



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 11, 2008

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Planning Commission Approval Of 1236 San Andres Street Project

RECOMMENDATION:

That Council deny the appeal of Paula Westbury and uphold the Planning Commission approval of the Tentative Subdivision Map and Modification for the four-unit residential condominium development proposed at 1236 San Andres Street.

EXECUTIVE SUMMARY:

On January 10, 2008, the Planning Commission approved a Tentative Subdivision Map and interior yard Modification for the demolition of two single-family residences along with two accessory structures and construction of four condominium units with two covered spaces per unit. At the hearing, eight people, including the appellant, Paula Westbury, spoke against the project. Issues raised at the hearing and in the subsequent appeal of the project included: concerns about the size, bulk, and scale; archeological issues; traffic; change in the character of the neighborhood; and concern that the development is not designed within the neighborhood context (Attachment 1, Appellant Letter). This report will address these concerns and why the Planning Commission determined the project was consistent with all applicable policies and regulations. Therefore, staff recommends that you deny the appeal and uphold the Planning Commission approval.

DISCUSSION:

Project Description

The project consists of the demolition of two permitted dwellings and associated accessory structures and the construction of a four-unit condominium building on a 10,000 square foot lot. The proposed building would be approximately 5,783 square feet (s.f.). Each unit would

REVIEWED BY: _____ Finance _____ Attorney

Agenda Item No. _____

average between 1,000 s.f. to 1,300 s.f., and each garage would be approximately 400 s.f. The structure would be two stories and approximately 23 feet in height. The majority of the habitable space of each of the units would be on the second floor, with a two-car garage located below each one. Three of the units include ground-floor bedrooms with full bathrooms. Access to the site is to be provided by a driveway along the southern property line off of San Andres Street. Since existing vehicle access to the project site was provided by Victoria Street, a new curb cut will be necessary. Grading for the project would be approximately 235 cubic yards of cut and 25 cubic yards of fill. A modification is requested to allow the garages to be located three feet from the northerly lot line instead of outside the required six-foot setback (See Attachment 2, Planning Commission Staff Report).

Planning Commission Approval

On January 10, 2008, the Planning Commission approved the project. The Commission noted that because the lot is 60 feet wide, the Modification to the interior yard setback would allow for more maneuvering room into the garages. Staff expressed concern that the thick parapet wall adjacent to the second-floor patio would become usable area. However, at the hearing, the architect proposed an alternative design that addressed those concerns (see Attachments 3 and 4).

Appeal Issues

- *Appellant: The existing structures are historic and should be preserved.*

Staff Response: One house pre-dates permitting, and the other structures were permitted, beginning in 1926 with the second house (located in the center of the lot). The development on the project site was reviewed by the City Historian and determined not to be historic, mainly due to the poor condition of the structures. The house closest to San Andres Street is covered with vinyl siding, which is an indication that the original wood siding is failing. Therefore, staff did not consider recommending this structure to be listed or designated.

- *The project site is a native burial ground and contains the remains of other people from around the world; the proposed project would disturb the site and should not be approved.*

According to the City Master Environmental Assessment map, the site is within proximity to potential archeological resources. This is due, in part, to the adjacent Old Mission Creek, located to the east. However, it is unlikely that there are resources on-site, since it was developed approximately 90 years ago and has been disturbed by excavation as part of the construction of the structures. A Phase I archeological survey was prepared by MacFarlane Archeological Consultants, which confirmed that there are no significant resources on the site. Preparation of the report included reviewing numerous reports prepared for projects located within the

vicinity of the project site and all of the reports concluded that there were no resources. Further, the Victoria Street right-of-way, located on the adjacent northern lot was recently excavated to a depth of 20 feet to install a below grade storm water treatment facility. The excavation did not reveal any archeological resources. Finally, the project includes a condition that directs a contractor to stop and re-direct work in case any archeological resources are found. Therefore, the assertion of archeological remains on the project site is not supported by studies provided by the applicant and recent excavation on surrounding project sites.

- *The existing development is more appropriate for the neighborhood since it is set further back from the street, is smaller in size, provides more open area, and has more vegetation than the proposed project. Further, no Modification should be granted for the proposed project.*

Staff agrees with the assessment of the existing development. The current development is set back 25 feet from San Andres Street and the current proposal would be set back 10 feet. However, house number 2 and an accessory structure are inconsistent with the side-yard setbacks under the current regulations. The visual setting of the project site for many decades has included the use of the undeveloped Victoria Street right-of-way (ROW), located immediately north of the project site. The project site currently has no curb cut and thus there is no driveway or parking on-site. Uncovered parking for the project site was provided informally in the ROW, and in 1928, the City Council granted a one-year temporary variance for a single-car garage to be partially located in the ROW. Further, mature vegetation grew along the common northern property line, which gave the appearance of being a part of the project site and the illusion of a larger lot with a great deal of landscaping and open space.

In 2006, the construction of the Old Mission Creek Summer Urban Runoff Facility (SURF) began and the Victoria Street ROW was incorporated into that project. This development required the removal of the single-car garage, paving, and vegetation. Once that construction occurred, the actual boundaries of the lot became more apparent and parking for the two houses is now provided only on San Andres Street. As proposed, the project would provide two covered parking spaces per unit and a driveway onto the site. A Modification was approved by the Planning Commission to allow adequate maneuvering room into the garages. By providing a 15-foot-wide driveway, there would be a greater separation between the southern property line and the proposed development than exists under the current development.

While the two-story development would be taller than that currently on-site, it would not be out of character with the surrounding neighborhood. Setbacks vary in the area, which is a reflection in both the zone districts of this area and the age of the structures. San Andres Street is the dividing line between the R-2 Zone District,

which begins on the west side of the street, and the R-3 Zone District, which extends to the east from San Andres Street to the 101 Freeway. The R-2 Zone District restricts the front yard setback to 15 feet for single-story development and 20 feet for more than one story (third-story setbacks can be more restrictive). The R-3 Zone District allows a 10-foot setback for one or two story development. Other apartment and condominium projects on the east side of San Andres, to the north and south of the project, do have 10-foot front setbacks.

While the project will increase in height and number of units, parking will be provided on site, and the project will conform to the required front-yard setback. Landscaping, which includes creek restoration, will be provided, and the development is consistent with scale of the majority of that in the area. The Modification is necessary to allow automobile maneuvering on a narrow, 60-foot-wide site. Comparison to older development is difficult, as the older development is non-conforming to parking, in some cases, and development immediately to the west of the project site is subject to more restrictive front-yard setbacks. Therefore, consistent with the requirements of the current zoning (except for the Modification to the interior yard setback), the proposed project will be appropriate for the neighborhood.

- *The Architectural Board of Review (ABR) did not support the project; the design is not compatible with the neighborhood, and trees will be removed.*

The project was reviewed by the ABR at three meetings and was supported at each meeting. The ABR supports the design, as the applicant has kept the height to 23 feet. The architect redesigned some portions of the development in response to staff comments in the DART application review process. At the third ABR meeting, the board members expressed some concern about those changes, which included setting back the second floor to be consistent with the Municipal Code; however, the board felt that the concerns could be addressed. The neighborhood includes a number of older single-family homes and apartment buildings, along with newer condominium projects. Additionally, there is a variety of architectural styles, including both bungalows and commercial buildings in a simple Mexican vernacular style, which the proposed project emulates.

The applicant included a landscape plan that will include a compatible palate with the adjacent Bohnett Park. On the east facing slope toward Old Mission Creek, restoration has begun, and the existing mature Sycamore trees will remain. On the project site, a few fruit trees will be removed. Landscaping along the northern property line, adjacent to the Bohnett Park expansion site, will include some new trees. Therefore, based upon conceptual review by the ABR the project has been found compatible with surrounding neighborhood, including Bohnett Park.

- *The project is located within a flood plain and should not be approved.*

The project is located adjacent to Old Mission Creek, which is not a FEMA-mapped creek. However, due to an undersized culvert located downstream at the 101 Freeway, the Santa Barbara County Flood Control Division has established an inundation elevation of 67 feet, below which no development should be located. The finished elevation of the project site would be 77 feet, which exceeds the required inundation level. The project is also subject to the Mission Creek Setback under the Municipal Code. A geotechnical report prepared by Rick Hoffman and Associates, which was accepted by the Chief Building Official, established the top-of-bank and the required setback from the creek consistent with the Municipal Code. As proposed, the project would exceed that established setback. Therefore, based upon a professional assessment, the project was determined not to be in a floodplain and is consistent with all applicable requirements.

RECOMMENDATION:

Staff recommends that Council deny the appeal, upholding the decision of the Planning Commission, making the findings included in the attached Planning Commission Resolution and subject to the Conditions of Approval contained in the Planning Commission Resolution Number 01-08 (Attachment 4). This recommendation is based upon the Planning Commission finding that the project is consistent with the Municipal Code and General Plan, and the project has been found compatible with surrounding neighborhood. A study was provided that demonstrates that the project would be constructed consistent with the prescribed geologic setbacks under the Municipal Code and County Flood Control requirements. Finally, the structures were determined not to be significant, and the site is not considered an archeological resource.

NOTE: The documents listed below have been separately delivered to the City Council and are available for public review in the City Clerk's Office:

- Public Comment Letters
- Project Plans

ATTACHMENTS:

1. Appellant's letter dated January 14, 2008
2. January 10, 2008 Planning Commission Staff Report with Exhibits B-E
3. January 10, 2008 Draft Planning Commission Minutes
4. January 10, 2008 Draft Planning Commission Resolution 01-08

PREPARED BY: Peter Lawson, Associate Planner

SUBMITTED BY: Dave Gustafson, Acting Community Development Director

APPROVED BY: City Administrator's Office

Jan 14, 2008

650 Miramonte Dr
Santa Barbara, Calif
Paula Westbury
93109
462-6508

To City Council

1236 San Andres ST

There is an appeal here. Same these
houses - 2 - plus shed and workshop.
They have old growth Redwood
throughout, except for the Workshop.
It came later. Condo project is out
of place. Dont move or dismantle
the house. That was what was
decided 1-10-08. Dont allow Condos
at all. Let the site remain with
all structures as they are. It is
good to keep them there. They
are good neighborhood housing
It is my Childhood Home.

RECEIVED

2:30 PM
JAN 22 2008

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Thank you

This was before the Planning Commission
Jan 10, 2008.

Jan 14, 2008
Paula Westburg
650 Miramonte Dr
Santa Barbara, Calif 93109

Dear City Council Members,

This is an appeal of the decision of Jan 10, 2008 before the Planning Commission regarding the 1236 San Andres St Project. It is not safe in an Earthquake as it has a 2 status. It is "in your face" - doesn't have the additional 25' setback of the present house and the neighborhood generally. Peoplespoke up and said "it is horrendous", "not in keeping with the neighborhood", "too high", "too big", "not beautification" etc. Public view is affected.

This is Historic Bungalow type area with yards. This house has open space 25' in front, 6' on N side, 13'6" on S side, 40' between houses. Condo has next to no yard compared to what is there now. Wanted 3' not 6'. People like to Preserve the neighborhood.

The Houses are strong, full of Redwood 5,000 yrs old, "2x6" + 2" x 4" etc 4x4" and very well built. All structures are strong. The Land is wonderful, open space is pristine. Lumber is pristine. It is Landmark status and belongs on the National Register or at least structure of merit. It is an extraordinarily exceptional building. All buildings are safe in 25 Earthquake. Keep them.

