



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: October 30, 2014
AGENDA DATE: November 6, 2014
PROJECT ADDRESS: 511 Brosian Way (MST2014-00149)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4539
 Renee Brooke, AICP, Senior Planner *RLB*
 Tony Boughman, Assistant Planner *TB*

I. PROJECT DESCRIPTION

The project consists of the construction of a 5,886 square foot, two-story, single-family residence including an attached three-car garage on a vacant 2.2 acre lot in the Hillside Design District. The project includes a pool and spa, landscaping, 3,360 cubic yards of fill grading, and 510 yards of cut grading.

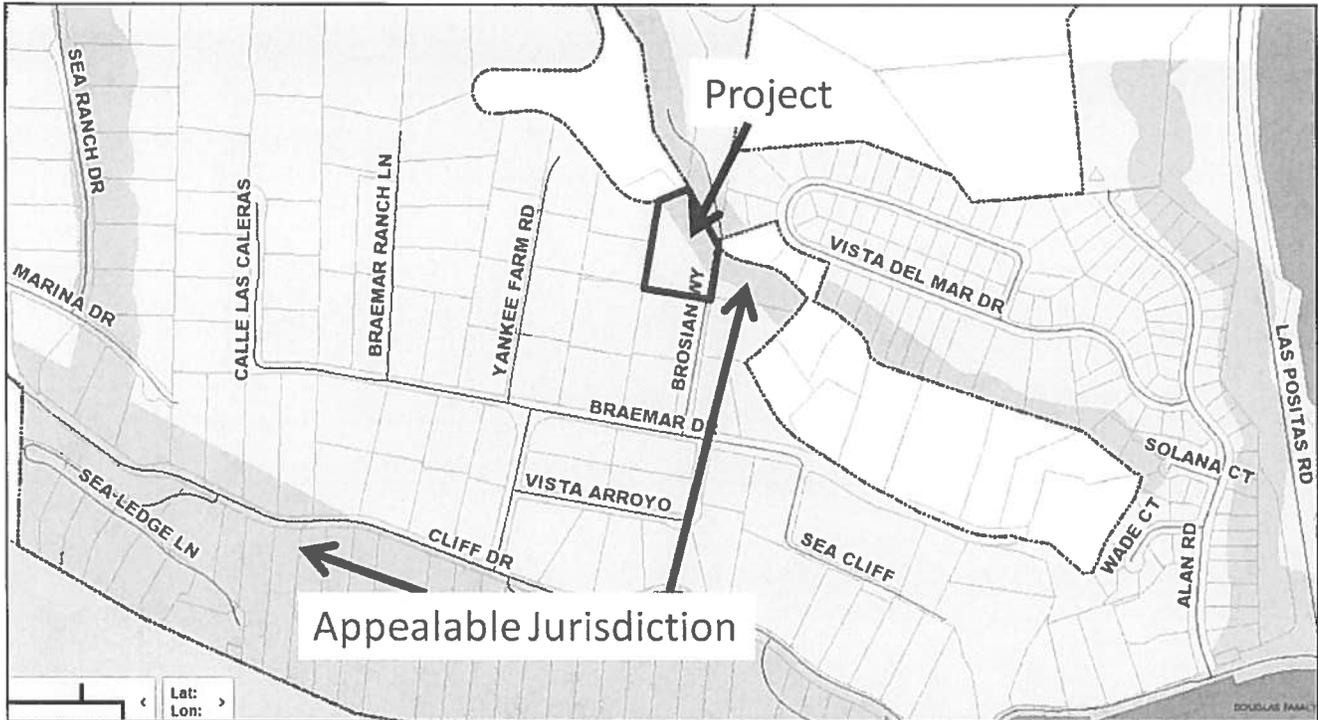
II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00011) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

APPLICATION DEEMED COMPLETE: October 20, 2014
DATE ACTION REQUIRED: December 19, 2014

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan. In addition, the size, massing, and style of the project are compatible with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map 511 Brosian Way

IV. BACKGROUND

The subject property is within the Coastal Zone and the northern boundary of the project site follows a small drainage, or stream. The City's certified Local Coastal Plan map identifies the area within 100 feet of this stream as Appealable Jurisdiction. Portions of the proposed house, parking, and driveway are within this area; therefore, the project requires a Coastal Development Permit.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Brian Cearnal, Cearnal Andrulaitis LLP		
Property Owner:	John Park		
Site Information			
Parcel Number:	047-030-011	Lot Area:	2.20 acres
General Plan/Local Coastal Plan: Low Density Residential 1 unit per acre		Zoning:	A-1/S-D-3
Existing Use:	vacant	Topography:	12% slope
Adjacent Land Uses			
North – Single-family Residential South - Single-family Residential		East - Single-family Residential West - Single-family Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	N/A	4,989 sq. ft.
Garage/Storage	N/A	897 sq. ft.
Accessory Space	N/A	0
Floor Area Ratio	N/A	.06 = 104% of the Maximum Guideline FAR

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Proposed	
Setbacks			
-Front	35 feet	35 feet	
-Interior	15 feet	17 ft., 1 in.	
Building Height	30 feet	24 ft., 5.5 in.	
Parking	2 covered	3 covered, 2 uncovered	
Open Yard	1,250 sq. ft.	> 1,250 sq. ft.	
Lot Coverage			
-Building	N/A	5,942 sq. ft.	6.2%
-Paving/Driveway	N/A	13,519 sq. ft.	14.1%
-Landscaping	N/A	76,371 sq. ft.	79.7%

The proposed project is consistent with the regulations of the A-1, One-Family Residence, Zone related to setbacks, building height, solar access, open yard, and parking.

