximum extent feasible, biodiesel shall be used for all construction equipment. (AQ-17)
- j. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-18)
- k. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dBA at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. (N-8)
- l. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (N-9)
- m. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (N-10)

19. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
20. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractor's and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
21. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
22. **Tree Protection.** Notes on the grading plan shall specify the following:
 - a. No grading shall occur within three feet of the driplines of the existing tree(s).
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.
 - c. All excavation within the dripline of the tree(s) shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
23. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
24. **Bird Nesting Protection.** Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be

feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist. (BIO – 2)

25. **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.
26. **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. (CR-1)

- I. **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. **Record Drawings.** Submit Record Drawings identifying "as-built" conditions of public improvements to the Public Works Inspector for verification and approval.
 4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrants with commercial-type hydrants 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. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
 7. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
 8. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

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

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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

[Note: Because other approvals are subordinate to the Coastal Development Permit (CDP), the CDP time limits apply to all approvals.]

The City Council's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Staff Hearing Officer for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

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

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

Section 4. This resolution shall not take effect unless and until the rezoning ordinance as introduced on August 12, 2008, is duly adopted by the City Council.

RESOLUTION NO. 08-084

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on August 19, 2008, by the following roll call vote:

AYES: Councilmembers Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams

NOES: Councilmember Dale Francisco; Mayor Marty Blum

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on August 20, 2008.


Susan K. Schuch, CMC
for _____
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on August 20, 2008.

Marty Blum

Marty Blum
Mayor

- C. Comments from members of the public pertaining to items not on this agenda.
Chair Myers opened the public hearing at 1:06 P.M. and, with no one wishing to speak, the hearing was closed.

II. CONTINUED ITEM:

ACTUAL TIME: 1:06 P.M.

The following item was continued from March 13, 2008.

RECUSALS: To avoid any perceived conflict of interest, the following Commissioners recused themselves from this hearing:

1. Commissioner Jacobs recused herself due to her husband's law firm having represented the applicant in the past on an unrelated matter.
2. Commissioner White recused himself due to the applicant being a client of his for an extended period of time.
3. Commissioner Bartlett recused himself due to his architectural firm having the applicant as a client on a project in another city.

APPLICATION OF JEFF GORRELL ARCHITECT FOR JOHN PRICE,
APPLICANT, 1298 COAST VILLAGE ROAD, 009-230-043, C-1 & R-2 ZONES,
GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL
(MST2004-00493)

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. Approximately 38 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot lot is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated rezoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

The discretionary applications required for this project are:

1. A recommendation to City Council for Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District (SBMC §28.92.080.B);

2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2);
4. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC §28.92.110.A.2);
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road (SBMC §28.92.110.A.2);
6. A Modification to allow the emergency stair way to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);
7. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
8. A Development Plan to allow the construction of 5,000 square feet of nonresidential development (SBMC §28.87.300);
9. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13);

The Planning Commission will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Case Planner: Peter Lawson, Associate Planner

Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the staff presentation and outlined changes to the Conditions of Approval.

Staff responded to questions about where construction workers would park and the letter from the Montecito Water District.

Commissioners' Comments:

1. The Commission has reviewed the project three times; thought the rezoning was appropriate then and continues to think so; the applicant responded well to the Concept review in 2006. Zoning needs to be consistent with the General Plan – standard of planning practice and theory; noted that the General Plan includes no buffer between the Commercial designation and adjacent property as is sometimes the case in other areas; also noted that C-1, Limited Commercial, Zone allows a lower density and intensity of uses and a lower height than the C-1, Commercial Zone in the Downtown; finally noted the allowed height is 45 feet and the applicant proposes 35 feet maximum height.