The Westburg Family was here from 1946 to 1951. The Apricot tree was there. There are exceptional things there. Indians lived by the Creek and they are still there. Everybody knows Indians lived by the Creek. The Burial ground is Big and is old - 90,000 years and more. Ceremonial aspects are good - sun, moon, stars, rain coming when needed. All needs protection. The Westburg family had yards and open space for the children and the Indians helped them. They need protection from the over sized inappropriate Building Project. They helped the children to Be Well and still help the Arts Budding help the children to Be Well. Don't ever excavate. There are Indians helping people have Peace & Prosperity. There are excavate, also 29 tribes. 50 individuals. New helping people, 5 villages. Save all. Big Peace Place. Harrington over time brought 29 Peace home from Israel and Ireland etc. They are buried here. Smithman was active here in 1922. got landmark status. Save all trees and House and open space. Live longer. Spanish Explorers were here. Cabrillo's footprint are here. Never disturb the ground. Historic, leave all as is. Be Well

Save Historic and safe Santa Barbara. leave open space. Condos are not 50' from the Bank of Mission Creek. City didn't present the numerous letters and petitions to the Hearings, or phone calls, and communications to Be Well. Save Santa Barbara Housing.

The Condo project is 25' from the Bank, the Bank of the Creek, which is a big drop off in the back part of the property, instead of 50' which is required. That's old Mission Creek.

Jan 14, 2008
 Paula Westbury
 650 Miramonte Dr
 Santa Barbara, Calif
 93109

People don't want the Condo Project.
 Petition to Save neighborhood Housing
 Preserve the House and Buildings, Preserve Open Space, views,
 1 story more appropriate housing, were signed by at least 19
 people. The second part of the petition concerned the
 neighborhood Preservation Ordinance, safety of one
 story, not grading and destabilizing the land,
 preserving trees, Condos not being appropriate to the
 Bungalow or wood type neighborhood, and scenic
 nature and character of the neighborhood as they
 are huge and take up all the space, are massive
 and cut off public views. It is to Preserve the neighborhood,
 don't demolish it, Save House and Buildings and Yard
 and Trees. Don't grade. Let the neighborhood be - at
 least 57 signatures. The third part of the Petition
 concerned making the House and Bldgs and Yard
 Historic, with City Records showing Redwood Beams
 in 1925 etc. See petitions. The Buildings went through
 the 1925 Earthquake (3 built then - 2 Houses, shed), Yard
 was occupied by people for hundreds if not
 thousands of years, therefore consider the 1236
 San Andros Site Historically Significant (got it)
 22 signed the third part, at least. (There were
 many other signatures turned into the City and
 collected. Many people spoke to Jake Jakobus concerning
 making the House and Site Historic. It's pretty
 obvious the Bungalow Area is Historic
 People want it Preserved.

The House is very good housing and has
 been continually occupied. It is very good
 community housing. The mudrups had it for
 55 years and were a stable aspect of the
 community. She said she preserved it, she
 left it to the tenant. She did not want
 it ever to be hurt. Please never ever let
 it be demolished. Leave it where it is. Don't
 tear it apart, ever. Don't move it. Preserve
 our precious neighborhoods. It's my Childhood
 House.

never permit Condos here.

Jan 14, 2008
Paula Westbury
650 Miramonte Dr
Santa Barbara, Calif 93101

Additional important information:

1. Mudrys had everything permitted. Structure way back is workshop, not dwelling.
2. Jan Hubbell of City Planning said she would apply for historic status and we provided historic information.
3. Condos are Cinderblocks.
4. People at Hearing protested congestion and overcrowding. People were concerned about Condos - color, style, more trouble, lack of open space, 2 stories, mansification, saving trees, size, 60's Retro Hotel aspect (neg. od), maximum profits at the expense of the community, Hi-rise in compatible with neighborhood, (need to respect) S.B. style, no redeeming value. They said Chewsh old neighborhood, lovely old house, save old trees, Charm to home, trees, next to park, impt, impt to keep old neighborhoods, Save it, Structure of merit.
5. Builder said he was going to build after the Hearing of 1-10-08.

So please remove the approval and turn down the project as it doesn't suit the site and doesn't fit in with the community. Please protect Santa Barbara, turn the project down, save the Old growth Redwood Tree House and shed and all structures. Leave them on the site. Save Historic Bungalow Area. Save Indians. Leave all there. Be well. Save Housing.

Sincerely,
Paula Westbury
PAULA WESTBURY

6. Site is affected by flood plain on map
7. Project was voted down in first ABR meeting as it was inappropriate to the site, then someone changed their mind + it continued
8. Aerial photos showed that the present structures fit in

Addendum

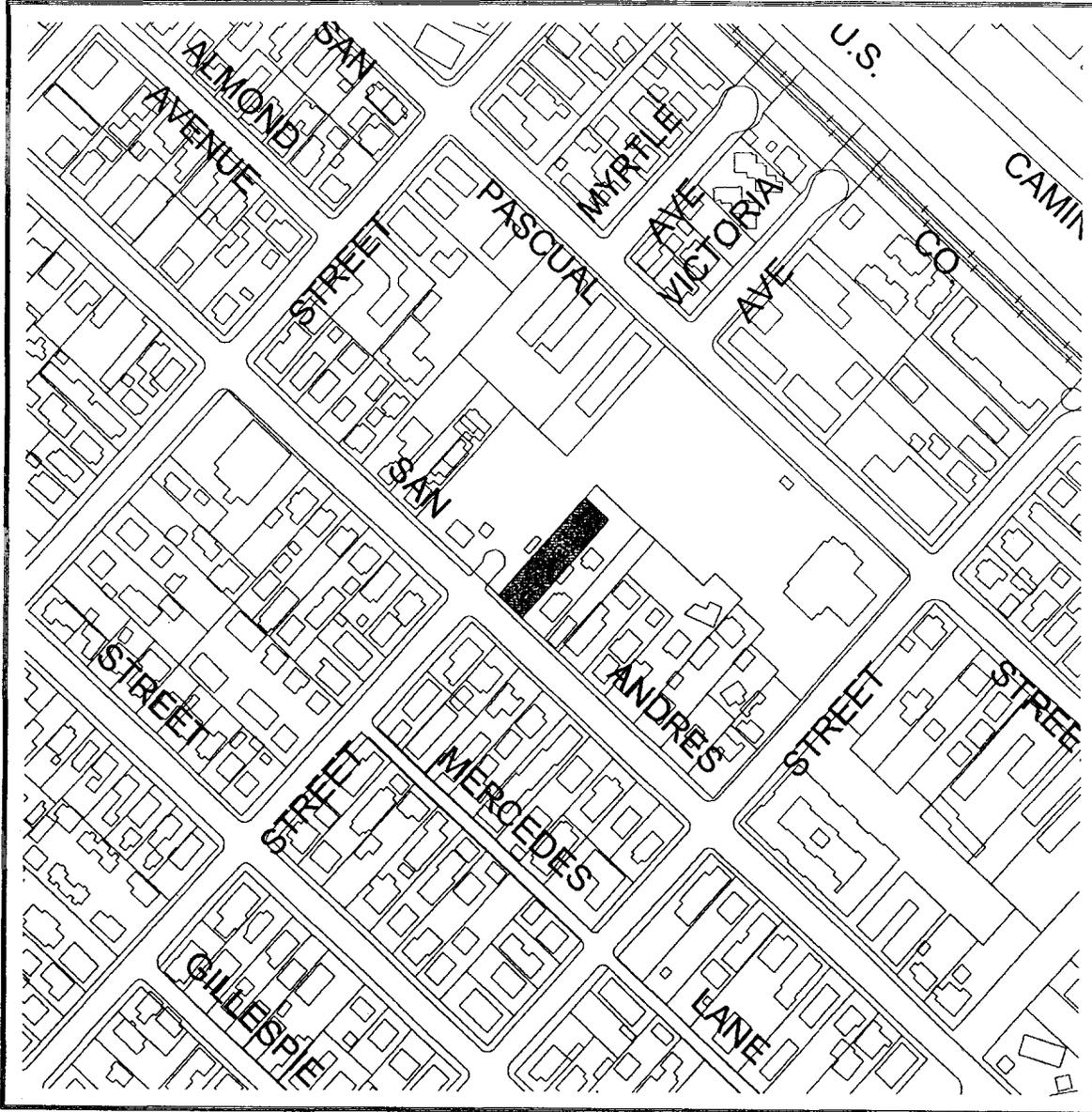
- A. People said: the present buildings "have their own unique charm and maintain the historical and contemporary continuity and integrity of the neighborhood...
 "appropriate size dwelling... allows for a good view... unobstructed view of the creek bed, trees and distant mountains."
 "placing a large 4 condo - 8 garage building on that particular site... is overbearing and overcrowding by putting too much building in too little an area."
 "It's challenging the geological stability of the creekbed flood plain... by extending development too close to the edge of the creek and risking further erosion problems."
 "It will significantly block the mountain and Creek and Park views and adversely affect the charm and accessibility of the area in general."
 "Radically alter the neighborhood"
 "The quality & character of the neighborhood are permanently changed"
 "Single family dwellings are not congested."
 "Parking and traffic are adversely affected"
 Save Historic Santa Barbara -
- B. Builder quoted Helene Schneider standing in front of his 1822 San Pascual complex: "This is what we don't need in Santa Barbara."
- C.

never develop the neighborhoods. never change so drastically,
never so close to the precipice. never take away the yards,
leave open space. Save the views. Trees and plants need to
stay. never dominate. Keep all intact. Keep Historic areas
Forevermore. Save Burial grounds, Ceremonial areas. They
need to remain intact. never bulldoze. never more.
Be well. Don't tear down. People want it saved. Fay
Westbury thought the photo of the house that was on
the screen so long didn't do it justice. It is a very good
place to live. We love it. The site provides for 2 families
neighbors don't want such a big building - 4 Condos + 8
garages - there. Be well. Old Growth Redwood Tree
Houses need to be preserved. Preserve them.

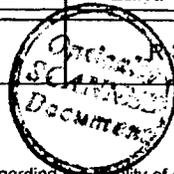
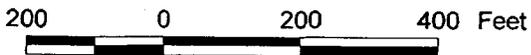
The owners really have provided considerable
benefit to the community. The really appreciated
the home and over time it survived to provide
strong, safe housing. It is the Bungalow area
of Santa Barbara. It fits the neighborhood and
the children have greatly appreciated it. It's
family friendly. It is the right size for the site.
It is Historic. Historic yards are child and adult
friendly. We don't need 3' instead of 6' on the North side
of the Condo Project. The Condo project is too big.
It is out of place. Too close to the drop-off or bank
of the creek. Save the present housing. It is
much wanted. It will last. It is safe. It
is a wonderful place for children and adults.
Turn down the Condo project.

Sincerely,
Paula Westbury
PAULA WESTBURY

● SITE MAP ● ATTACHMENT



APN	Address	Parcel Area	Land Use Zone
039-151-001	1236 SAN ANDRES ST	10078.2	



PLEASE NOTE: This map is for representation purposes only. No determination is made or implied regarding the legality of structures outlined on this map (rooflines are shown), the location of those structures or the location of the parcel lines.