B. LOCAL COASTAL PLAN CONSISTENCY

The project site is located within the Coastal Zone and must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project is located in Component One of the Local Coastal Plan, which is the area between the western City limit and Arroyo Burro Creek. This area is designated for low density residential use (one dwelling unit per acre) and is almost entirely developed with single-family residences. Major coastal issues in Component One include: hazards related to fire services and seacliff retreat; maintenance of views along Cliff Drive; and lateral access along the beach below the bluffs. As discussed below, the project is consistent with the applicable policies of the California Coastal Act and LCP, and all implementing guidelines.

1. Hazards and Beach Access

The project is located in the Coastal High Fire Hazard area. Construction will comply with High Fire Area Building Codes, and the landscaping will meet High Fire Area requirements. A new fire hydrant is proposed at the front of the site in the Brosian Way right-of-way. The hydrant will provide adequate fire protection for the project, as well as improving fire fighting capability in the vicinity. The proposed project is approximately 2,000 feet inland from the coast; therefore, seacliff retreat and beach access are not relevant issues.

2. Views

LCP Policy 9.1 states that "the existing views to, from and along the ocean and scenic coastal areas shall be protected, preserved and enhanced." The site is not a predominant visual feature as viewed from the ocean and there are no public view impacts to, from or along Cliff Drive, or any other scenic coastal areas.

3. Creek Environments

The project is consistent with LCP Policy 6.9 in protecting water quality through compliance with Tier 3 Storm Water Management Program (SWMP) requirements. It proposes to retain and treat stormwater on site by catching the water from the roof and hardscaped areas and piping it to a retention basin at the lower end of the site.

LCP Policy 6.10 states that "the City shall require a setback buffer for native vegetation between the top of bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project." Along the northern property line there is an existing drainage, or stream. Parallel to, and approximately 20 feet away from this drainage is an existing 12 foot wide asphalt road leading to the adjacent northwestern neighbor's property, which will also provide access to the subject property. The proposed house will be set back approximately 80 feet from the edge of the drainage channel.

Between the existing road and the property line is an area of approximately 15 by 250 feet that is proposed to be planted with native riparian plants and trees as recommended by the City Creeks Division. This area will otherwise be undisturbed by the project.

4. Neighborhood Compatibility

LCP Policy 5.3 states "new development in and/or adjacent to existing neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established

neighborhood.” Compatibility is an important issue for the proposed infill development on a vacant lot. The survey of the 20 closest house sizes, lot sizes, and FARs shows a wide range of lot sizes from one-quarter acre to over five acres. Houses in the survey area range from 1,577 to 6,236 square feet. FARs range from 1% to 29%. Among these, the proposed project is second largest in total square footage, and 13th largest in FAR.

A major goal of the design of the project is to attain ocean views, particularly over the roof of the neighbor’s house to the south. To that end, the proposal includes 3,360 cubic yards of fill grading to raise the grade approximately 10 feet at the lower (south) end of the building footprint, and approximately meet the existing grade at the north end, in the area of the attached garage. The proposed building height of 24.5 feet includes the height of the fill grading to elevate the main floor level. The apparent height of the building above the fill grading would be approximately 16 to 21 feet, with the garage height at 10 feet.

Although the floor area of the proposed house is larger than most others in the immediate neighborhood, it is located on a large site and the low roof height, muted colors, and proposed landscaping on the 12% sloped site indicate that it will fit into the neighborhood. The Single Family Design Board (SFDB) expressed support for neighborhood compatibility (Exhibit D).

VII. ENVIRONMENTAL REVIEW

This project is within the scope of build-out of the 2011 General Plan and the associated Program EIR. The project is consistent with the residential density designated and analyzed in the Program EIR, and potential adverse, significant project-specific environmental effects are addressed with existing development standards and regulations.

Based on City staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183 - Projects Consistent with the General Plan) and the CEQA Certificate of Determination (Exhibit F). The City Council environmental findings adopted for the 2011 General Plan apply to this project. A Planning Commission finding that the project qualifies for the §15183 CEQA determination is required.

VIII. DESIGN REVIEW

This project was reviewed by the SFDB on three separate occasions (meeting minutes are attached as Exhibit D). On April 7, 2014, at the initial conceptual review, the SFDB indicated support for the architectural style, materials, and compatibility. The second concept review on June 16, 2014 had a public notice and several neighbors attended with general concerns about compatibility, size, quantity and height of the proposed fill grading and resulting building height. The SFDB requested that story poles be installed prior to the next review meeting. On October 20, 2014 the SFDB visited the site to view story poles and reviewed the project again. Public comment letters and speakers were mixed, with some in support and pleased by the appearance of the story poles, and others with concerns about the proposed size, compatibility, and fill grading. The SFDB members also had mixed opinions, with two members voting in opposition because of concerns about size and compatibility; however the project was continued to the Planning Commission with comments that the project is generally compatible regarding size, bulk, and scale as it relates to the neighborhood and the site.