2. Reviewed the project against the Urban Design Guidelines and conclude the Guidelines are met and that project improves the relationship to Coast Village Road. Project is about the lowest three-story structure possible and architecture is to be commended. Project has great pedestrian scale and gracious architecture.
3. Commissioners agreed with the use of a Mitigated Negative Declaration, prepared using Master Environmental Assessment thresholds and methodologies consistently used by the City.
4. Commissioners agreed that the setback modification for the balcony is fine, noting that no modification would be required if it were not covered.
5. One Commissioner noted that a 60-year-old gas station is not the optimum use for the site.
6. Project will provide a real benefit by adding on-street parking along Coast Village Road.
7. Modification to allow some of the 10% open space requirement on the second floor is acceptable; however, the interior courtyard does push square footage to the street and increases the bulk of the building.
8. Two Commissioners indicated the setback modification on Olive Mill Road is questionable, especially where the stair turns.
9. One Commissioner also stated the northerly setback should be met on at least the second floor and, preferably, the first floor too.
10. One Commissioner supported some setback modification on the north side, but not as much as proposed.
11. One Commissioner expressed concern about trash pickup and bus stop on Olive Mill Road near a busy intersection.
12. One Commissioner suggested that the tower be moved to the west side and indicated support for a four-story element.

STRAW VOTE: Jostes

Approve a Modification of the northern setback.

This motion failed by the following vote:

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

STRAW VOTE: Thompson

Approve a Modification to allow the emergency stair way to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road.

This motion failed by the following vote:

Ayes: 1 Noes: 3 (Myers, Jostes, Thompson) Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

MOTION: Thompson/Jostes

Assigned Resolution No. 012-08

Approve the project, making the findings in the Staff Report and Conditions of Approval, with the modifications excluding modification #6 for the emergency stairway on Olive Mill Road and return to the Architectural Board of Review for a redesign of the Olive Mill Road elevation.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Myers) Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

Chair Myers voted against the motion because the Olive Mill elevation made too drastic a transition into the neighborhood.

Chair Myers announced the ten calendar day appeal period.

Mr. Fell asked for clarification of the motion by the Commission.

III. ADMINISTRATIVE AGENDA

MOTION: Larson/Thompson

Continue the Administrative Agenda to April 10, 2008 for a complete Commission.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Jacobs, White)

IV. ADJOURNMENT

Chair Myers adjourned the meeting at 1:56 P.M.

Submitted by,


Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara

California

The following Exhibits will be distributed to the Planning Commission under separate cover:

- D. November 2009 ABR approved plan set
- E. August 2014 Proposed Plans

Exhibits C and D

IN-PROGRESS REVIEW**3. 1298 COAST VILLAGE RD****C-1/R-2/SD3 Zone****(4:15)**

Assessor's Parcel Number: 009-230-043
 Application Number: MST2004-00493
 Architect: Jeff Gorrell
 Applicant: John Price
 Owner: Olive Oil & Gas, LP

(This is a revised project. Proposal to demolish the existing gas station and service bays and construct a new three-story, mixed-use building on an 18,196 square foot lot. The 17,802 square foot building would include 4,800 square feet of commercial space on the ground floor and 13,002 square feet of residential space on the second and third floors. The residential component includes 6 three-bedroom units. A total of 38 parking spaces are proposed to include 22 commercial spaces and 16 residential spaces. A total of 11,000 cubic yards of cut and fill is proposed. The project received Planning Commission approval, with conditions, on 3/20/08 and City Council approval, on appeal with conditions, on 7/15/08 for a Local Coastal Plan Amendment, Zone Change, Tentative Subdivision Map, Coastal Development Permit, Development Plan Approval, and Zoning Modifications. The project requires compliance with City Council Resolution No. 08-084.)

(Comments only; In-Progress review of the following changes to the project: reduce number of units from eight to six, revised elevations, roof plan, patios, and perimeter walls. Requires a Planning Commission Substantial Conformance Determination and compliance with City Council Resolution No. 08-084. Project was last reviewed on November 2, 2009.)

Actual time: 4:04 p.m.

Present: Jeff Gorrell, Architect; and Keith Slocum, Project Manager.

Public comment opened at 4:17 p.m.