Petition to SAVE HOUSING at 1236 SAN ANDRES ST

We the undersigned want to PRESERVE THE HOUSE AND BUILDINGS. We petition the City of Santa Barbara to SAVE HOUSING there. It is very appropriate to the neighborhood, one story with yard space and trees and views. ^{of sky + trees - mountains are BEHIND THE TREES} DON'T BUILD 4 2 story Condos + 4 2 car garages here. Too Big. PRESERVE OPEN SPACE. PRESERVE THE NEIGHBORHOOD

DATE	NAME	Signature	Address	Phone (opt)
1/13/06	Louise Beth		5111 Nativina	
4/13/06	Kevin Kent	KEVIN PIERCE	1654 CIRCLE CANYON	
8/13/06	Mack Stanton	MACK STANTON	2-3 O'Donnell Lane	
5/13/06	Frank Holland		5140 San Lorenzo Dr. SB, 93111	
5/13/06	John Magistral		4814 Via Los Santos, SB, 93111	
8/13/06	John Magistral		" " " "	
8/13/06	Max Menzies		825 CORONEL ST SB 93109	
8/13/06	Woody Helms		140 Evergreen Vta, 93103	
8/13/06	Ricarda Robert		P.O. Box 211, Summerland 93067	
8/13/06	Elizabeth Schwyzer		1740 Hillside Road, SB, CA 93101	
5/13/06	Fiona Morgan		180 Willow Spring Goleta 93117	
8/13/06	Jaimie Morza		5700 Via Real #89 Carpinteria, CA	
8/13/06	Corey Hoffman		5817 Park St No Strettsburg, FL	
8/13/06	Barbara Walker		Box 3190 SB 93105	
8/13/06	Juda Spencer		2278 Annelaya St, Santa Barbara 93101	
8/13/06	Amanda Pell		5348 TRAIL DR SB 93111	
8/13/06	Victoria R Stone		570 El Sueno Rd SB 93110	
8/13/06	Arienn Ellis		140 Via Diego SB 93110	
8/13/06	Linda M. Bernson		823 1/2 Laguna St SB 93101	
8/13/06	Rachel S. Bernson		125 W. Anapamu St. S.B. 93101	
8/13/06	Miguel		10445 SB 93102	
8/13/06	Karin Parker		10 26755 SB CA 95190	
8/13/06	Richard Hastings		1753A Washington St 90291	
8/13/06	Eric Flores		1815 Skid St, SB, CA 90101	
8/13/06	Consuelo Iteyo		255 El Cielito SB 93105	

PETITION TO SAVE HOUSING at 1236 San Andres St p2

- DEVIN ZARN 125 W Soca St SB 93102
- Alicia St. Rose 920 E Hakey St. Santa Barbara 93103
- Lang Comer 214 W. Anuelaga "A" SB 93101
- Jack Wiland - 831 - Olive Street Suite # 93101
- K Josephine Kenna Josephene 30 W Mission #3 Santa Barbara CA 93101
- TONY MARZIO 30 W. Mission #3 SB 93101
- JANET DW 2050A BATH ST SB 93105
- Bill Vreckind 815 SOLEDAD SB. 93103
- Aug 13 2006 Hallelujah Jai P.O. Box 321 724 E GOBERNADOR CANYON Rd
Carpinteria Ca 93013
- Aazel Froscher 4864 3rd St, #3 Carpinteria, CA 93013
- Barry D. White Barry D White 4578 Camino Molino S.B. 93110-1040
- Aug 15, 06 Taura J. Edwards 34052 Doheny Pk Rd 92624 Capo Beach
- 8/15/2006 KAREN THASHER Karen Thasher 1615 DeLaVina, Apt. #1, Santa Barbara CA 93101

Signatures collected by
Paula Westburn on
Aug 13, Aug 15

Please protect my
wonderful childhood
area for all time.

PETITION to SAVE HOUSING at 1236 San Andres St
 We the undersigned want to Preserve the House
 and BUILDINGS. We petition the City of Santa
 Barbara to SAVE HOUSING there. It is very
 appropriate to the neighborhood, one story with
 yard space and trees and views of the sky and
 trees-mountains are behind the trees. Don't build
 4 2 story Condos and 4 2 car garages here. Too
 big. Preserve Open Space. Preserve the neighborhood

<u>Date</u>	<u>Name</u>	<u>Signature</u>	<u>Address</u>	<u>Phone/capt.</u>
8/19/06	Jane M. Zuzajek	Jane M. Zuzajek	630 Miramonte Dr.	962-4340
	GEORGE POTTER	George Potter	Santa Barbara, CA 93109	43105
8-20-06	BARBARA BRETZ	Barbara Bretz	518 E Canon Perdido	93103
	BART WOOLEY	Bart Wooley	1805 ROBBINS ST SB	93101
	TIM PETH	Tim Peth	20 E. Pueblo St. SB	93105
8/20/06	Lei Zhancey	Lei Zhancey	1524 San Andres #A,	637 5260
	Richard Nelson	Richard Nelson	336 Mohawk Rd	
8/20/06	RICHARD NELSON	Richard Nelson	1428 CLIFF DR. S.B.	93109
8/20/06	Bonnie J. Jensen	Bonnie J. Jensen	1505 La Coronilla	SB 9310
8/20/06	MILLY FANGER	Milly Fanger	21 MANSOUR DR. GALETA, CA	93117
8/20/06	Stanza Dotas	Stanza Dotas	P.O. Box 3190, SB, CA	93130
8/20/06	Glenda Powers	Glenda Powers	1103 W. Pedregon	682-0543
8/20/06	Jerry D. Hlow	Jerry D. Hlow	1338 Manitou road SB	93101
8/20/2006	Laura Kelly	Laura Kelly	217 East Anapamu St. Santa Barbara, Ca.	93101
8/20/2006	Michael Clijan	Michael Clijan	2700 EXETER PL SBA CA	93105
8/20/2006	Brian Clijan	Brian Clijan	2700 EXETER PL. SBA CA,	93105
8/20/06	John D. Snyder	JOHN D. SNYDER	1014 SAN DIEGO RD S.B.	93103
8/22/06	Yolanda Reza	Yolanda Reza	5125 Celye Ct Santa Barbara Ca	93111
8-21-06	Maryone Shore	Maryone Shore	Submitted by Paula Westbury	8-22
8-27-06	William Michel	William Michel	1018 A CASTILLO St. Santa Barbara	93101
8-27-06	Ellen D. Yeomans	Ellen D. Yeomans	132 MOHAWK RD SB CA	93109
5/27/06	Gail Katz	Gail Katz	132 Mohawk Rd. SB. Ca	93109
7/25/06	Manita Roebn	Manita Roebn	77 Skyline SB	93109
	5616 Berkeley Rd Gold Co.			9162755
27/10	Max Jones	Max Jones	1035 May Ct SB	CA 93111
27-06	Kan Ralph	Kan Ralph	2330 GILWINE W	S.F. CA 93109

9/2/06	Patty Haddad	Patty Haddad	702 Miramonte	(805) 965-7267
9/2/06	Mitch Fulin		825 Miramonte Dr.	966-0140
9/2/06	Mary L. Moore		829 Paseo Alicante	569-1484
9/2/06	Frankie Crane		1038-B Calle Santa	93103 682-3416
"	Mary Chubb		1528 Laguna	SB 93101
10/2/06	Al Filvan		2131 Starwood Dr	SB 93103 9650387
9/13/06	Buc Lanna		1211 Plaza del Monte	SB 93101
"	Wol Duest		2128 Miramonte Dr.	SB 93105 569-2014
9/13/06	Christine Michel		1426 Garden St.	SB 93107 9639408
9/14/06	Wale Dean		145 Vista de la Cumbre	SB 93105 569-0020
9/14/06	Kathleen Brown		145 Vista de la Cumbre	SB 93105 569-0020
9/15/06	26 Forest		603 W Esley St	SB 93101 652-187
9/10/06	Bill Gould		2880 Exeter Place	SB 93105 6876585
9/10/06	Nancy M. Broyles	Nancy M. Broyles	740 Floral Vista	963-2687 9687008
9/10/06	Bill Foust	Bill Foust	93 Scammer Galea	(93117)

ABR

Neighborhood Preservation Ordinance re: 1236 San Antonio St

- A. Present house is one story, safer in Earthquake than proposed 2 story Condos
- B. Save the present house + yard + never grade the land then the ground is stronger + is not destabilized
- C. There are very important trees to be preserved they greatly benefit the community - Help the children + adults have a wonderful time
- D. The Condos do not fit in this area at all - these are Bungalow type or wood houses generally, with porches + yards in front and side + back, with a lot of open space. Trees are prevalent. The development does not consistent with the scenic nature or character of the neighborhood. Condos are huge + takes up all the space. This is not healthy
- E. Condos are way too big, massive + oversized. Not appropriate to the neighborhood. The other houses have been there a long long time. Preserve the West Side neighborhood.

F. Two story + great bulk of prospective project cuts off ^{Public} views so people can't see the trees of the park + the mountains if you can see them. Keep the neighborhood open, let the light through

I believe the neighborhood should be preserved. Don't demolish it save the House + Buildings and Yard + Trees
out grade. let the neighborhood be -

W AERIK 14th Ave 1654 CALLE ANA

STANLEY Markham 230 Bernice Ave
+ phone - 5140 in Lopez 5B

Slowly visited 4516 Via Los Santos SA 92111

Max Neufeldt 825 Coronel St. S.B. 93105
Woody Holms 140 Evergreen Uta 93003

Elizabeth Schwyzer, 1740 Hillside Rd SB, CA 93101
Moray 180 Willow Goleta 93117

Jayne Mereo 5900 Via Real #81 Carpinteria 93013

Jorey Pittoffman 5817 Park St No St Petersburg FL

Barbara Wanka Box 3190 SB 93105

Jude Speiser 227 E. Arrellaga Santa Barbara 93101

Amanda Pileh 5348 TRACT DR. SB 93111

Victoria Adams 590 E. Sueno Rd. SB 93110

Linda Bernson 823 1/2 Laguna St. SB 93101

Rachel S. Bernson 125 W. Anapamu St. #18, S.B. 93101

Monika Pops 955 SB 93102

XP PD 90950 SB Ca 93190

Erica Enk 1815 State St #6 SB, CA 93101

Conchelo Fuley 235 El Celito LA St 93105

Alma St Rose 920 E Haley St SB 93103

Dan Conner 214 W. Arrellaga "A" SB 93101

Jack Wilson 831-Olive St. Unit C 93101

Josephene Kenna Josephene 30 W Mission #3 Santa Barbara CA 93101

Tony Marzocco 30 W. Mission #3 55 93101

DEVIN ZARW 225 W SOLA St SB 93102

JANET DMV 2030A BURN ST SB 93105

Bill URecland 815 SOLEDAD AVE 93103

Aug 13 2006 Hallelujah Jai 7242 Gobernador Canyon Rd Carpinteria Ca 93013

Hazel Froesch 4864 3rd St #3 Carpinteria, CA 93013

Barry D. White Barry D. White 4578 Camino Molinero S.B. 93110-1040

Signatures collected By Paula Westbury Paula WESTBURY 8-13-06

Aug 15 '06 Taura Edwards 34052 Bohemny Pk Rd Capo Beach Ca 92624

8/15/2006 Karen Jmasher 1615 DeLaVina, Apt. #1, Santa Barbara, Ca 93101

8/19/2006 Jane M. Zugalek 630 Miramonte Ave. Santa Barbara, CA 93109

8-20-06 Barbara Bretz 518 E Canon Terclido SB 93103

8-20-06 BART WOODEN 1805 ROBBINS ST SB 93101

" PA Kelly 336 Mohawk Rd 93109

8-20-06 Mary Jenner 21 MENDOCINO DR. Goleta, CA 93117

8-1-1 C. R.