IX. FINDINGS

The Planning Commission finds the following:

A. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including hazards, views and public access, as described in Section VI.B of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the project will not increase hazards related to sea cliff retreat or fire services, will not affect lateral access across the beach, will not impact public views, and is compatible with the neighborhood as described in Sections VI.B. and VIII of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated September 2, 2014
- D. SFDB Minutes
- E. Applicable Local Coastal Plan Policies
- F. CEQA Certificate of Determination

PLANNING COMMISSION CONDITIONS OF APPROVAL

511 BROSIAN WAY
COASTAL DEVELOPMENT PERMIT
NOVEMBER 6, 2014

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

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 3. Record any required documents (see Recorded Conditions Agreement section).
 4. Permits.
- a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
- b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 6, 2014 is limited to the construction of a new single-family residence totaling approximately 5,886 square feet of building area including the 750 square foot attached garage and the associated improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).

4. **Landscape Plan Compliance.** The Owner shall maintain the native riparian landscaping in the area between the existing asphalt road and the northern property line, along the drainage channel (the area is approximately 15'x 250'), as approved by the Creeks Division and the SFDB. The Owner shall also preserve, protect and maintain the existing oak tree to remain, as shown on the approved Landscape Plan. These specific landscaping elements on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping elements are removed for any reason without approval by the SFDB, the owner is responsible for their immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit are 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.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Native Riparian Landscape Plan.** Native riparian planting shall be installed and maintained in the area between the existing asphalt road and the property line along the drainage channel (the area is approximately 15'x 250') as approved by the Creeks Division and SFDB.
 2. **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measures:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the SFDB.
 - b. **Oak Tree.** The following additional provisions shall apply to existing oak trees proposed to remain on site:

- (1) No irrigation system shall be installed within three feet of the dripline of any oak tree.
 - (2) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
 - (3) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 3. **Screened Backflow Device.** The backflow devices for fire hydrant private line, fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
 4. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.
 5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
 1. **Public Works Department.**
 - a. **Public Improvements.** The Owner shall submit public improvement plans for construction of a new residential fire hydrant located within 500 feet of all exterior walls of the residence. Any work in the public right-of-way requires a Public Works Permit.
 - b. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
 2. **Community Development Department.**
 - a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition A "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would
- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
 - 1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the point of entry to the site that list the contractor(s) name and telephone number(s) to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground

if it is free-standing or placed on a fence. It shall not exceed six square feet in a single family zone.

2. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
3. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 4. a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 5. b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 6. c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 7. d. Gravel pads or other means to prevent tracking of mud from the project site shall be installed at all access points.
 8. e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 9. f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
 10. g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 11. h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to

reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

12. i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
13. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements as shown in the public improvement plans (Section II.D.1) shall be completed.
3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11” board and submitted to the Planning Division.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



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DANA POINT, CA 92629
TEL: 949.441.1111
FAX: 949.441.1112

Proposed project for:
Port Residence
511 Brossian Way
Sunnyvale, CA 95099

JOB NUMBER	14011
CONTRACT	
SHEET NO.	15
DATE	07/14/11
BY	WJ
CHECKED BY	

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SITE LEGEND

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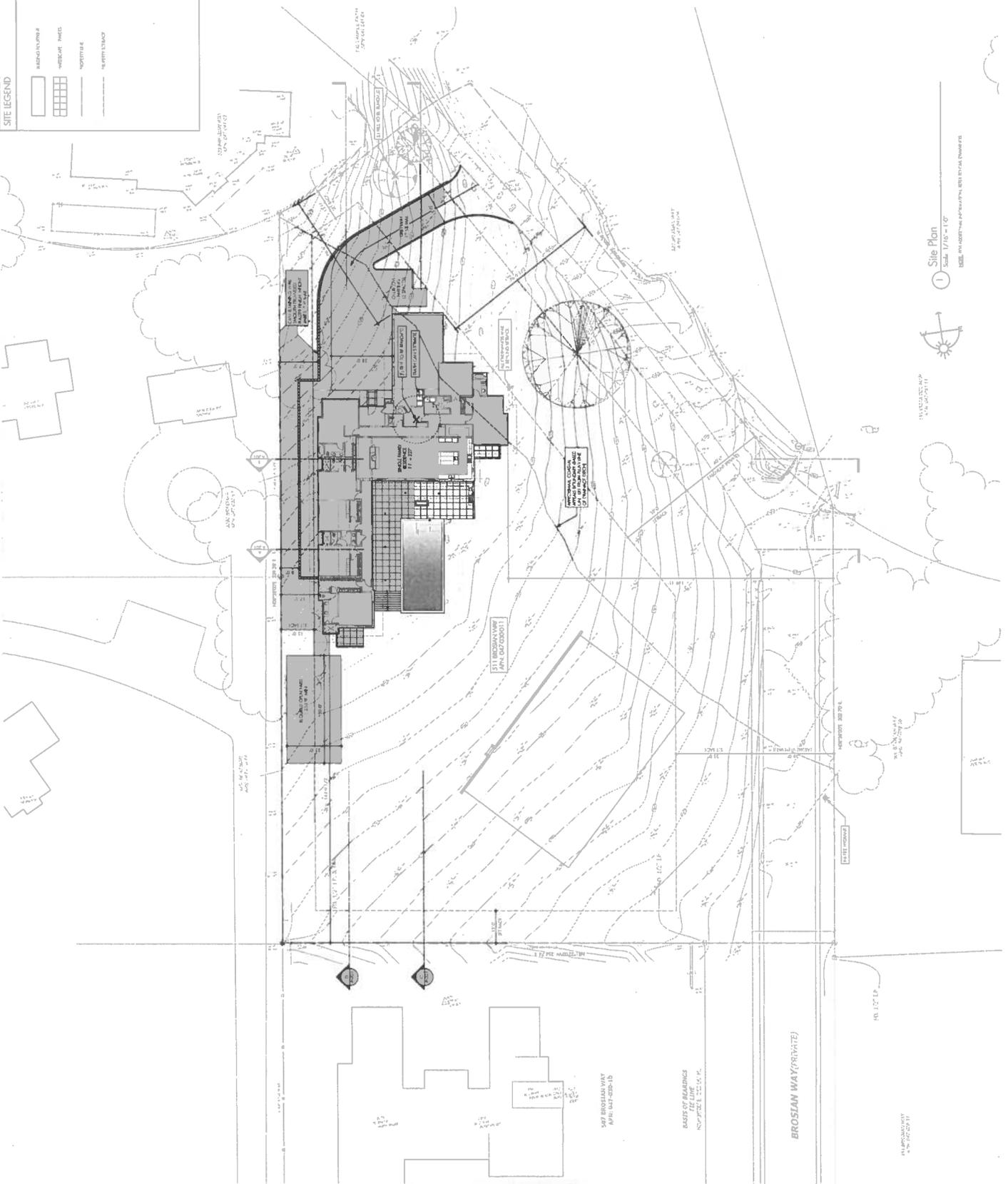


