



## CITY OF SANTA BARBARA

### COUNCIL AGENDA REPORT

**AGENDA DATE:** December 8, 2009

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of Planning Commission Denial Of A Project At 617 Bradbury Avenue

#### **RECOMMENDATION:**

That Council uphold the appeal filed by David Lack to reverse the Planning Commission denial of the project, and approve the Modification and Tentative Subdivision Map, subject to the conditions of approval and findings outlined in Staff Hearing Officer Resolution No. 062-09. (MST2007-00559); direct applicant to restudy the architecture, and to submit to the Architectural Board of Review (ABR) a project with an architectural style similar to that of the buildings on the west side of Bradbury Avenue; and direct the ABR to allow a slight increase in the size, bulk and scale of the project, as required to change the architectural style of the building.

#### **DISCUSSION:**

##### Project Description

The proposed project involves the demolition of an existing single-family residence, and the construction of a 5,488 square foot (s.f.), three-story, mixed-use building with a maximum height of 29'8". The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure with six spaces. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

##### Background

The Architectural Board of Review (ABR) reviewed the project five times prior to the Staff Hearing Officer's (SHO) initial hearing. The project was forwarded to the SHO with positive comments on a split vote. On June 17, 2009, the SHO held a public hearing on the proposed project and continued the item to July 15, 2009, to allow the applicant to study alternate locations of the required 15' by 15' common open space or request for a modification for the dimension and/or location of the required area. The SHO also requested the applicant to restudy the amount of proposed parking and the provision of

private garages, and the proposed second story balconies to address concerns regarding privacy issues between the project site and adjacent properties. The SHO suggested that the project return to the ABR for additional comments related to the project's size, bulk, and scale and neighborhood compatibility.

On June 29, 2009, the ABR reviewed a project that was revised slightly to respond to the SHO's concerns. The ABR continued the item to the SHO with comments (4-2) from the Board that the size, bulk and scale were appropriate. The Board stated that it would support the design for the open yard to accommodate the user's need for outdoor living and in addition to provide a visual benefit to the community and a more neighborhood feel.

At the July 15, 2009, hearing, the SHO found that the revised project adequately responded to the direction previously given and approved the project. The SHO also requested the applicant to continue to work with the ABR to further reduce the mass, bulk, and scale of the building particularly in regards to the third floor mass and to further study the privacy issues regarding the rear second story deck. Subsequently, a neighbor filed an appeal.

A neighbor, Wanda Livernois, filed an appeal of the SHO decision, and a Planning Commission (PC) appeal hearing was held on September 10, 2009. After much discussion by the Planning Commission, the appeal was upheld, and the project was denied. A discussion of the reasons for the PC's denial are included in the "Issues" section of this staff report.

Subsequently, an appeal was filed by the property owner, David Lack of LEED Santa Barbara. The appeal letter states that the PC decision to uphold Ms. Livernois appeal was inappropriate, and requests that the Council overturn the Planning Commission's denial of the project (see Attachment 1 – Appeal Letter). The appellant states that the project findings can be made; specifically, that the project will not have an adverse impact on the neighborhood's aesthetics and with the approval of the Modification and the Tentative Subdivision Map, the project complies with the Zoning Ordinance and the General Plan.

### Appeal Issues

#### *Common Open Space Modification*

The project exceeds the private open space requirement, as well as the 10% open space requirement. However, the project must also provide a common open space that is at least 15' by 15'. The purpose of the common open space is to provide some recreational open space for occupants of the building. The common open space is not allowed in the front yard (setback or remaining yard). In this instance, locating the common open space in the front yard provides greater relief to the existing streetscape

and results in a neighborhood benefit creating a larger setback and green space instead of additional building mass at the street with a common open space only available to the private owners of the property.

The proposed common open space as shown on the plans is approximately 15'6" by 22'6", and includes the main walkway; however, the SHO stated that the main walkway into the development should not be included in the common open space area and required that the common open space be shown to exclude the 3' 6" wide walkway, thus reducing the common open space dimensions to 12' by 22' 6". In addition, a large palm tree is located within the common open space area. The ABR found the location to be appropriate, with the design to be further refined. The Planning Commission did not seem to have issues with this Modification, and denied the project on different grounds.