8/20/06 Jerry Dillon 1338 Mantova Road SB 93101

8/20/06 Brigitte Seligman 2700 Exeter Plac. SB, 93105

8/20/06 John D. Snyder 1014 San Diego Rds.

8/22/06 Yolanda E. Renge 5225 Calleja Ct Santa B

8/27/06 William Kibel 132 Mohawk Rd SB CA 93109
Submitted by Paula Westbe
PAULA WESTBE

8/27/06 Ellen D. Yeomans 132 Mohawk Rd SB ca 93109

5/27/06 Gail Katz 77 Skyline SB 93109

5/27/06 Marsha Rook 566 Berkeley Rd. Gds

8/27/06 Ken Ralph 2350 Skyline Wd SB 93109

Michelle Julia 525 Miramon Dr 93109

9/02/06 1426 Garden St. SB 93101 Christine Michel

9-02-06 Mary A. Moore 829 Paseo Alicante

9-02-06 Paula Lewis 1032-B Calle Sostre 93105 569-1
682-7

Mary Schuber 1528 Laguna, 93101

9/3/06 Bruce Hanna 6211 Pto del Norte 93101

9/4/06 J. de la Cruz 145 Vista de la Cumbre, 93105 569-00

9/5/06 Kathleen Brown 745 Vista de la Cumbre SB 93105 5

9/10/06 Bill Conroy 2880 Exeter Pl. S.B 93105 68

9/10/06 Nancy M. Brayles 740 Flora Vista Dr SB 93109 963-2687

Please realize that the Home and buildings and Yard are Historic as Redwood is the wood of 2 houses. They were around 5,000 or 6,000 yrs ago more or less. The third structure is excellent. The 1925 city paper work shows beams of redwood, which is unobscured. Redwood Mudsills 2x6 battens girders 4x4, First Floor Joists 2x6 So Save the Home and all around. Bell wall the Forms of the City show Redwood as part of the Form - So there is a lot of redwood in these Houses - Very Strong old fashioned structures. They went through the 1925 Earthquake, 2 January So please save them. Please consider the Houses + Building and Yard Historic. Let all stay there.

Date Signature Name

Stand Here we believe that the house is Historic as city records show that the structures had Redwood Beams in 1925. The City Records are historic too. It's been there a long time. Save these Redwood Houses (2) and the other structure. The Yard is Historic as it still exists. The structures are near the Creek which area was probably occupied by people for hundreds if not thousands of years. Therefore please consider the 1236 San Andres site + structures Historically Significant.

- Barbara Bretz 518 E Canon Perdido 93103
- RAET WOOLERT, Boundary 1805 ROBBINS ST SB 93101
- Mary Deppa 21 Mercedes Dr, COLIMA, CA 93117
- Glenda Burns 1103 W. Pedregosa 682-0843

Jerry Dillow 1338 Manitou road SB 93101

BRIETTE SELIGMAN 2700 EXETER PL, SB, 93105

Theresa S. Slamon 2700 EXETER PL SB 93105

John P. Snyder JOHN P. SNYDER 1014 SAN DIEGO RD. S.B. 93103

Yolanda S. S. 5225 Caring Ct Santa Barbara CA
Submitted by Paula Westbury 8-22-06
PAULA WESTBURY

8-27-06 William Michel 132 Mohawk Road SB CA 93109

Ellen D. Upman 132 Mohawk Rd SB CA 93109

Gail Hobbs 77 Skyles SB 93109

8-27-06 Gyantso Bosh 566 Berkeley Rd. Colton CA 93109

9-02-06 Mita Julia 825 Miramonte Pr 93109

9-02-06 Mary L. Moore 829 Paseo Alicante 569-1484

8-2-06 Fred. Lopez 1033-B Calle Serrano 93105 682-3476

9/3/06 Elizabeth 1211 Plaza del Norte 93101

9/3/06 Christine Michel 1426 Garden St SB. 903-9408

9/4/06 Wendy Dean 145 Vista de la Cumbre 93105

9/4/06 Kathleen Brown 145 Vista de la Cumbre SB CA 93105

9/19/06 Bill Gorn 2880 Exeter Pl. SB, CA 93105

9/10/06 Nancy M. Bradley 740 Flora Vista Dr SB CA 93109



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: December 20, 2007
AGENDA DATE: January 10, 2008
PROJECT ADDRESS: 1236 San Andres Street (MST2006-00364)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470.
Jan Hubbell, AICP, Senior Planner
Peter Lawson, Associate Planner

I. PROJECT DESCRIPTION

The project consists of the demolition of two permitted dwellings and associated accessory structures and construction of a four unit condominium building on a 10,000 square foot lot. The proposed building would be approximately 5,783 square feet. Each unit would average between 1,000 s.f. to 1,300 s.f. and each garage would be approximately 400 s.f. The structure would be two stories and approximately 22 feet in height. The majority of the habitable space of each of the units would be on the second floor with two car garages located below. Three of the units will include ground floor bedrooms with full bathrooms. Access to the site will be provided by a driveway along the southern property line. Since the existing access to the project site is provided by Victoria Street, a new curb cut will be necessary. Due to the proximity of the driveway on an adjacent property, one common driveway apron will be constructed that will serve both lots. Grading for the project would be approximately 235 cubic yards of cut and 25 cubic yards of fill. A modification is being requested to allow the garages to be located three feet from the northerly lot line instead of the required six foot setback.

Background

The project site is located adjacent to an undeveloped portion of Victoria Street. Vehicular access to and parking for the project site was provided by this right-of-way. A variance was granted in 1927 to allow a temporary single car garage to be constructed in the right-of-way (ROW) and it was to be removed in 1928. However, the garage was never removed until three years ago when the City began construction on the Old Mission Creek Summer Urban Runoff Facility (SURF), which was placed below grade in the ROW. In 2006, construction of the SURF project was completed and a pocket park was developed that serves as an entrance into Bohnett Park. The landscape plan for the proposed project will incorporate a plant palate that will complement the park landscaping.

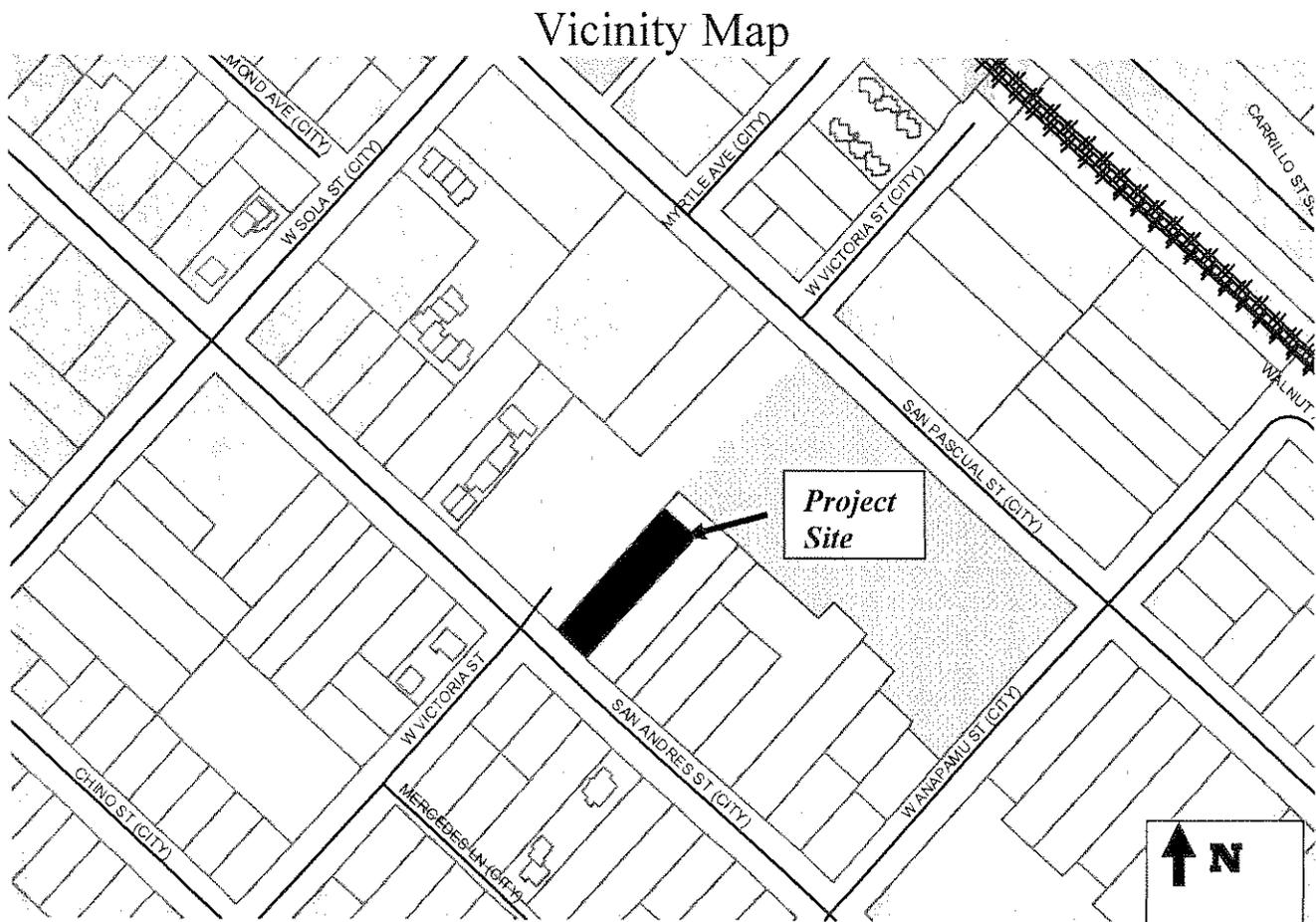
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow a reduction of the northern interior yard from six feet to three feet (SBMC §28.92.110.A.2);
2. A Tentative Subdivision Map for a one-lot subdivision to create four (4) residential condominium units (SBMC §27.07 and 27.13);

III. RECOMMENDATION

With the approval of the Modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: October 31, 2007
DATE ACTION REQUIRED PER MAP ACT: January 19, 2008

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Kirk Gradin	Property Owner: Casas Del Parque, LLC
Parcel Number: 039-151-001	Lot Area: 0.23 acre (10,048 s.f.)
General Plan: Residential	Zoning: R-3
Existing Use: Residential	Topography: 10% slope (development area approximately 1% - portion of the lot includes a creek bank)
Adjacent Land Uses: North – Public Park South - Residential East – Public Park West - Residential	

B. PROJECT STATISTICS

	Existing	Proposed			
		Unit #	# of Bedrooms	Size of Unit (s.f.)	% of Req. Lot Area
Living Area	2 detached residences (1,055 & 374 s.f.)	Unit A	3	1,215 s.f.	43%
		Unit B	2	949 s.f.	40%
		Unit C	2	949 s.f.	40%
		Unit D	2	1,046 s.f.	45%
					Total -4,159 s.f.
Garage		2 car per unit – 441 s.f. -442 s.f.			
Accessory	2 structures	1 garbage/recycling area to serve the residences			

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10'	25'	10'
-Interior	6'	7' – North 1' - South	3' – 1 st Floor north 21' - south
-Rear	6' – 1 st Story 10 – 2 nd Story	45'	48'
Building Height	3 stories @ 45' max	1 story @ 12'	2 stories @ 23' max
Parking	2 bedroom + - 2 spaces	1 covered space-offsite	2 spaces/unit - covered
Lot Area Required for Each Unit (Variable Density)	2 bedroom unit: 1 unit /2,320 s.f. 3 bedroom unit + 1 unit/2,800 s. f.	N/A	3 - 2 bedroom – 6,960 1 - 3 bedroom – 2,800 Req'd Lot Area - 9,760
10% Open Space	1,005 s.f.	N/A	1,521 s.f.