EXHIBIT B



CEARNAL ANDRULAITIS LLP
ARCHITECTURE & INTERIOR DESIGN

RECEIVED
SEP 10 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

September 2, 2014

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

RE: 511 Brosian Way (APN 047-030-011)
Proposed Development
MST #2014-00149

Members of the Planning Commission:

On behalf of the owners, Drs. Grace and John Park, we are pleased to submit for your review and approval the proposal for a new single family residence on an existing vacant lot located at 511 Brosian Way, within the A-1 zone district.

A portion of the property is located in the Appealable Jurisdiction of the City's Coastal Zone and the proposed development requires a Coastal Development Permit. The project also requires review and approval by the Single Family Design Board (SFDB) and is subject to the criteria of the Neighborhood Preservation Ordinance (NPO).

Existing Site Conditions:

The property, 511 Brosian Way (APN 047-030-011), is a 2.2 acre vacant lot within the A-1 zone district and in the Campanil residential neighborhood, near the western boundary of the City limits. The property topography gently slopes toward the ocean with an average slope of 12% (based on City GIS mapping) and is unvegetated with the exception of a 36" oak tree and a 16" pine tree. The lot is encumbered with several easements including private road access, sewer, water pipeline, and public utilities. There are no existing or proposed designated trails traversing the project site, nor is the site located adjacent to a creek or other watercourse. However, the lot is traversed by a natural drainage ditch and the portion of the lot within 100' of this ditch constitutes the portion of the property within the appealable jurisdiction. A soils report was completed May 21, 2014, and a copy is attached for reference. The site is served by City of Santa Barbara Sewer and Water lines, which extend to the south east corner of the site.

The surrounding properties are developed with a wide range of home sizes on varying parcel sizes. For example, the lot to the northwest of the subject site is developed with a 4,430 square foot residence on a 15,246 square foot lot while the property two lots to the north is developed with a 2,339 square foot residence on an over 5 acre lot. Please refer to the attached F.A.R. exhibit of the 20 closest homes.



Proposed Project:

The proposed project consists of the following components:

- A new single story 4,768 sf 6 bedroom residence (for an extended, multi-generational family), with a 221 sf storage loft open to 2 of the bedrooms;
- An attached 750 sf three (3) car garage, with 147 sf of workshop/storage space;
- A new swimming pool and associated hardscape and landscape improvements;
- A new permeable driveway and auto court, with two (2) uncovered parking spaces.

The single story residence is a low profile, sustainable and contemporary design with deep overhangs. The residence is sited to take advantage of the extraordinary ocean view (similar to neighboring homes) yet not block the views from neighboring houses above. The proposed residence involves 510 cubic yards of cut and 3,870 cubic yards of fill in order to achieve the ocean views from the single story design. The new grading is integrated with the natural topography in order to create a more natural and gracious foreground grade that emulates the character of the existing site. Rather than create a steep slope up to the new residence, a gentler grade is utilized to transition from natural grade, which does result in approximately 640 cubic yards of additional fill. The site is not considered major hillside or representative of ridgeline development where significant grading would be discouraged nor would the proposed project involve the creation of smoke or odors, the creation of new noise sources, or the use or disposal of any hazardous materials. New exterior lighting is proposed at the front door, all exterior patio doors, garage doors and at the exterior patio. Fixtures will be attractively designed, will minimize glare on neighboring properties and will be reviewed by the SFDB.

The project has been reviewed by Jim Austin, Santa Barbara Fire Department Inspector, at an on site meeting in March 2014, and again on July 30, 2014 to review the updated plan. It was determined that a new fire hydrant will be required on Brosian Way, at the south east portion of the site, as well as a pathway up to the house which will be accessible to emergency respondents. With these conditions, the portion of Brosian Way located within the Appealable Jurisdiction of the City's Coastal Zone and within the 100' Coastal Appeals Boundary is not required to be widened.