#### *Neighborhood Compatibility*

The project site is located north of the Brinkerhoff Landmark District and across the street to the west from El Pueblo Viejo Landmark District (EPV). While in proximity to these historic districts, the site is not located within the districts. Brinkerhoff Avenue is comprised of designated historic resources and has a unique character, architectural style, site design layout, and landscaping design which unifies the entire block giving it a distinctly separate and distinguishable continuity. The eastern side of Bradbury Avenue has a variety of architectural styles. The Frazee building site which is a through lot to Chapala Street and is the only lot which fronts Bradbury Avenue. This western edge of EPV has been developed with larger two and three-story projects fronting Chapala Street. The pattern of development on the western side of the street has a series of one to three story buildings varying in architectural styles including Victorian and Craftsman styles.

While some neighbors have expressed their desire to see Bradbury Street become its own or an extension of the Brinkerhoff Landmark District, Staff believes that the area lacks enough architectural or historic integrity to support enlarging the Brinkerhoff Landmark District or to create a new historic district along Bradbury Avenue. As stated previously, the ABR's opinion was that the size, bulk and scale of the proposed building is appropriate and compatible with the neighborhood. The proposed structure is less than 30 feet tall, and the majority of the mass is setback from the street. There is no evidence that the construction of this project would have an adverse physical effect on either EPV or the Brinkerhoff District.

#### *Neighborhood Aesthetics*

The ABR thought that the modern style architecture was compatible with the overall neighborhood, but Staff believes that the Planning Commission's denial of the project is based on the proposed architecture (modern style, with flat roofs, straight parapets, and largely stucco finish), which is a marked departure from the architecture of neighboring buildings on the same side of Bradbury Avenue (Victorian or Craftsman style, with sloped roofs and wood siding).

The Commission denied the project due a specific clause in finding C.3 which stated that the project "will not have an adverse impact upon the neighborhood's aesthetics." The Commission felt that the building should have similar setback from the front property line as the adjacent properties on the westerly side of Bradbury Avenue and should be of a similar architectural style. The Planning Commission voted 4-0-0 to grant the appeal and deny the project without prejudice, which allows the applicant to resubmit a substantially similar project within one year.

#### Conclusion

It is Staff's position that the SHO appropriately considered all relevant issues pertaining to the application and its land use decision and made the appropriate findings to approve the proposed project. However, Staff is also sympathetic to the Planning Commission's issue of architectural style. Staff believes that it would be appropriate to require that the architectural style be changed to be more compatible with the buildings on the west side of Bradbury Avenue. Although such a change in architectural style could result in an increase in building height (flat roofs to pitched roofs) and the potential loss of some of the sustainable features (green roof is proposed on the flat roof), Staff believes that this would be an appropriate trade-off.

#### **RECOMMENDATION:**

Therefore, Staff recommends that the Council: 1) uphold the appeal, reverse the Planning Commission decision to deny the project and approve the Modification and Tentative Subdivision Map making the findings and subject to the conditions contained in Staff Hearing Officer Resolution 062-09 (Attachment 3); 2) direct applicant to restudy the architecture, and to submit to the ABR, a project whose architectural style is similar to that of the buildings on the west side of Bradbury Avenue; and 3) direct the ABR to allow a slight increase in the size, bulk and scale of the project, as required to change the architectural style of the building.

**NOTE:** The Project Plans, Staff Hearing Officer Staff Reports, and Planning Commission Staff Report are provided under separate cover.

- ATTACHMENTS:**
1. Appeal letter dated September 25, 2009
  2. Planning Commission Minutes, 9/17/09, and PC Resolution 037-09
  3. Staff Hearing Officer Minutes, 7/15/09, and SHO Resolution 062-09

**PREPARED BY:** Suzanne Riegler, Assistant Planner

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office

ATTACHMENT I

RECEIVED

8:45 pm ST

September 25, 2009

Santa Barbara City Clerk  
735 Anacapa Street  
Santa Barbara, CA 93101-2203

Re: 617 Bradbury, Santa Barbara, CA 93101 – MST 2007-00559  
Appeal – Planning Commission's September 17, 2009 Decision

To Whom It May Concern:

This letter is to request an appeal to the Planning Commission decision on Thursday, September 17, 2009 and:

1. Uphold the July 15, 2009 Staff Hearing Officer's ("SHO") Resolution 062-09 with findings to approve the application on the above referenced mixed use development with finding to support a Modification and Tentative Subdivision Map
2. Uphold the June 11, 2009 and the July 9, 2009 Staff Hearing Officer Report Staff Reports recommendations of the both the Senior Planner and the Assistant Planner
3. Uphold the June 29, 2009 Architectural Board of Reviews ("ABR") findings for architectural style, neighborhood compatibility and mass, bulk and scale.
4. Support City Planning staff's work with applicant over the past 2 ½ years to produce a project that complies with all current Zoning Ordinances and the future General Plan Updates.
5. Overturn the Planning Commission's September 17, 2009 determination.