Standard	Requirement/ Allowance	Existing	Proposed
Private Outdoor Living Space	Ground Floor Units: 2 - bedroom unit-140 s.f. 3 bedroom unit - 160 s.f. 2 nd Floor Units and above: 1 bedroom unit - 72 s.f. 2 bedroom unit-84 s.f.	N/A	Unit A – 84 s.f. Unit B- 84 s.f. Unit C – 84 s.f. Unit D – 200 s.f.
Lot Coverage			
-Building	N/A	1,600 s.f. – 15%	3,100 s.f.- 31%
-Paving/Driveway	N/A	N/A	2,829 s.f. - 28%
-Landscaping	N/A	N/A	3,749 s.f. - 38%

The proposed project would meet the requirements of the R-3 Zone, with the exception of the Modification on the north property line, which would allow a reduction of the interior yard from six feet to three feet. With the incorporation of the conditions of approval, the project will also be consistent with the requirements of Chapter 27.13, Condominium Residential Development.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on two separate occasions (meeting minutes are attached as Exhibit D). At the first meeting on August 7, 2006, the Board supported the Modification for the reduced setback for the ground floor. Between the first and second meeting, the applicant revised the design to address staff's comments related parking accessibility. On June 26, 2007, the ABR commented on the revised drawings and provided some direction to the applicant on the elevations.

In addition to the ABR comments, staff expressed concern about the width of the parapet on the second floor adjacent to the patio. The main concern is the parapet, which is located within the required interior yard setback, is fairly wide and flat and could be used as a counter surface. Therefore, we have included language in the design review condition that the applicant continues to work with the ABR to design the parapet as an architectural element, rather than a usable area associated with the patio.

B. COMPLIANCE WITH THE GENERAL PLAN

The proposed project is located within the Westside neighborhood. San Andres Street generally divides the single family and duplex dwellings on the westerly side from the denser, multi-family housing on the easterly side of the street. The proposed project would be located on the easterly side of San Andres Street. The proposed development would occupy a lot that was developed for many years with two dwellings. Since the portion of site where the proposed project would be located is developed and fairly level, there would be minimal grading necessary to develop the site. The proposed development would be consistent with the

residential density of the General Plan, as well as the neighborhood. The surrounding lots are developed with a mix of multifamily development and single family dwellings. In some cases, there are several residential units on one legal parcel. Parking for the project would be provided on site with two covered spaces per unit, consistent with the Land Use Element direction of bringing new development into compliance with the parking requirements.

The Housing Element calls for providing a variety of housing types in the City. The sizes of these units are well under the 85% of the variable density/lot area requirement that the Commission has been using as a tool in considering new condominiums as noted in the Project Statistics on page 3 of this report.

The proposed project would include the required outdoor private open space, consistent with the Municipal Code and is also adjacent to Bohnett Park. The project is located within three blocks of the commercial area of the Westside and a pedestrian bridge that spans the 101 Freeway is located two blocks to the east, providing pedestrian or bicycle access to downtown Santa Barbara. Therefore, the project can be found consistent with the General Plan.

C. ENVIRONMENTAL REVIEW

The project can be found exempt based upon California Environmental Quality Act (CEQA) Guidelines Section 15303, New Construction of Small Structures, and Section 15315, Minor Land Divisions. The following environmental issue areas were considered in determining if the project could be exempt:

Water Resources - A portion of the site includes the bank of Old Mission Creek and, as proposed, the project would not cause any impacts to the creek. When Mission Creek was realigned to the east side of the 101 Freeway, this remaining segment of the creek facilitates drainage from the Westside neighborhoods. This creek is not a Federal Emergency Management Agency (FEMA) mapped creek. However, due to the undersized culvert that drains Old Mission Creek under the 101 Freeway, the Santa Barbara County Flood Control Division has established an inundation elevation of 67 feet to allow any back up of the creek during a storm event. The likelihood of the project site being inundated is low. The distance between the 67 foot elevation on either side of the creek adjacent to the project site is approximately 250 feet and the elevation of the site is 75 feet.

The project is consistent with Section 28.87.250 of the Municipal Code, Development Along Creeks, which states that all development shall be setback twenty-five feet from the top-of-bank of Mission Creek. Due to the unusual topography of the site, an engineering geologist established the top of bank (Attachment E). In this area of Old Mission Creek, it widens to a broad plain with a small, hard bank channel providing the majority of the drainage. Between this channel and the project site are two more retaining walls, each located at successively higher elevations. Thus, establishing the top of bank required a professional analysis that was accepted by the Chief Building Official. Finally, the landscaping plan includes a plant palette that would be compatible with riparian habitat.

Historic Resources - Due to the poor condition of the existing residences, they are not considered historically significant. The City's staff historian visited the site and determined that there were a number of changes to the structures, including siding and other material changes that altered the historic value of the structures. Therefore, no further study was required.

Visual Impacts -The four unit residential development would not be out of character with the neighborhood. The project vicinity is mixed with development of craftsman houses, duplexes and apartment buildings. The project is being reviewed by the Architectural Board of Review (ABR) and will ensure that the development fits within the context of the neighborhood. Also, due to the proximity of the park with a creek on two sides, the project will include a plant palette that will complement the park and include riparian plants. The landscape plan will incorporate input from the Parks and Recreation Department, as well as the ABR.

VII. FINDINGS

The Planning Commission finds the following:

A. MODIFICATION

The Planning Commission may permit a modification or waiver of the side yard setback where, the modification will not be inconsistent with the purposes and intent of this Title. The request for the Modification to the side yard setback for the garage would not adversely impact the adjacent property since it is a public park. The story above the garage would meet the required six foot setback. Finally, given the 50 foot wide lot, the reduction of the setback will allow more maneuvering for cars entering and exiting the garages.

B. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The 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 of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

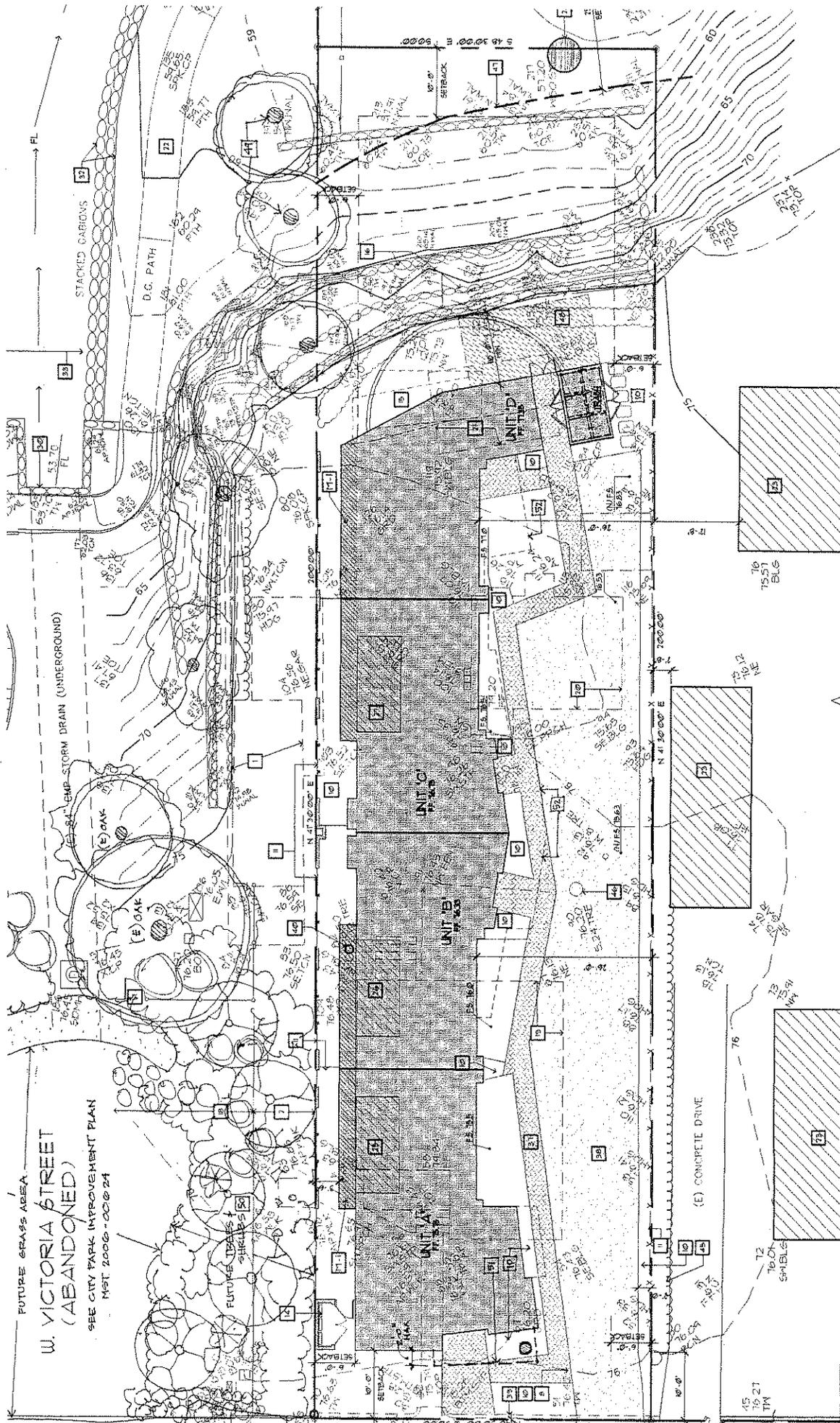
C. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance, as conditioned.
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 is consistent with the General Plan of the City of Santa Barbara.

4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

Exhibits:

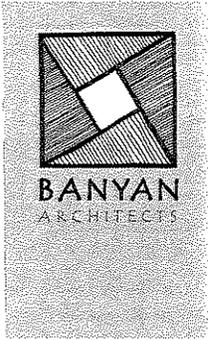
- A. ~~Conditions of Approval~~ *SEE PLANNING COMMISSION RESO-07-08*
- B. Site Plan
- C. Applicant's letter, dated December 27, 2007
- D. ABR Minutes dated August 7, 2006 & June 25, 2007
- E. Geotechnical Report prepared by Rick Hoffman, dated March 3, 2007



W. VICTORIA STREET
 (ABANDONED)
 SEE CITY PARK IMPROVEMENT PLAN
 MPT 2006-02024

EXHIBIT B

SITE PLAN



City of Santa Barbara
Planning and Development
130 Garden Street
SB, CA 93101

1/2/2008

Re: Casas del Parque
1236 San Andres
Santa Barbara, CA 93101
A.P.N.: 039-151-001
Zone: R-3
Owner: Casas del Parque, LLC
822 E. Canon Perdido Street
Santa Barbara, CA 93101

Dear Planning Commissioners--

We are seeking Planning Commission approval for four (4) new condos at 1236 San Andres. Each of the units (labeled "A", "B", "C" and "D") is two-story with a two-car garage. Three of the condos are 2 bedroom, two bath and one of the condos (labeled "A") has three bedrooms and two baths. The three-bedroom unit is 1300 square feet while the two bedroom units are approximately 1,000 square feet each. All have garages of around 400 square feet. Units A, B and C have private outdoor living areas at the second floor while Unit "D" has its private outdoor living space on the ground floor. All of the condos are designed as "entry level" housing.