Site Statistics/Lot Coverage:

- | | | |
|-------------------------|-----------|------------------|
| • Hardscape: | 2,424 sf | (2.53% of Site) |
| • Landscape/Open Space: | 87,466 sf | (91.27% of Site) |
| • Building Footprint: | 5,942 sf | (6.20% of Site) |

Landscape Plan:

The landscape design leaves the majority of the site relatively undisturbed while creating usable outdoor spaces that have a strong connection to the interior. This is accomplished by keeping the primary outdoor use areas, such as the pool, deck and garden beds confined



to the immediate perimeter of the building footprint, with the exception of the recreation field and small orchard area. Site enhancements include creative storm water capture, dispersal and infiltration, permeable paving at drive way, auto court and patios, and the use of native plant materials which will require little to no water once established. The landscape palette is comprised of drought tolerant Mediterranean species with an emphasis on California coastal natives, desert and edibles.

Sustainable Concepts:

The owners desire to incorporate sustainable design elements into the project will help minimize the impacts of development on the surrounding environment. These sustainable elements include a photovoltaic array on the garage roof, passive solar design, natural ventilation, low flow fixtures, grey water system for landscape irrigation, and storm water capture, dispersal and infiltration. The project will qualify for a level 3 Santa Barbara Built Green Certification. Please refer to the Built Green checklist included with the application for a full list of proposed elements.

Neighborhood Outreach:

The owners have personally met with several neighbors to discuss the concepts of the proposed development including: the neighbors to the north at 523 Brosian Way APN 047-041-003 on April 26, 2014 to review the initial concept, and again on June 7, 2014 in advance of the second SFDB meeting; and the neighbors to the south at 507 Brosian Way APN 047-030-010 on June 8, 2014 in advance of the second SFDB meeting. The neighbors at 507 Brosian Way wrote a letter of support for the June 16, 2014 SFDB meeting.

Storm Water and Water Quality:

The Civil Engineer has prepared a Drainage and Water Quality Analysis consistent with the City's Storm Water Quality requirements. See attached for Tier 3 report and calculations.

Description of Construction Activity:

- Estimated duration of Demolition: N/A; Grading: 1 month; Construction: 11 months
- Number of workers and number/type of equipment necessary for each phase:
 - Grading: Excavator, crawler, grader, rubber-tired dozer, rubber-tired loader, tractor/loader/backhoe; estimated # of workers: 5
 - Construction: Rough terrain forklift, rubber-tired dozer, rubber-tired loader, skid steer loader, tractor/loader/backhoe, misc. hand tools; estimated # of workers: 10-15
- Identify staging area(s): Potential construction staging area will be located in area of the proposed auto court, located off Brosian Way. Once the garage is constructed, some construction staging and material storage will occur inside the garage.



Required Approvals:

- Coastal Development Permit to construct a new residence for a lot located in the appealable jurisdiction of the Coastal Zone.
- Review and approval by the Single Family Design Board.

The Coastal Zone consists of the appealable and non-appealable jurisdictions, each with a distinct development review process. Per definition, the appealable jurisdiction is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach and within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.

In the case of the subject site, the non-appealable and appealable Coastal zone boundary traverses the property parallel to an existing road/driveway that accesses a property to the northwest (523 Brosian Way, APN 047-041-003) and in the County via an easement. The appealable jurisdiction occurs in the project vicinity due to an existing drainage channel that flows into a culvert and continues underground through the adjacent residential neighborhood. Per County Assessor records, the property at 523 Brosian Way was completed in 1968. The existing driveway to access this property has been in place since the house was constructed in 1968 and is approximately 18'-7" – 28'-5" away from the flowline of the drainage channel. The proposed driveway to serve the subject property splits off from this same established driveway access. Given the history of the development near this drainage course and the factors listed below, we believe that the proposed development setback from the drainage channel is more than adequate to avoid any potential impact to the drainage:

- The drainage does not appear to support sensitive habitat (see photos included with the application);
- The City's Master Environmental Assessment does not identify a sensitive biological habitat or riparian habitat; and
- The County of Santa Barbara does not identify the property immediately to the northwest to be in an Environmentally Sensitive Habitat area.

Additionally, current storm water management policies will be required and implemented that will further protect project impacts related to water quality and run off.

It is important to note that the majority of the property (68%) is located outside the appealable jurisdiction of the Coastal Zone and that a proposed single family residence on a vacant lot in this jurisdiction would not require a Coastal Development Permit, but rather a Coastal Exclusion. A case in point is the existing residence to the south (seaward side of the subject site) which was processed with a Coastal Exclusion in 2010. As designed, only 487 sf of the proposed residence and 1,443 sf of the proposed driveway/auto court are within the appealable jurisdiction.

It is conceivable that the driveway could have been sited to be outside the appealable jurisdiction line, but to do so would have required it to start down at the southern corner of the



CEARNAL ANDRULAITIS LLP
ARCHITECTURE & INTERIOR DESIGN

site (at elevation 199') and climb up the middle of the property, essentially parallel to the (E) Brosian Way, at least 200' in length and rising over 27', in order to get to the logical home site. Additionally, it would disrupt the generous landscape foreground to the home.

The project itself will not negatively impact the health and welfare of the surrounding neighborhood community. It does not impact public or private viewsheds and the size, bulk and scale of the project is generally consistent with that of the neighborhood. It is consistent with applicable General Plan and Local Coastal Plan Policies regarding coastal development and bluff protection.

The project was conceptually reviewed by the SFDB on April 7, 2014 and June 16, 2014 and the minutes from those meetings are attached for reference. The project will be reviewed again by the SFDB prior to your review.

Conclusion:

We believe this new single family home will integrate seamlessly into the existing fabric of the neighborhood and is a model of sustainability. The single story design provides total accessibility for the 3 generations that will inhabit it, and creates a low profile that respects the surrounding views.