Project Description:

The project consists of the demolition of an existing 392 SF single family residence and the construction of a sustainable, 5,488 square foot mixed-use development. The proposal will result in two commercial condominiums (a total of 998 SF) located on the first and second floors (19'-0"), two 1,506 SF residential condominiums 55'-6" from the front property line at the rear of the building on the second and third floors (Parapet is 29'-8") and on-grade parking structure. The proposal consists of 2,015 SF of green roof and upper level landscape planting. Two bicycle parking spaces and a changing room are provided on-site.

The project is a modest development in the downtown corridor on a C-2 lot, conforms to the City's zoning and Building ordinances and policies of the General Plan. The sizing and massing of the project were deemed compatible with the surrounding neighborhood by staff, the ABR and the SHO and well below the permitted 60' permitted by code or the 40' height proposed by Measure B.

The project is not located in the El Pueblo Viejo Landmark District nor the Brinkerhoff Landmark District.

Applicant requested one modification to allow the required common open area to be located in the front yard and/or smaller than the required dimensions. The project exceeds the size requirements for the Common Open Space (333.25 SF proposed if the walkway is included and 258 SF if the walkway is not included. Both dimensions exceed the 225 SF required) but does not meet the location requirements due to conflicting interpretation of the ordinance ("frontyard" setback—none required in a C-2 zone vs. "frontyard"). Although other solutions were considered that would result in the project that did not require a modification request, it was determined by ABR, staff and SHO that locating it on the roof would reduce the ability to achieve a sustainable building that includes green roofs and solar panels and negatively impact the design resulting in additional mass being brought forward to the street and would not allow all users of the building to commonly use the open space as intended by ordinance.

The project was appealed to the Planning Commission on September 17, 2009 who overturned SHO approval disregarding staff recommendations and ABR findings. Applicant has followed the rules, worked closely with staff, ABR and SHO over the past 2 ½ years on a sustainable project designed by reputable LEED architects. The project is compatible with the ordinances and policies of the City of Santa Barbara and based on sound planning. Applicant appreciates the opinions of the neighbors and people in opposition, but believes the project should be approved based on fact not opinion. Here are some of the relevant facts for this project:

As stated in the Staff Hearing Office Report, this proposed project warrants approval based on the following:

- "The modification is consistent with the purposes and intent of the Zoning Ordinance because a useable common open space is provided in a location found to be acceptable by ABR, and each of the residential units is being provided with more than double the required private outdoor living space. ...mass, bulk and scale has been found appropriate by the ABR."
- "Tentative Subdivision Map is consistent with the City of Santa Barbara's Zoning Ordinance and General Plan...proposed use is CONSISTENT with the vision for the West Downtown neighborhood of the General plan."
- "...project complies with all provisions of the City's Condominium Ordinance..."
- "...project is found consistent with the policies of the City's General Plan including the Land Use and Housing Elements... [and] will provide residential development that is compatible with the surrounding neighborhood."
- "...[ABR] found the architecture and site design appropriate."

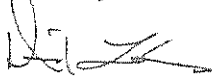
Exemplary Design MERITS of this project include:

- LEED Platinum Certification
- Built Green Santa Barbara Participation
- Exemplary use of green roofs and solar energy
- Setbacks on all sides in a zero-lot line district-2'-6" at ground flr. up to 7' at 2nd flr.
- Ample setbacks at the sidewalk
- Height Limit is 60'. This building is designed to 29'-8". Complies with upcoming Measure B height reduction of 40'

- All parking proposed onsite... cars hidden from view. Additional parking provided to reduce impacts on parking stressed street.
- Required 225sf of Common Open Space exceeded by 126sf on site - **351sf Provided**
- Required 84sf of Private Outdoor Living Space exceeded by 160sf/unit - **254sf Provided**
- Required 10% of lot Open Space exceeded by 7% -**17% Provided**
- Storm Water retention and natural filtering done onsite
- Appropriate Mixed-use project for transitional street/neighborhood. Use is consistent with commercial and multi-family buildings found on both sides of the street.
- "Pedestrian Friendly" approach to the sidewalk
- Architectural Styling appropriate to the structures located on street and within neighborhood
- Upper level massing set back almost half the lot the depth
- Third story massing minimized to 1500sf.
- 21'-3" (42%) building frontage at sidewalk setback 3'-6"
- Remainder of building setback 22'-6" from sidewalk.

Thank you for your consideration.