Project History

Drawings for the proposed development were first submitted for conceptual review to ABR in June of 2006. A preliminary zoning plan-check was done in July of 2006. The first review by the Architectural Board occurred on August 7, 2006 and was very favorable. At this time two modifications were being requested: a) for a 3' encroachment into the 6' sideyard for garage purposes and b) a 2' encroachment at the second floor for private outdoor living areas (decks). The Board gave us positive comments on the architecture, the modifications requested and offered clearance to begin PRT and DART submittals. Plans were submitted for PRT during the following week. In November of 2006 the ABR also reviewed a preliminary Landscape Plan and offered several comments.

The PRT comments were extensive and included a request for a Sound Study, an Archeological Study, a Geologic Report and a Creek Restoration Report for areas of the site within the Old Mission Creek habitat. It also indicated that the Parks Department was not in favor of the modifications. In addition, the Transportation department required that we enlarge the garage doors to 18'. Several months were needed to complete these reports, address the concerns and look at ways to reduce or eliminate the modifications we were

requesting. A revised plan with an enlargement of the garage doors was reviewed by the Transportation Department in March of 2007, but Mr. Steve Foley determined that the door widening was not sufficient. Further changes to accommodate his new method of utilizing the turning radius templates required extensive revisions to our footprint, floor plan and massing. Because of these changes, fenestration and stylistic developments were also in order. A revised design was submitted for ABR review in June of 2007. These revised plans moved the first floor setback encroachments 6" further away from the northerly property line and completely eliminated the need for modifications at the second floor. At this second ABR review of the architecture, the Board still felt the mass, bulk and scale were acceptable, requested some detail changes to the architectural style, but gave us clearance to proceed with the Planning Commission review process.

The Existing Site

The existing site is 10,000 square feet and there are 3 existing structures on the site. Two are legal dwellings. The residence nearest the street is 1,055 square feet while the one behind it is 374 square feet. An accessory structure at the rear is 207 square feet. All three structures will be removed. Along the northerly border of the site is an existing driveway and one-car garage that has historically served the site, but which is located on City property. This will also be removed. Jake Jakobus has confirmed that no historic structures report is required for the demolition of the existing homes. The site also contains a series of stone retaining walls at the rear (easterly) that will not be disturbed. Three existing trees are being removed: a 6" orange tree, an 8" acacia and an old, diseased banyan tree. A large existing magnolia in the city parkway, an oak on the east slope and a giant sycamore at the rear of the lot will remain.

Bohnett Park and Adjacent Developments

Except for Bohnett Park and the commercially zoned areas beginning at the 1300 block of San Andres, the entire two-block wide area between San Andres and Highway 101 (from Mission to Haley Street) is an R-3 zone. (See Site Map Attachment as part of our photo study). On the north side of our project an abandoned portion of W. Victoria Street is slated to become part of Bohnett Park. The three lots to the north of Bohnett Park are all multi-family, condominium developments. The first of the three (at 1310 San Andres) is a full two-stories tall right up to the 10' front yard setback and has cantilevers over the front-yard setback line (See photo #30, A). Portions of this condominium development are also three stories tall (See photo #30, B). The lot at 1318 San Andres (two lots north of Bohnett Park) is just finishing construction and is a five-unit condominium on a slightly larger lot (Photo #29). It also has portions that are three stories tall.

Bohnett Park is currently undergoing a complete transformation. The City of Santa Barbara Creeks Department has recently installed walkways, fencing and new creek-habitat restoration landscaping along Old Mission Creek. They have also installed a belowground water purification unit at an existing County of Santa Barbara storm drain outlet that occurs within the park boundaries. The Parks department (in conjunction with Van Atta and Associates) is also currently developing the final plans for upper park area improvements that includes the removal of all a.c. paving occurring at the "abandoned" Victoria Street termination, the extension of the sidewalk and parkway for the entire length of the park and extensive new hardscape and landscaping features. Portions of these proposed Bohnett Park improvements have been copied from the ABR approved plans for Bohnett Park and are included on our site plan.

On the south side of our project is a single-family residence. This neighboring lot also "dog-legs" to embrace 1236 on the east side as well, providing an additional 25' privately owned buffer between the project and the Old Mission Creek area. The remainder

of this 1200 block of San Andres is a mixture of one and two-story single-family homes, duplexes and apartments. Halfway up (north) the 1300 block of San Andres begins the C-2 zoning and existing developments include both commercial and mixed-use developments.

The Setback from Old Mission Creek

The centerline of Old Mission Creek is located approximately 60' to the east of the rear (easterly) property line (see Site Plan). This creek is the remainder of the west-side run-off left over after Mission Creek was diverted to the east side of the freeway during the construction of Highway 101. As noted, there is a series of stone retaining walls along the eastern (downhill) portion of our site which were installed before the Creek was diverted. Prior to beginning design development for this site, we requested a determination as to the setback requirements for this site in relation to Old Mission Creek. In May of 2006, Jan Hubble informed me by email that a 25' setback would be required from the designated "top of bank." She also recommended speaking to a head plan-check official at the building department (Chris Short) to obtain information regarding how to determine "top of bank" in this unusual situation. A lengthily, time-taking and expensive process ensued. Without going into the ponderous details, two redesigns of the project (and many months of waiting) were required before the senior Planning staff and the top Building Department officials could agree on an acceptable "top of bank" location.

The final, accepted governing setback from the creek side of the project was that determined by a licensed geologist, Mr. Rick Hoffman, who also performed a Preliminary Geologic Investigation. Mr. Hoffman's report confirmed that the existing retaining walls on the site were stable and that the erosion that occurred in this area was due to the activity of the former location of Mission Creek. This erosion potential is no longer operative. According to his study, the current and expected storm flows within this portion of Old Mission Creek are diminutive. In that report and in a subsequent letter reviewing the setback constraints (Appendix A), Mr. Hoffman recommended a 10' "structural setback" from the top of the highest terrace on the east bank. He also notes in his letter that the "top of bank" as determined by in the Municipal Code (28.87.50) is far less restrictive than the structural setback he is recommending. All of this is noted graphically on both our Site Plan (A1) and Site Section (A2).

Site Coverages

The total building footprint for the proposed development would cover 31% of the site, the driveway covers 28% of the lot, while the patios at the ground floor level covers only 3% of the lot. This leaves 38% of the lot (3,749 sq. ft.) to landscaping. The layout also secures approximately 15% of the site for open space. This is one and one-half times the minimum requirement. This is partly due to the fact that no construction at all will be occurring on the back 50' of the lot. We have indicated the location of all the open space on the first floor plan on sheet A.2.

Fire Department Issues

A 10' wide driveway apron is being provided although this could easily be widened to 16' (along with the first 20' of driveway) if the fire department requested it. The rear most building wall at the northwest corner of the proposed building is approximately 153' from the curb at the street while the rear most building wall at the northeast corner is 164' from the street. The driveway is a combination of asphalt paving and interlocking pavers. The pavers are used to artfully break the expanse of paving, to define a pedestrian path and to include some permeable paving surfaces as requested in the PRT comments. An existing fire hydrant (E09-003) is less than 50' to the north on the same side of the street as our development. It has two outlets: one of 2.5" and one of 4" and has a flow rate of 1,463 gpm.

Grading and Drainage

A Grading and Drainage Plan as well as a preliminary Storm Water Study were completed as part of this submittal.

As noted in the Storm Water Study, the back one-third of the lot currently slopes towards the creek. However, a modest amount of grading is being required to establish positive drainage away from the creek. The northerly side yard is proposed to contain a vegetated swale. In order to accomplish these features, grading quantities have been established. Outside the building footprint, approximately 85 cubic yards of cut and 10 cubic yards of fill are required. Under the building footprint, approximately 150 cubic yards of cut and 15 cubic yards of fill are needed for the slab-on-grade construction. The net grading yields 210 cubic yards of cut. Much of this soil is likely to be utilized as part of the removal and recompaction process recommended in the soils report. We therefore do not anticipate having to remove more than 50 cubic yards of soil from the site.

All the stormwater run-off being generated by the development is proposed to be collected by swales and catch basins (with pollution protection systems) and conveyed to a gravel-bottomed detention chamber under the front yard landscaped area. The chamber is sized to yield a net decrease in site stormwater run-off. When the chamber reaches overflow levels, a small sump-pump will then slowly deposit the stored water into the street. The gravel bottom also allows for sub-surface percolation and ground-water recharge.

A small amount of surface run-off is also being allowed to continue running down the existing terraces at the back portion of the lot. The potential erosion impact of this small amount of collected, filtered water is also being mitigated with a cobble swale.

Modifications

There is one modification associated with this proposal.

This modification is to allow the garage area to extend 3'-0" into the 6' side yard setback on the north side. Please note that the actual footprint of the garage is 3'-6" from the property line but some portions of this garage wall have a 6" eave extension making the total maximum encroachment 3'-0". This is justifiable for several reasons. First, the R-2 zone by ordinance does allow a maximum 3' encroachment in the side-yard for garage purposes only. I have been told by City Staff that such a provision in the ordinance is planned for the R-3 zone as well. Secondly, because the lot is bordered by Bohnett Park, there will be no private landowner or dwellings impacted by the setback encroachment. In addition, the new Bohnett Park landscape plan includes many large trees that will provide a dense and natural form of landscape screening. The proposed Bohnett Park landscape plan also shows waist to head-high shrubbery along the first 18' to 25' adjacent to the northerly property line of our site. This shrubbery would preclude park users from getting within 20' of the proposed building without trampling the plants. Finally, the City of Santa Barbara Architectural Board of Review determined in a review of the entire project on August 7, 2006, that there was no adverse visual impact created by the modification. The board also determined that the mass, bulk and scale of the proposed design for our site was appropriate to the neighborhood and that the project would be a benefit and asset to the park. Finally, the board noted the fact that the major second floor interior areas as well as the second floor private outdoor living areas all faced the park. This will provide a kind of "neighborhood watch" for Bohnett Park, a park that historically has been the location of tagging and other illegal activities.

Archeological Report, Sound Study and Biologist's Letter Report

Marfarlane Archeological Consultants completed a Phase 1 Archeological Survey. The Historic Landmarks Committee approved it on July 11, 2007. No indications of any artifacts of archeological significance were found, however, monitoring by a licensed archeologist is recommended during initial grading and ground disturbance.

A licensed acoustical consultant completed a Sound Level Assessment. The ambient noise levels at both the first and second floors of the proposed development were found to be well below the required city standard and therefore no noise mitigation is required.

Lawrence E. Hunt, Consulting Biologist, prepared recommendations for the restoration of those portions of the site that lie within the Creek habitat. We are including his letter report with this application. The landscape architect has also incorporated these recommendations into his plan. The landscape plan was given positive comments by the Architectural Board on 11/27/06.

Construction Scheduling and Staging

The construction schedule would follow the typical course. Initial site grading would require approximately three weeks for removal and recompaction. The remainder of the construction should be completed in less than one year. Once the initial site grading is complete, staging areas for construction materials, trucks and machinery can occur "on site." Other automobile parking for workers can occur on San Andres in available on-street parking. Fencing around the drip lines of the existing oaks where impacts are conceivable, whether on this parcel or nearby on the adjacent parcel, will be provided.