- 1) Dana Newquist, general support; expressed concern to keep the existing ficus hedge on the property.
- 2) Kellam DeForest, opposition; expressed concerns to consider lowering the plate heights of the project along the north side entrance off Coast Village Road; and requested the Board reconsider neighborhood compatibility of the proposed project and consider the proximity of the roundabout at Olive Mill Road.
- 3) Juergen Boehr, neighbor, opposition; expressed concerns regarding the bulk, size, height, the transition into the neighborhood, and suggested a reduction in scale of the entry along Olive Mill Road; commented there is currently no neighborhood compatibility, no transition, and no privacy.
- 4) Ed Edick, neighbor; expressed support for the proposed further reductions of the project.

Public comment closed at 4:26 p.m.

Mr. Limón requested the Board to state their conclusions if they disagree with the findings of substantial conformance made by Planning staff and the Planning Commission.

Motion: Continued indefinitely to Planning Commission, and then return to Full Board, with comments:

- 1) A majority of the Board recommends to the Planning Commission that the project be found in substantial conformance with the original approved design as the overall building footprint does not increase the building size, bulk, and scale.
- 2) The Board found the exterior third floor balcony additions along the north elevation to be an enhancement and appropriate design additions.

EXHIBIT F

- 3) One Board member was concerned about the landscape plan and requested preservation of the existing trees and the understory planting at the existing ficus plant. Landscape plan to show the difference between the planting area and the concrete area.

Action: Cung/Hopkins, 6/0/0. Motion carried. (Gradin absent).

IN-PROGRESS REVIEW

4. 540 W PUEBLO ST

C-O Zone

(4:45)

Assessor's Parcel Number: 025-090-046
 Application Number: MST2007-00092
 Applicant: Kenneth Marshall, Dudek
 Owner: Cancer Center of Santa Barbara
 Architect: Cearnal Andrulaitis, LLP
 Landscape Architect: Martha Degasis

(The proposal consists of a new comprehensive outpatient cancer treatment facility for the Cancer Center of Santa Barbara and rental housing. The project site consists of ten lots, located between West Junipero and West Pueblo Streets that would be merged into one 3.38-acre lot. The existing development consists of a 17,444 square foot main medical building, 9,248 square feet of medical office space located in other structures onsite, and five residential units. The project includes the demolition of all structures onsite except for three buildings along West Junipero Street. The existing main medical building which is located within the 25-foot setback of Mission Creek would be replaced with a new 53,407 square foot, three-story medical facility, located approximately 130 feet from the top of bank. The new facility would have a maximum height of 45 feet except for an architectural feature that would extend to 50 feet. The proposal includes a new three-story (four tier), 66,170 square foot parking structure with 169 parking spaces. The parking structure would have a maximum height of 39 feet. Three additional uncovered parking spaces would be located onsite, for a total of 172 proposed parking spaces. Vehicular access to the site would be provided by one driveway on West Pueblo Street and one driveway on West Junipero Street. Two of the buildings to be retained would continue to be used as medical offices and one would be converted to a residential unit. Five new residential units would be constructed. The proposed project would result in a total of 57,239 square feet of medical office space and six residential units. Grading would consist of 2,700 cubic yards of cut and 5,500 cubic yards of fill. The project includes revegetation of the creek bank and creek setback area. The project requires approval of a Development Plan by the Planning Commission and Final Community Priority Designation by the City Council.)

(Comments only; Revisions include an increase in size of parking structure from 68,196 s.f. to 68,962 s.f., increase in total number of parking spaces from 172 to 183, exterior changes to Cancer Center, and elimination of green roof and solar panels. Project requires a Planning Commission Substantial Conformance Determination and compliance with Planning Commission Resolution No. 006-10. Project was last reviewed on July 26, 2010.)

Actual time: 4:45 p.m.

Present: Brian Cearnal, Architect; Kenneth Marshall, Applicant; Bob Cunningham, Landscape Architect; and Kathleen Kennedy, Associate Planner.

Public comment opened at 5:11 p.m.

- 1) Laura Lyon, for The Oaks Parent Child Workshop, expressed support for the proposed project.

Public comment closed at 5:14 p.m.