Sincerely,



LEED Santa Barbara, LLC, owner  
420 E. Carrillo Street  
Santa Barbara, CA 93101  
(805) 963-3600



**III. STAFF HEARING OFFICER APPEALS:**

**ACTUAL TIME: 1:06 P.M.**

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

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

The discretionary applications required for this project are:

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

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

Case Planner: Suzanne Riegler, Assistant Planner  
Email: SRiegler@SantaBarbaraCA.gov

Suzanne Riegler, Assistant Planner, gave the Staff presentation.

Dawn Sherry, Architectural Board of Review (ABR) member, summarized the ABR's consensus for making the compatibility finding and made herself available to answer any of the Planning Commission's questions.

Wanda Livernois, Appellant, gave the appellant presentation.

Clay Aurell, Architect, gave the applicant presentation, joined by David Lack, Owner.

Chair Larson opened the public hearing at 1:40 P.M.

The following people spoke in support of the appeal, or with concerns:

1. Paul Zink, Architectural Board of Review, stated that the ABR decision was very divided and the project needs more refinement.
2. Bill Mahan stated that the Tentative Subdivision Map finding C.3 could not have been made with regard to neighborhood compatibility
3. Joan Livingston, Allied Neighborhood Association: neighborhood incompatibility.
4. Jeanne Kahre: neighborhood incompatibility; size/bulk/scale.
5. Myfawny Learned: neighborhood incompatibility
6. Michael Terry, speaking for Caroline Vassallo: neighborhood incompatibility
7. Marcie Woolfolk: neighborhood incompatibility
8. Mary Louise Days: neighborhood incompatibility
9. Tim Buynak: neighborhood incompatibility
10. Kellem de Forest: size/bulk/scale
11. Mark Masslen: neighborhood incompatibility; size/bulk/scale
12. Robert Livernois, neighborhood incompatibility; size/bulk/scale

The following people spoke in opposition to the appeal:

1. Steve Yates
2. Andy Roteman
3. Mike McCormack

With no one else wishing to speak, the public hearing was closed at 2:21 P.M.

Staff answered the Planning Commission's questions about the 15' X 15' common open space dimensions; explained the required finding for sound community planning; the status of the rear property line, and summarized the projects five reviews by the ABR.

Mr. Aurell responded that the top of the parapet was below 30' and elaborated on the vegetation on the green roof and its low-water requirements.

The Commissioners made the following comments:

1. Commissioner Jacobs acknowledged the public input of the neighborhood. Puzzled that ABR found the project consistent with the existing neighborhood; did not see that the compatibility standard was met. Would like to see the project reviewed by the Historic Landmarks Committee and that story poles be mandatory. Cannot support the project and will uphold the appeal.
2. Commissioner Lodge appreciated that the applicant looked at the Victorian house across the street and used similar materials, but felt that the project needs to fit with the neighborhood.
3. Commissioner Jostes acknowledged the extent that the applicant has gone to make the project sustainable. Concerned with the project not being compatible with the neighborhood. The project maximizes use of the land at the expense of neighborhood compatibility.
4. Although the staff report described that the General Plan "envisioned that the properties from De La Vina to Chapala would transition over time from single

family residential to higher density residential or low intensity commercial uses,” the majority of the Commission believed that the General Plan described the area as a “transitional” neighborhood that provided a buffer between the residential areas to the west, and the commercial area to the east, rather than a neighborhood, “in transition” from one type of land use to another. Therefore, the Commission could not make the required finding and support project. Believes the scale and bulk can be reduced by reducing the bedroom sizes. The architecture needs to be softened. (Later review of the Land Use Element revealed that it describes the West Downtown neighborhood as follows: “...new apartment complexes are replacing older single-family houses as West Downtown continues in transition to higher density residential and commercial uses....”)

**MOTION: Jacobs/Lodge**

**Assigned Resolution No. 037-09**

Uphold the appeal and deny the project. Recommended that if the project is resubmitted, the Historic Landmarks Committee should be given a courtesy review.

This motion carried by the following vote:

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

Scott Vincent, Assistant City Attorney, stated that per the Municipal Code, it was not in the Commission’s purview to designate which review board could review which projects.

**MOTION: Jostes/Jacobs**

Motion to reconsider the prior motion.

This motion carried by the following vote:

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

**MOTION: Jacobs/Lodge**

**Assigned Resolution No. 037-09**

Uphold the appeal and deny the project.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

Mr. Kato sought input from the Commission on following the recommendations of Review Boards, which in this instance had found the project compatible with the neighborhood. Mr. Jostes stated that findings are viewed consistent with the principles of sound community planning. Commissioners Jostes and Jacobs referenced the multi-review board meeting that was held in July 18, 2007, and given the changes in review board membership, recommended that a similar meeting be put together again.