Conclusion

In conclusion, we believe that this proposal is well suited to its location and neighborhood. It not only makes the best and most efficient use of the site to add to the "entry level" housing stock in Santa Barbara, but does so in a way that respects the creek/park habitat while maximizing the open and landscaped areas. It is similar, but smaller in scale to other multi-family developments on the north side of Bohnett Park and to the south on San Andres. It will also provide an architectural enhancement to the neighborhood and visually appropriate back-drop to the park by contributing to a well-established "West-Side" vernacular. We appreciate your careful consideration of this proposal.

Kirk B. Gradin, Architect
Banyan Architects



Attachments:

Appendix A: Geologic Report and Supplemental Letter regarding "top of bank."

Rick Hoffman and Associates

1149 Palomino Road, Santa Barbara, CA 93105
TELEPHONE (805) 569-1911 FAX (805) 569-0142

ENGINEERING GEOLOGISTS & HYDROGEOLOGISTS

RG #3740 EG #1135 HG#448

March 3, 2007

Banyon Architects
300 East Cañon Perdido Street, Suite D-1
Santa Barbara, California 93101

Attn: Mr. Kirk Gradin, Architect

RE: **Review of Cross Section through property for Setback Constraint
Proposed Multi-family Residential (Condominium) Project
1236 San Andres Street
Santa Barbara, California
Assessor's Parcel Number 039-150-001**

Dear Mr. Gradin:

At your request, I have reviewed the "Partial Site Section" you have provided to me that shows the profile of the subject property from the building envelope downslope to the creek corridor to the east and northeast. As you are aware, I recently completed a detailed **PRELIMINARY GEOLOGIC INVESTIGATION** report (dated January 23, 2007) that summarized the existing geologic conditions of the subject property and provides conclusions and recommendations regarding the proposed residential development. In summary, I have recommended that the proposed new multi-family buildings be setback a minimum of 10 feet from the top of slope as defined on a detailed topographic map of the property. The recommended structural setback is well within the guidelines used by the **Uniform Building Code** (Figure 18A-I-1). Setback calculations using the UBC Guideline suggests a setback of approximately six feet. I have used a 10 foot structural setback to include consideration for potential small scale erosion of the bluff face. It is also important to understand that the process that created the steep slope in the first place (erosion caused by flood stage runoff within the ancestral Mission Creek corridor) no longer exists. Creek flow within Mission Creek has been re-routed to the concrete lined storm drain corridor on the east side of the 101 Freeway. Major bluff erosion by **active flow within the now abandoned creek corridor is no longer occurring**. Erosion processes in the area are therefore limited mainly to runoff over the edge of the bluff by surface water runoff. Control of surface water runoff by placement of drainage control devices including roof gutters, drop inlets, and surface and subsurface drainpipes should reduce this potential impact to very modest levels.

The City of Santa Barbara has requested a review of the bluff setback based on Municipal Code 28.87.250 related to Development Along Creeks. The "Legislative Intent" of this Code is to

- a. *to prevent undue damage or destruction of developments by flood water;*
- b. *to prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood water;*
- c. *to protect the public health, safety and welfare.*

Summary Memorandum – Cases del Parque Residential Project
March 3, 2007

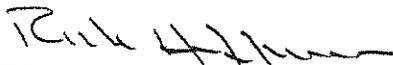
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I therefore conclude that the 10 foot structural setback from the top of bank constraint provided within my Preliminary Geologic Investigation Report dated January 23, 2007 meets the intent and guidelines of Santa Barbara Municipal Code 28.87.250 related to Development Along Creeks.

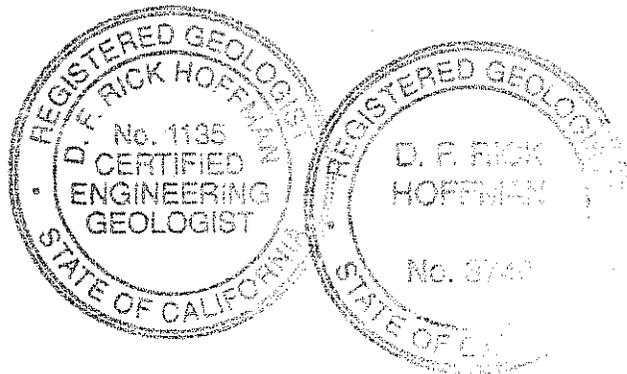
.....

I trust this summary memorandum and discussion provides you with the planning information you requested. If you have any questions regarding this report or other geologic or hydrologic matters, please feel free to call upon me.

Sincerely,



Mr. D.F. Rick Hoffman
Certified Engineering Geologist & Hydrogeologist
State of California
RG #3740 EG #1135 HG #448



enclosures

cc: Mr. Ron Pike, President, Pacific Materials Laboratory

CONCEPT REVIEW - CONTINUED ITEM**1. 1236 SAN ANDRES ST**

R-3 Zone

Assessor's Parcel Number: 039-151-001
 Application Number: MST2006-00364
 Owner: Ruth E. Mudry, Trust 11/17/94
 Architect: Kirk Gradin
 Owner: Casas Del Parque, LLC
 Applicant: Blakenship Construction

(Proposal to construct four two-story residential condominium units. Three of these would be approximately 1,000 square feet and one would be approximately 1,100 square feet. Each unit would have an attached two-car garage for a total of eight parking spaces on the 10,048 square foot parcel. The proposal includes demolition of all existing structures and there would be 140 yards of cut and fill grading outside the building footprints. The project will require Staff Hearing officer approval for a Tentative Subdivision Map.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP.)

(4:12)

Present: Kirk Gradin, Architect. Peter Lawson, Project Planner.

Public comment opened at 4:25 p.m.

Celeste Barber: neighborhood comprised of 20 and 30's construction; allow for greater setbacks.

Public comment closed at 4:31 p.m.

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

- 1) The Board appreciates the diminutive height of 23 feet as shown, the juxtaposition and differentiation of the parapets and element heights, and the animation of the two long elevations.
- 2) A majority of the Board is concerned with the west elevation which appears too commercial. Soften the commercial feel for a more pedestrian friendly look. A majority of the Board prefers the previous scheme.
- 3) Most of the Board is concerned with the sine curve delineation on the bottom side of the cantilevered element. Look for a design technique that is more cohesive with the overall design style of those elevations and the building in general.
- 4) Study the cantilevers. Some Board members are concerned with the depth of the cantilevers.
- 5) Verify existing oak trees and drip lines on the adjacent properties.

Action: Zink/Aurell, 6/0/0. Motion carried. (Manson-Hing, Mosel absent.)

(PROJECT REQUIRES NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 028-06)

(6:56)

Present: Mark and Jacquelyn Boyd, Owners.

Public comment opened at 7:24 p.m.

Jeff Libber, neighbor, expressed privacy concerns.

Public comment closed at 7:26 p.m.

Motion: Continued indefinitely to the Full Board with the following comments: 1) Applicant is to provide accurate, professional proposal drawings which also a) reflect the Planning Commission's conditions of approval for adding charm giving elements, especially to the front elevation; b) accurately depict the roof slopes and intersection with the proposed second-story decks. 2) Reconsider the west facing second story deck to minimize privacy impacts to the west and north neighboring properties. 3) Provide clearer definition of recessed entry door element and proposed roof structure. 4) The Board is concerned with the means of support for the roof at the clipped corner adjacent to the garage. 5) Provide additional charm giving elements related to materials, window detailing and placement of windows, and proposed front yard landscaping.

Action: Mudge/Manson-Hing, 7/0/0. Blakeley absent.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**6. 1236 SAN ANDRES ST**

R-3 Zone

Assessor's Parcel Number: 039-151-001
Application Number: MST2006-00364
Owner: Ruth E. Mudry, Trust 11/17/94
Architect: Kirk Gradin
Owner: Casas Del Parque, LLC
Applicant: Blakenship Construction

(Proposal to construct four two-story residential condominium units. Three of these would be approximately 1,000 square feet and one would be approximately 1,100 square feet. Each unit would have an attached two-car garage for a total of eight parking spaces on the 10,048 square foot parcel. The proposal includes demolition of all existing structures and there would be 140 yards of cut and fill grading outside the building footprints. The project will require Staff Hearing Officer approval for a Tentative Subdivision Map.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL FOR A TENTATIVE SUBDIVISION MAP)

(7:29)

Present: Kirk Gradin, Architect.

Public comment opened at 7:40 p.m.

Paula Westbury, resident, opposed to the project.

Chair Bartlett read into the record a letter from Celeste Barker expressing opposition.

Public comment closed at 7:48 p.m.

Motion: Continued indefinitely to Staff Hearing Officer with the following comments: 1) The architecture is charming, and the project will be a benefit to the nearby park with second story windows overlooking the park. 2) The project is small in scale and fits well with the residential character of the block. 3) The Board finds no visual impact to the requested garage interior yard Modification. 4) Provide photo documentation of adjacent buildings on that side of the block.

Action: Mudge/LeCron, 4/0/3. Manson-Hing/Sherry/Mosel opposed, Blakeley absent.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

7. 308 N ALISOS ST

R-2 Zone

Assessor's Parcel Number: 031-372-024

Application Number: MST2006-00350

Owner: Arturo V. and Denise L. Herrera

Applicant: Robert Stamps

(Proposal to convert an existing duplex to a single-family residence and construct a second residential unit at the rear of the 8,731 square foot lot. Conversion of the 1,477 square foot two-story duplex to a single family residence would include the addition of an attached 283 square foot one-car garage. The 1,619 square foot two-story rear unit would have an attached 402 square foot two-car garage. The proposal includes demolition of the existing 424 square foot converted carport and storage area, and demolition of the existing 540 square foot two-story accessory structure.)

(COMMENTS ONLY: PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT)

(8:07)

Present: Arturo Herrera, Owner; Robert Stamps, Applicant.

Motion: Continued 3 weeks to Full Board with the following comments: 1) The Board is comfortable with the architecture for the rear Unit B. 2) The roof over the second story addition of Unit A is to be a shed roof. 3) Applicant is to restudy the site plan for: a) better integration of parking, b) minimizing hardscape, c) maximizing landscaping.

Action: LeCron/Sherry, 7/0/0. Blakeley absent.

Rick Hoffman and Associates

1149 Palomino Road, Santa Barbara, CA 93105
TELEPHONE (805) 569-1911 FAX (805) 569-0142

ENGINEERING GEOLOGISTS & HYDROGEOLOGISTS
RG #3740 EG #1135 HG#448

March 3, 2007

FILE:GR07MarBanyon

Banyon Architects
300 East Cañon Perdido Street, Suite D-1
Santa Barbara, California 93101

Attn: Mr. Kirk Gradin, Architect

RE: **Review of Cross Section through property for Setback Constraint**
Proposed Multi-family Residential (Condominium) Project
1236 San Andres Street
Santa Barbara, California
Assessor's Parcel Number 039-150-001

Dear Mr. Gradin:

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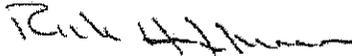
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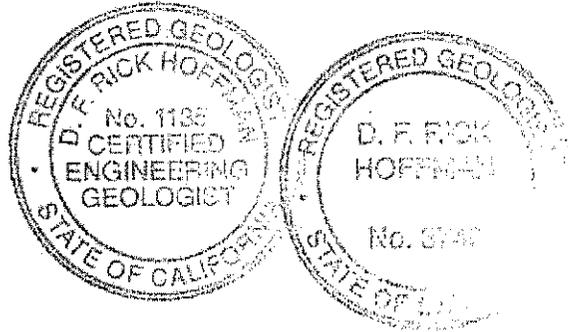
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I trust this summary memorandum and discussion provides you with the planning information you requested. If you have any questions regarding this report or other geologic or hydrologic matters, please feel free to call upon me.