We look forward to the opportunity to review this project with you and appreciate your support and approval in advance.

Respectfully,

Brian Cearnal, AIA
Partner
Cearnal Andrulaitis, LLP

Attachment

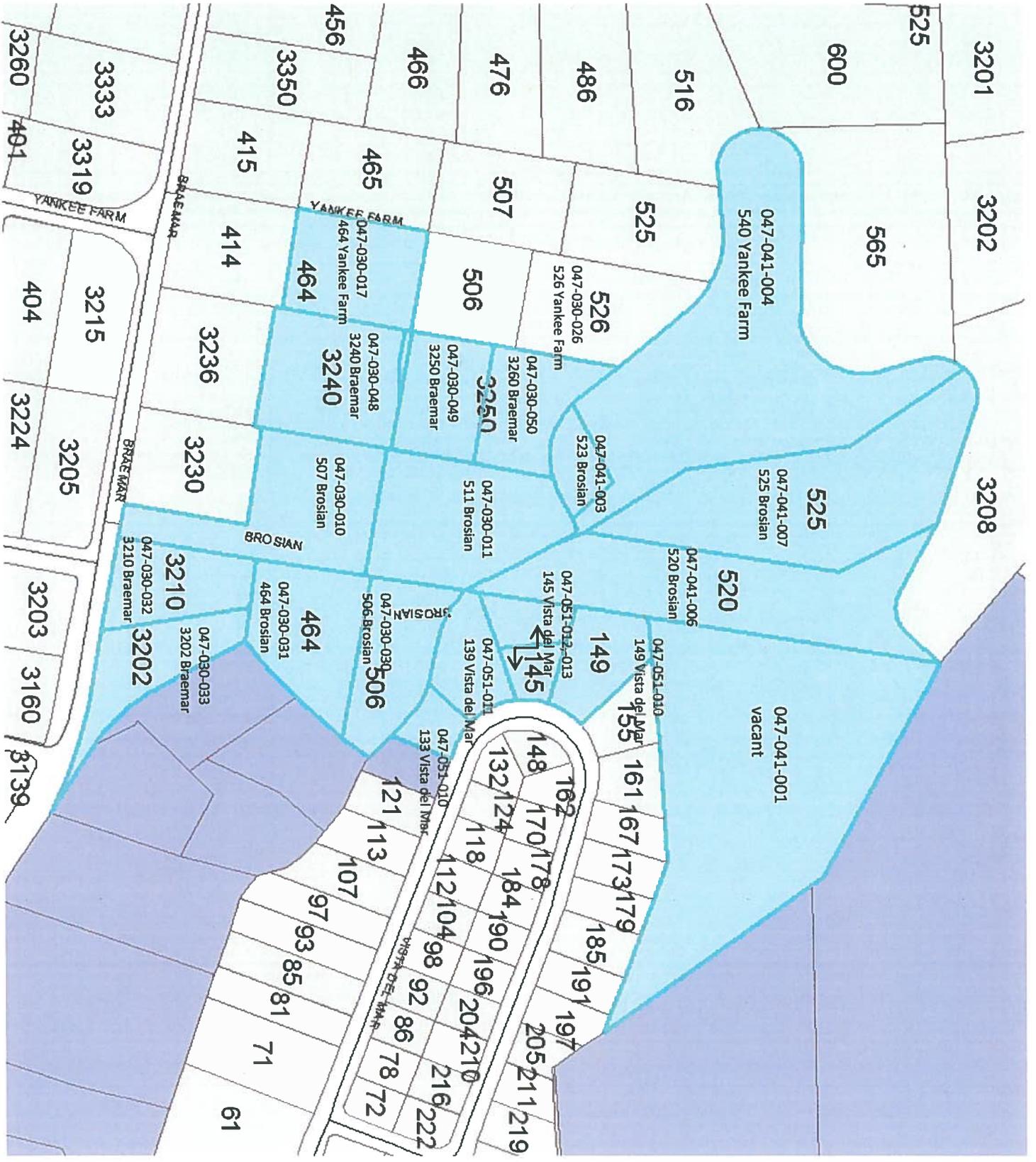
cc.: Drs. Grace & John Park

To Sort, press all at same time: CTRL+SHIFT+S

**20 Closest Lots Data Ranked by FAR
for: 511 Brosian Way**

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size in			Garage /Carport	Total	FAR
			gross SF	Floors	gross SF House			
540 Yankee Farm	Co. Assessor's Office	047-041-004	224,334	1	2,339	506	2,845	0.01
525 Brosian	Co. Assessor's Office	047-041-007	143,748	2	4,164	446	4,610	0.03
520 Brosian	Co. Assessor's Office	047-041-006	134,165	2	3,807	673	4,480	0.03
149 Vista del Mar	Co. Assessor's Office	047-051-014	31,363	1	1,177	400	1,577	0.05
464 Brosian	Co. Assessor's Office	047-030-031	54,450	1	2,354	468	2,822	0.05
464 Yankee Farm	Co. Assessor's Office	047-030-017	68,062	1	3,421	625	4,046	0.06
511 Brosian	MST Project - Pending/Pr	047-030-011	95,832	1	5,266	952	6,218	0.06
3210 Braemar	Co. Assessor's Office	047-030-032	43,560	1	2,468	478	2,946	0.07
507 Brosian	Co. Assessor's Office	047-030-010	78,408	2	4,406	1,076	5,482	0.07
3202 Braemar	Co. Assessor's Office	047-030-033	44,869	2	2,676	544	3,220	0.07
3240 Braemar	Co. Assessor's Office	047-030-048	67,954	2	4,481	563	5,044	0.07
526 Yankee Farm	Co. Assessor's Office	047-030-026	48,352	2	3,504	484	3,988	0.08
506 Brosian	Co. Assessor's Office	047-030-030	54,450	2	4,932	614	5,546	0.10
139 Vista del Mar	Co. Assessor's Office	047-051-011	28,314	1	2,934	540	3,474	0.12
3250 Braemar	Co. Assessor's Office	047-030-049	42,253	2	4,800	795	5,595	0.13
133 Vista del Mar	Co. Assessor's Office	047-051-010	12,197	1	1,300	400	1,700	0.14
3260 Braemar	Co. Assessor's Office	047-030-050	43,996	2	4,722	1,514	6,236	0.14
145 Vista del Mar	Co. Assessor's Office	047-051-012	11,761	1	1,308	432	1,740	0.15
523 Brosian	Co. Assessor's Office	047-041-003	15,246	2	4,430		4,430	0.29

Average/Mean Total of House + Garage Size (including project proposal):	4,000
Average/Mean FAR (including project proposal):	0.09



SFDB-CONCEPT REVIEW (CONT.)**1. 511 BROSIAN WAY****A-1/SD-3 Zone**

(3:15) Assessor's Parcel Number: 047-030-011
 Application Number: MST2014-00149
 Owner: John Park
 Architect: Cearnal Andrulaitis, LLP

(Proposal to construct a 5,888 square foot, single-story residence with lofted bedroom space, an attached three-car garage, and two-car uncovered parking on a vacant 2.2 acre lot. The proposal includes an outdoor pool and spa, landscaping, and 510 cubic yards of cut grading and, 3,870 cubic yards of fill grading. The proposed total of 5,888 square feet of development in the Hillside Design District and both the appealable and non-appealable jurisdictions of the Coastal Zone is 104% of the guideline maximum floor-to-lot area ratio. This project includes Planning Commission Review for a Coastal Development Permit.)

(Third Concept Review. Comments only; project requires Planning Commission review for a Coastal Development Permit. Project was last reviewed on June 16, 2014.)

Actual time: 3:10 p.m.

Present: Brian Cearnal and Jeff Hornbuckle, Architects; John Park, Owner; and Tony Boughman, Case Planner.

Public comment opened at 3:18 p.m.

- 1) Robert Forouzandeh, immediate neighbor to the south, spoke in support of the size, height, and style of the project.
- 2) Dawn Woods, immediate neighbor to the northwest, spoke in support of the height, and the project.
- 3) David Young, immediate neighbor to the west, spoke in support of the project.