Mr. Vincent stated that the system that came out of the July meeting led to compatibility criteria that was adopted in the Historic Landmarks Committee and Architectural Board of Review sections of Title 22, and gave a communication tool for each Board and Commission and does not necessitate that each review board would arrive at the same conclusion.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 3:00 P.M.**

- A. Committee and Liaison Reports.
1. Staff Hearing Officer Liaison Report  
  
Chair Larson reported on the Staff Hearing Officer meeting of September 9, 2009.
  2. Other Committee and Liaison Reports
    - a. Commissioner Lodge reported on the Downtown Parking Committee meeting of September 10, 2009.
- B. Action on the review and consideration of the following Draft Minutes and Resolutions:
- a. Draft Minutes of August 20, 2009
  - b. Resolution 030-09  
500 N. Milpas Street
  - c. Resolution 031-09  
226 and 232 Eucalyptus Drive
  - d. Resolution 032-09  
803 N. Milpas Street
  - e. Draft Minutes of September 3, 2009
  - f. Resolution 033-09  
124 Los Aguajes Avenue

**MOTION: Jostes/Lodge**

Continue the Minutes and Resolutions of August 20, 2009 to September 24, 2009  
and approve the Minutes and Resolutions of September 3, 2009

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Bartlett, Thompson, White)

**VII. ADJOURNMENT**

Chair Larson adjourned the meeting at 3:07 P.M.

Submitted by,

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 037-09

617 BRADBURY AVENUE

FRONT YARD MODIFICATION AND TENTATIVE SUBDIVISION MAP

SEPTEMBER 17, 2009

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

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

The discretionary applications required for this project are:

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

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

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

**WHEREAS**, 12 people appeared to speak in favor of the appeal, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 10, 2009
2. Site Plans
3. Correspondence received in support of the appeal, or with concerns:
  1. Judy Orias, Allied Neighborhood Association, via email
  2. Caroline Vassallo, via email
  3. Marcella Woolfolk, via email

4. James and Kathleen Smock, via email
5. Jeanne Kahre, via email
6. Karen McFadden, via email
7. Wanda Livernois, via email
8. Neighborhood petition with 20 signatures
9. Theony Condos, via email
10. Naomi Kovacs, Citizens Planning Association, via email
11. Barry Dubin, via email
12. Deidre Dubin, via email
13. John Vasi, Santa Barbara, CA
14. Wendy Foster, via email
15. Barbara Prumeau, Santa Barbara, CA
16. Mark Maslan and Ann Cumming, Santa Barbara, CA
17. Correspondence received in opposition to the appeal:
18. Clay Aurell, via email
19. Greg Griffin, via email
20. Barry Winick, via email
21. Mike McCormack, Santa Barbara, CA

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission upheld the appeal and denied the project due to the inability to make finding C.3 found on page 4 of the July 15, 2009 Staff Hearing Officer Staff Report.

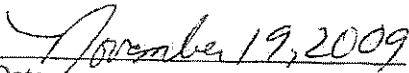
This motion was passed and adopted on the 17th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Thompson, White)

PLANNING COMMISSION RESOLUTION No. 037-09  
617 BRADBURY AVENUE  
SEPTEMBER 17, 2009  
PAGE 3

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.



The Public Hearing was opened at 9:46 a.m.

Cathey Wilkins, opposed: design will build upon, intensify and extend the life of the existing non-conforming structures (submitted written comments and photographs).

The public hearing was closed at 9:55 a.m.

Ms. Reardon stated that the proposed second garage sink is to be removed, and if the garage were to be, the new garage must meet 20'x20' interior clear space dimension. Ms. Reardon also stated that if the hedge height posed a visibility issue, it may be required to be trimmed during the plan check process.

**ACTION:**

**Assigned Resolution No. 061-09**

Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed roof change is appropriate because it will allow the existing garage to be upgraded architecturally to match the new residential design with minimal change to existing conditions.

Said approval is subject to the conditions that the second sink in the garage is to be removed, and if the garage is to be demolished, the new garage interior space shall measure 20' x 20'.

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

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

**CONTINUED FROM JUNE 17, 2009**

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

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

The discretionary applications required for this project are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ACTION:**

**Assigned Resolution No. 062-09**

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

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

**III. ADJOURNMENT:**

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

Submitted by,



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

**See Attachment 4**

**for a copy of**

**Staff Hearing Officer Resolution No. 062-09**