Sincerely,



Mr. D.F. Rick Hoffman
Certified Engineering Geologist & Hydrogeologist
State of California
RG #3740 EG #1135 HG #448



enclosures

cc: Mr. Ron Pike, President, Pacific Materials Laboratory

DRAFT

City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

JANUARY 10, 2008

CALL TO ORDER:

Chair Charmaine Jacobs called the meeting to order at 1:07 P.M.

ROLL CALL:

Present:

Chair Charmaine Jacobs
 Vice-Chair George C. Myers
 Commissioners Bruce Bartlett, John Jostes, Stella Larson, George C. Myers, Addison S. Thompson
 and Harwood A. White, Jr.

STAFF PRESENT:

Bettie Weiss, City Planner
 John Ledbetter, Principal Planner
 Jan Hubbell, Senior Planner
 Jaime Limón, Senior Planner
 Debra Andalaro, Project Planner
 Stephen MacIntosh, Environmental Programs Supervisor
 N. Scott Vincent, Assistant City Attorney
 Nina Johnson, Assistant to City Administrator
 George Estrella, Chief Building Inspector
 Barbara Shelton, Environmental Analyst
 Peggy Burbank, Project Planner
 Peter Lawson, Associate Planner
 Tony Boughman, Planning Technician
 Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

- A. Nominations and Election of Chair and Vice Chair

MOTION: White/Bartlett

Approve nomination of George Myers as Chair and Stella Larson as Vice-Chair.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Commissioner Jacobs thanked her colleagues and Staff for a memorable year. Commissioners White and Larson spoke on behalf of the Commission, along with Staff, in acknowledging appreciation for Chair Myers contributions to the Commission this past year and the standards that she set.

Chair Myers welcomed the 2008 Planning Commission and gave the Commissioners an opportunity to change seating assignments.

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

Senior Planner Jan Hubbell announced the following changes to the agenda:

1. Item IV, 3230 State Street, will be continued until February 21, 2008.

- C. Announcements and appeals.

Ms. Hubbell deferred any announcements until the next hearing.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Myers opened the public hearing at 1:12 P.M. and, with no one wishing to speak, the hearing was closed.

II. NEW ITEM:

ACTUAL TIME: 1:12 P.M.

APPLICATION OF KIRK GRADIN, ARCHITECT FOR BLANKENSHIP CONSTRUCTION, 1236 SAN ANDRES STREET, APN 039-151-001, R-3 ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL (MST2006-00364)

The proposed project involves the demolition of two permitted dwellings and one unpermitted dwelling and construction of a four unit condominium building on a 10,000 square foot lot. The proposed building would be approximately 5,783 square feet. Each unit would average between 1,000 s.f. to 1,300 s.f. and each garage would be approximately 400 s.f. The structure would be two stories and approximately twenty-two feet in height. The majority of the habitable space of each of the units would be on the second floor with two car garages located below. Each of the units will include ground floor bedrooms with full bathrooms. A modification is being requested to allow the garages to be located three feet from the northerly lot line instead of the required six foot setback.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision with four condominium units (SBMC §27.07); and

2. A Modification to reduce the western interior yard from six feet to three feet (SBMC §28.90.110.2).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303, New Construction of Small Structures, and Section 15315, Minor Land Divisions.

Case Planner: Peter Lawson, Associate Planner
Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

Kirk Gradin, Architect, gave the applicant presentation.

Mr. Gradin answered Planning Commission questions about the cantilever; Architectural Board of Review (ABR) and City Parks' review of native trees in landscaping; consideration given to undergrounding utilities; location of laundry facilities in garages; and location of the electrical unit to the transformer.

Chair Myers opened the public hearing at 1:45 P.M.

The following people spoke in opposition of the project or with concerns:

1. Celeste Barber was concerned with modifications, setback, lack of open space, and visibility of the project to San Andres Street; project not consistent with character of the neighborhood.
2. Marry Moore was concerned with mansionization of the proposed home and the color. Preservation of old trees.
3. Paula Westbury stated this was her childhood home and asked for the preservation of the 5,000 year redwoods and existing setbacks. Save the neighborhood.
4. Richard Weber concerned with loss of character of the neighborhood, and conversion of San Andres Street to "condominium row". Concerned with the size of building on the narrow lot and the impact on the adjacent bank. Concerned with the added congestion that the project would bring.
5. Michael Galindo concerned with increasing overcrowding in neighborhood, decreasing amount of available parking, and increased area crime. Does not want to see a project developed that looks like a hotel. Would like to see a Santa Barbara beautification program on the West side.
6. Michael Seligman does not want to see overcrowding of neighborhood. Would like to see the existing homes maintained; they are more in character with the charm of the neighborhood.
7. Brigitte Seligman concerned with the City's over development by increasing the number of condominiums and changing the character of the neighborhood. Suggested the City buy back and maintain the older homes.
8. Anna Campbell asked for preservation of remaining Craftsman bungalows in area and consideration of the homes as a Structure of Merit. It is one of the few

remaining redwood homes. Would like to see a new design that incorporates the bungalow aesthetics.

The following people spoke in support of the project:

1. John Blankenship

With no one else wishing to speak, the public hearing was closed at 2:13 P.M.

Commissioners collectively or individually acknowledged the City's changes and struggles between density and open space. One Commissioner expressed empathy for the loss of older homes, but acknowledgment for the need for more housing. To address the increasing parking demands on the neighborhood, the Commission encouraged the neighbors to consider requesting residential parking permits for the neighborhood.

Staff added that with regard to reuse of the existing bungalows, there have been situations where homes have been offered for reuse or for parts.

MOTION: White/Jacobs

Assigned Resolution No. 001-08

Approve the Tentative Subdivision Map and Modification, making the findings in the Staff Report, subject to the conditions of approval, with added conditions: 1) Architectural Board of Review to review: a) the cantilevers and reduce where feasible; b) reexamining the landscape plan to determine if Sycamore or Oak trees are appropriate in the lower area in consultation with Parks and Recreation Staff; and c) the front of the building to affirm its charm and human scale and to eliminate commercial references; 2) the bungalow on site be made available for relocation or salvage; and 3) add the reference to Draft Street Light Master Plan to condition B.6.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Myers announced the ten calendar day appeal period.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 01-08

1236 SAN ANDRES STREET

MODIFICATION AND TENTATIVE SUBDIVISION MAP

JANUARY 10, 2008

APPLICATION OF KIRK GRADIN, ARCHITECT FOR BLANKENSHIP CONSTRUCTION, 1236 SAN ANDRES STREET, APN 039-151-001, R-3 ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL (MST2006-00364)

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The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303, New Construction of Small Structures, and Section 15315, Minor Land Divisions.

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

WHEREAS, one person appeared to speak in favor of the application, and 8 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 20, 2007
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. Modification

The Planning Commission may permit a modification or waiver of the side yard setback where, the modification will not be inconsistent with the purposes and intent of this Title. The request for the Modification to the side yard setback for the garage would not adversely impact the adjacent property since it is a public park. The story above the garage would meet the required six foot setback. Finally, given the 50 foot wide lot, the reduction of the setback will allow more maneuvering for cars entering and exiting the garages.

B. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The 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 of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

C. New Condominium Development (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance, as conditioned.
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 is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

II. Said approval is subject to the following conditions:

- A. **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*, a written instrument, 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 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. **Development Rights Restrictions.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved Tentative Subdivision Map in order that those portions of the Real Property remain in their natural state. Specifically the area restricted is the area that includes all of the creek banks. These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures, ornamental landscaping, or utility service lines. The restricted areas shall be

shown on the Final Map. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 10, 2008 is limited to the following project description:

Demolition of two permitted dwellings and associated accessory structures and construction of a four unit condominium building on a 10,000 square foot lot. The proposed building would be approximately 5,783 square feet. Each unit would average between 1,000 s.f. to 1,300 s.f. and each garage would be approximately 400 s.f. The structure would be two stories and approximately 23 feet in height. The majority of the habitable space of each of the units would be on the second floor with two car garages located below. Three of the units will include ground floor bedrooms with full bathrooms. Access to the site will be provided by a driveway, with a new curb cut, along the southern property line. One common driveway apron will be constructed that will serve an adjacent lot to the south (APN 039-151-001). Grading for the project would be approximately 235 cubic yards of cut and 25 cubic yards of fill. A modification is being requested to allow the garages to be located three feet from the northerly lot line instead of the required six foot setback.

And the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

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 condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

- c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the setback area, which drains directly into Old Mission Creek.
- B. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.** above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
 4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any

storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management 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, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

6. **Removal of Structures in the Victoria Street Right of Way (ROW).** Prior to map recordation or April 1, 2008, whichever is first, all development constructed in the Victoria Street ROW under a temporary variance granted by the Council on October 28, 1927 shall be removed.
 7. **San Andres Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on San Andres Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements including adjacent property driveway apron to the south [039-151-001], crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, underground service utilities (SBMC§22.38.125 and §27.08.025), connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of curb drain outlets and on-site detention, erosion protection, supply and install one residential standard street light across the street in front of subject property, style to be determined by the Public Works Department and the appropriate design review board as outlined in Draft Street Light Master Plan, coordinate with City staff to retire light standard on existing utility pole across the street, preserve and/or reset survey monuments and contractor stamps, supply and install (to be determined) one new designated street tree and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- C. **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. **Parapet Walls.** Due to the location of the parapet walls adjacent to the second floor decks being within the required interior yard setback, they shall be designed in a manner that there will be no usable flat surface.
 2. **Compliance with Chapter 27.13, Residential Condominium Development.** The applicant shall demonstrate compliance with the provision of this chapter,

including, but not limited to 300 cubic feet of storage per unit, washer and dryers for each unit and other provisions stated in this chapter.

3. **Appropriate Plants within Old Mission Creek.** Special attention shall be paid to the appropriateness of the proposed plant material within the creek bank area. All such plantings shall be riparian or riparian woodland consisting of plants native to the South Coast of Santa Barbara County. Selection and placement shall be overseen by a qualified biologist.
 4. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 5. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided along the driveway to the units at the rear of the property from the sidewalk using a different paving or walkway material.
 6. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 7. **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.
 8. **Landscape Plan.** Restudy, in consultation with Parks and Recreation Staff, the landscape plan to determine if Sycamore or Oak trees are appropriate in the lower area.
 9. **Cantilevers.** Restudy the cantilevers along the driveway and reduce where feasible.
 10. **Front Elevation.** Restudy the street elevation to add charming elements and human scale and remove commercial elements.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
 4. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
 5. **Existing Buildings.** Owner shall make existing buildings available for relocation or salvage for at least 60 days prior to building permit issuance.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
- 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.
- 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 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. **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.
7. **Driveway Improvements.** The proposed driveway shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
8. **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.
9. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction. (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.

2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
5. **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.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

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

contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - 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.
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.
10. **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.

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.
12. **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.
13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
14. **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 and 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.
15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
16. **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.
17. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be

retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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

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

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) caused by construction, 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 building plans, including utility service undergrounding and installation of street trees.
3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

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

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

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

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

This motion was passed and adopted on the 10 day of January, 2008 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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

Julie Rodriguez, Planning Commission Secretary

Date

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