



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 031-16

402 S. HOPE AVENUE

DEVELOPMENT PLAN AND P-D DEVELOPMENT PLAN

NOVEMBER 10, 2016

APPLICATION OF MIKE RAMSEY, PLANNING MANAGER FOR SANTA BARBARA AUTO GROUP, 402 S. HOPE AVENUE, APN 051-240-017, E-3 (ONE-FAMILY RESIDENCE)/P-D (PLANNED DEVELOPMENT) /SD-2 (UPPER STATE STREET AREA SPECIAL DISTRICT) ZONES, GENERAL PLAN LAND USE DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DWELLING UNITS PER ACRE (MST2015-00603)

The proposed project consists of adding 3,584 square feet to the existing BMW showroom and 673 square feet to the Audi showroom for a total of 4,257 net new square feet. The site is currently operated by Santa Barbara Auto Group as a 41,607 net square-foot Mercedes/BMW/Audi automobile dealership, including showrooms, service areas, offices and parking. The purpose of these additions is to comply with new corporate specifications from the respective automobile manufacturers. An interior and exterior remodel, minor landscaping, improved driveway aprons, bike parking, and site improvements to comply with the City's Storm Water Management Program are also proposed. The addition would increase the parking requirement from 218 to 235 spaces. The development currently has 289 parking spaces available. The City Council approved a Community Benefit allocation of nonresidential floor area for the project on January 12, 2016.

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 4,447 square feet of new nonresidential floor area (SBMC §28.85.030); and
2. A Development Plan to allow construction in the P-D, Planned Development Zone (SBMC §28.39.130).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15183.

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

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

1. Staff Report with Attachments, November 3, 2016.
2. Site Plans

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

- I. Approved the subject application making the following findings and determinations:
 - A. **ENVIRONMENTAL REVIEW (CEQA Guidelines §15183)**
 1. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning, based on the CEQA certificate of determination on file for this project.
 - B. **DEVELOPMENT PLAN (SBMC §28.85.040)**
 1. The project complies with the Non-residential Growth Management Program Requirements by constructing additions to a new automobile dealership in the Planned Development Zone and receiving Community Benefit floor area allocation from City Council;
 2. The project is consistent with the principles of sound community planning because it is consistent with applicable plans and policies and would not adversely affect the character of the neighborhood;
 3. The project will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk, and scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in SBMC Sections 22.22.145 or 22.68.045 as found by the Architectural Board of Review on August 29, 2016; and
 4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050.
 - C. **P-D DEVELOPMENT PLAN (SBMC §28.39.130)**
 1. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided;
 2. That the general hours of sales and operation Monday through Sunday from 9:00 am to 7:00 pm do not inappropriately alter or disturb the character of the area;
 3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area since no additional outdoor lighting is proposed.
 4. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area and of the City as determined by the Architectural Board of Review on August 29, 2016.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain Design Review Approval from the Architectural Board of Review.
 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 Public Works Permit (PBW) for all required public improvements and complete said improvements prior to issuance of building permits.
 - b. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

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 10, 2016 is limited to 4,257 net square feet of new commercial development and the improvements shown on the project plans signed by the chairman 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. **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, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement. All turf on the site shall be replaced with drought tolerant landscaping.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair

or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new building permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Transportation Demand Management.** The existing Transportation Demand Management Program required per prior Planning Commission Resolutions 45-86, 70-86, and 022-88 shall remain in effect.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **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, as approved by the ABR.
 2. **Landscape Plan.** All existing turf areas shall be replaced with drought tolerant plantings.
- 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. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.b “Hitchcock Way Public Improvements & Property Dedications” shall be submitted to the Public Works Department. Upon acceptance of completed public improvement plans, a Building Permit may be issued if the Owner has bonded for public improvements and dedication of property and executed the *Agreement to Construct, Dedicate Property and Install Improvements (Not a Subdivision)*.
 - b. **Hitchcock Way Public Improvements & Property Dedications.**

The Owner shall submit public improvement plans for new construction or modifications to driveways along Hitchcock Way to meet Pedestrian Master Plan goals and policy that include cross slopes of sidewalks across driveways. Plans may be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California or shall conform to Public Works Department standard plans for review and approval by the Public Works Department. Any work in the public right-of-way requires an application, the payment of fees and issuance of a Public Works Permit for construction.

The owner shall also submit preliminary public improvement plans for the future new construction or modification(s) to other existing driveways from the property that accesses the public streets along Calle Real and S. Hope Avenue to achieve

Pedestrian Master Plan goals and policy for compliance of sidewalk cross slopes across these driveways for review and approval by the Public Works Department.

It is anticipated that all or many of the approved driveway designs will likely encroach onto project property. In this case, the City shall require the owner to irrevocably dedicate easement(s) for public sidewalk purposes of these public improvements that encroach onto project property. The owner shall submit an application with the Public Works Department and pay fees for review and approval of the easement document(s). The easement survey and property description(s) shall be provided to the City and prepared by a licensed professional registered in the State of California for submittal to the Public Works Department for review and approval. The Public Works Director will recommend that the City Council accept the irrevocable offer of easement(s) for the driveways on Hitchcock Way and other irrevocable offers of dedication adjacent to Calle Real or S. Hope Avenue may be accepted at or near the time of future driveway construction or modification(s) proposed by the Owner or required by the City as part of a future development application.

- c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
- d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "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. The Owner shall submit a hydrology report and worksheets from Appendix D of the Storm Water BMP Guidance Manual 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 Creeks Division, the City Building & Safety Division, and the 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 result from the project.

- c. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- d. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 "Neighborhood Notification Prior to Construction" below. 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.
- e. **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.
- f. **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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	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
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City 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 said 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.

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
 5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
- 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 or building plans, shall be completed.

G. General Conditions.

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 45-86, 70-86, 022-88 and 007-10.
2. **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.
3. **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.
4. **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.

III. **NOTICE OF DEVELOPMENT PLAN TIME LIMITS:**

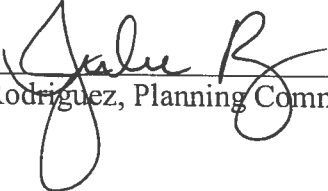
The Planning Commission action approving the Development Plans shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, unless:

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. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

This motion was passed and adopted on the 10th day of November, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Higgins)

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



Julie Rodriguez, Planning Commission Secretary

12/1/14

Date

PLEASE BE ADVISED:

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