- 4) Tom Evans, immediate neighbor to the west, spoke in support and expressed appreciation that the applicant responded to his concerns about the height, the setback, and the window lighting.

A letter in support of the project from Rosa Choi and Richard Chung was acknowledged. Letters of expressed concerns from Lori Rafferty, The Foleys, and Bob Bowski were acknowledged.

Public comment closed at 3:34 p.m.

Motion: Continued indefinitely to Planning Commission for return to Full Board/Consent with comments:

- 1) In general, the Board finds the project to be compatible regarding size, bulk and scale as it relates to the neighborhood and the site.
- 2) Study "smart" glazing for the clerestory windows.
- 3) Study undulating the fence along the streetscape to provide landscaping in the foreground and background.
- 4) Study the roof color regarding visibility from the neighbors.
- 5) Provide the specific Ceanothus variety for the landscape plan.

Action: James/Pierce, 3/2/0. Motion carried. (Miller/Bernstein opposed, Woolery/Zimmerman absent).

EXHIBIT D

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**7. 511 BROSIAN WAY****A-1/SD-3 Zone**

(6:55) Assessor's Parcel Number: 047-030-011
Application Number: MST2014-00149
Owner: John Park
Architect: Cearnal Andrulaitis

(Proposal for a 6,689 square foot, two-story, single-family home with an attached three-car garage on a vacant 2.2 acre lot in the Hillside Design District. The project includes a pool and spa, indoor squash court, site work, landscaping, and 6,250 cubic yards of grading. The proposed development is 103% of the maximum guideline floor-to-lot area ratio (FAR).)

(Project Design Approval requested. Project was last reviewed for a one-time concept review on April 7, 2014.)

Actual time: 6:54 p.m.

Present: Brian Cearnal, and Joe Andrulaitis, Architects; and Jack Kiesel, Landscape Architect.

Public comment opened at 7:04 p.m.

- 1) Tom Evans, a neighbor west of the project, expressed concerns regarding the impact of the landscape plan to the east property line, proper drainage due to elevation changes, the lighting in relation to neighboring homes, and the excess in easement size. He suggested having story poles erected on the site.
- 2) Robert Forouzandeh, who represented his family's home in close proximity of the project, spoke in support of the project.
- 3) Taka Nomura, a neighbor north of the project, expressed concerns regarding the obstruction of his ocean views, the actual height of the proposed project, and the issues with grading and fill. He suggested having story poles erected on the site.
- 4) Carl and Marilyn Kocher, neighbors in close proximity of the proposed project, submitted a letter with expressed concerns regarding the compatibility of the home to the existing neighborhood and the excessive amount of grading. They suggested having story poles erected on the site.
- 5) Lori Rafferty, a neighbor in close proximity of the proposed project, submitted a letter with expressed concerns regarding the disproportionate size, bulk and scale of the proposed project, and the issues dealing with drainage and runoff from the amount of grading.
- 6) Cy and Laura Lyon, neighbors in close proximity of the proposed project, submitted a letter with expressed concerns regarding the conformity of the home to the existing neighborhood in addition to the excessive grading. They suggested having story poles erected on the site.
- 7) Jana Young, a neighbor in close proximity, submitted a letter with expressed concerns regarding the compatibility of the home to the existing neighborhood in addition to issues with the raising the elevation.

Public comment closed at 7:26 p.m.

Motion: Continued two weeks to return to Full Board with comments:

- 1) Provide Level B story poles showing finished and existing grade in addition to the roof line of the loft, the two tallest roof elements, and the perimeter of the building.

Action: Zimmerman/Pierce, 6/0/0. Motion carried. (Sweeney absent).

CONCEPT REVIEW - NEW ITEM

10. 511 BROSIAN WAY

A-1/SD-3 Zone

(7:30)

Assessor's Parcel Number: 047-030-011
Application Number: MST2014-00149
Owner: John Park
Architect: Cearnal Andrulaitis

(Proposal for a 4,600 square foot, two-story, single-family home with an attached three-car garage on a vacant 2.2 acre lot in the Hillside Design District. A squash court and pool are also proposed.)

(Comments only.)

Actual time: 8:11 p.m.

Present: Brian Cearnal, Architect; and John Park, Architect.

Public comment opened at 8:17 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board supports the style and quality of materials, and compatibility of the architecture.
- 2) Study the effects of interior lighting of the tower element on neighboring properties.
- 3) Provide a landscape plan.
- 4) Ensure good neighbor guidelines are applied.

Action: Miller/Pierce, 6/0/0. Motion carried. (James absent).

Applicable Local Coastal Plan (LCP) POLICIES

Policy 9.1

The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

- (1) Acquisition of land for parks and open space;
- (2) Requiring view easements or corridors in new developments;
- (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;
- (4) Developing a system to evaluate view impairment of new development in the review process.

Policy 6.9

The City shall support the programs, plans, and policies of all governmental agencies, including those of the Regional Water Quality Control Board with respect to best management practices for Santa Barbara's watersheds and urban areas.

Policy 6.10

The City shall require a setback buffer for native vegetation between the top of the bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project.

Policy 5.3

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

Action

- Projects in the coastal zone will be reviewed by the Architectural Board of Review or Historic Landmarks Commission in accordance with the established rules and procedures.



City of Santa Barbara
CEQA CERTIFICATE OF DETERMINATION

To: File: MST 2014-00149
 Project Address: 511 Brosian Way

From: Tony Boughman, Assistant Planner (805) 564-5470 ext. 4539, Tthoughman@SantaBarbaraCA.gov

Subject: Certificate of Determination for Exemption from Environmental Review under CEQA Guidelines Section 15183

Project Location: City of Santa Barbara, County of Santa Barbara **General Plan Designation:** Low Density Residential
Assessor's Parcel Number(s): 047-030-011 **Zone(s):** A-1

Project Applicant: Brian Ceamal

Project Description: The project consists of the construction of a 5,886 square foot, two-story, single-family residence including an attached three-car garage on a vacant 2.2 acre lot in the Hillside Design District. The project includes a pool and spa, landscaping, 3,360 cubic yards of fill grading, and 510 yards of cut grading.

Project Environmental Findings: The City of Santa Barbara evaluated the proposed project and made the following determinations:

1. The project is consistent with density established for the site in the City of Santa Barbara General Plan.
2. A Program Environmental Impact Report was certified for the 2011 General Plan, which identified environmental effects of future citywide development under the General Plan, including significant effects, mitigated effects, and insignificant effects.
3. Pursuant to CEQA and CEQA Guidelines (Public Resources Code Section 21083.3 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15183), environmental review for this project shall be limited to examination of any significant project-specific environmental effects not analyzed in the prior Environmental Impact Report for the 2011 General Plan.
4. Project-specific impacts:
 - The project will not result in significant project-specific environmental effects.
 - Potentially significant project-specific environmental effects will be substantially mitigated by uniformly applied development standards, as described in *Preliminary Review* documentation. The project will not result in significant project-specific effects.
5. Environmental effects were previously analyzed in the Environmental Impact Report for the 2011 General Plan.
 - Relevant mitigation measures from the General Plan Program EIR have been made part of the project.
 - No mitigation measures from the General Plan Program EIR are relevant or have been made part of the project.
6. A mitigation monitoring and reporting plan [was was not] adopted for this project.
7. A Statement of Overriding Considerations was adopted by City Council for the 2011 General Plan (Resolution 11-079), finding that the significant environmental effects of citywide development under the 2011 General Plan were outweighed by the benefits of the Plan and therefore deemed acceptable. The Statement of Overriding Considerations remains applicable for the current project.
8. Findings were made pursuant to the provisions of CEQA.

Exempt Status: Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with Community Plan or Zoning) and CEQA Statute (Section 21083.3 of California Public Resources Code)

The Program Environmental Impact Report for the 2011 General Plan and the record of current project permit review process may be viewed by the public at the City Planning Division office at 630 Garden Street, Santa Barbara.


 Signature (City of Santa Barbara)

Assistant Planner
 Title

October 20, 2014
 Date

