



Agenda Item No. _____

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 11, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Planning Commission Approval Of 825 De La Vina Street

RECOMMENDATION:

That Council deny the appeal of Donald Sharpe and uphold the Planning Commission decision to approve the Tentative Subdivision Map for a mixed-use development of seven condominiums, making the findings and subject to the Conditions of Approval in Planning Commission Resolution 002-010.

EXECUTIVE SUMMARY:

The project was first reviewed by the Planning Commission on December 3, 2009, and continued indefinitely for a redesign, specifically, to eliminate a request for an interior setback modification at the rear property line. On March 18, 2010, the Planning Commission unanimously approved a revised project that addressed Commissioners' concerns regarding the modification. Subsequently, an appeal was filed by the owner of the adjacent building to the north. The appeal letter expresses concerns regarding vertical tandem parking, size of the project, neighborhood compatibility findings, compliance with the Municipal Code, parking lot landscaping and lighting requirements, the mixed use ordinance, and violation of the California Fair Political Practices Act (see Attachment 1 - Appeal Letter). The appellant contends that the project does not comply with the required Ordinances and parking requirements and does not qualify for a Categorical Exemption, per the California Environmental Quality Act.

The proposed project was also reviewed by the Architectural Board of Review on six occasions. Issues regarding density, parking and site design have been thoroughly addressed and all substantial issues included in the appeal letter have been previously addressed in the public hearings, and staff reports. It is staff's position that the Planning Commission appropriately considered all relevant issues pertaining to the application and made the appropriate findings to approve the proposed project. Therefore, staff recommends that the Council deny the appeal and uphold the approval of the project.

DISCUSSION:

Project Description

The proposed project involves a one-lot subdivision to create a mixed-use development with two (2) three-story buildings consisting of seven residential condominium units, three with an attached commercial space, on a 14,750 square foot lot in the C-2 zone. The residential portion of the project would be comprised of four (4) one-bedroom and three (3) two-bedroom units between 700 and 1,700 square feet in size. Three of the units will have a small commercial office space, and parking is proposed within seven vertically tandem parking garages. The proposal will result in 7,877 square feet of residential area, 686 square feet of commercial area and 1,890 square feet of garage space for a total of 10,453 square feet. There would also be two (2) uncovered guest spaces and three (3) uncovered commercial spaces. Approximately 200 cubic yards of grading is required (see Site Plan and Elevations Attachment 2).

Background

Architectural Board of Review (ABR): The proposed project was reviewed by the ABR on six occasions (meeting minutes are attached as Exhibit F of Attachment 5). At the first two meetings in 2008, the proposal consisted of eight units within significantly larger buildings, and a completely different site plan.

The project returned for a third and fourth review on January 12 and November 16, 2009, with a revised site design that proposed two main buildings along the northwest side of the property and a driveway along the southeast side of the property. The Board supported the overall concept of the project and its compatibility with the surrounding neighborhood, and was also supportive of the rear setback modification.

Based on direction from the Planning Commission, the project returned to ABR again on January 11 and February 8, 2010. The applicant made changes to the project; specifically, eliminating the modification request and increasing the rear setback from 10' to 16' on the first and second floors, increasing the rear setback from 28'-3" to 33'-11" on the third floor, and relocating one of the guest parking spaces from the front of the building to the rear of the site. The Board appreciated the reductions to the size of the building, increased landscaping and the elimination of the modification. The Board was satisfied with the overall size, bulk and scale of the project and was able to use the Compatibility Criteria (SBMC §22.68.045) to find the project appropriate for the neighborhood and continued the project back to the Planning Commission.

Planning Commission: On December 3, 2009, the Planning Commission considered the proposed mixed-use project. The project was continued indefinitely for a redesign and specifically, to eliminate a request for an interior setback modification at the rear property line.

On March 18, 2010, after the two additional ABR reviews described above, the Planning Commission unanimously approved the Tentative Subdivision Map and New

Condominium Development at 825 De la Vina Street. Planning Commission Resolution #002-10 is attached as Attachment 4.

APPEAL ISSUES:

Subsequent to the Planning Commission approval of the revised project, an appeal was filed by Don Sharpe, owner of the adjacent building to the north. The appellant requests (Attachment 1) that the Council deny the project, asserting the following:

1. The project does not qualify for a Categorical Exemption under CEQA.
2. The project is not consistent with the Santa Barbara Municipal Code §28.90 Automobile Parking Requirements, including the proposed parking lifts and the Landscaping and Lighting Requirements.
3. The Neighborhood Compatibility Findings cannot be made.
4. Unreasonable use of the Mixed Use Ordinance.
5. The California Fair Political Practices Act may have been violated.

It is staff's position that appropriate consideration has been given to the appellant's issues as part of the Architectural Board of Review (ABR) and Planning Commission (PC) review process and that the Commission's action is appropriate.

Categorical Exemption

Appellant's Position: The project does not qualify for a Categorical Exemption under CEQA.

Staff's Position: The appellant has not provided any information to support his conclusion. Based on an analysis of the proposed project, it qualifies for an exemption per CEQA Section 15332 which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects. As explained on page 8 of the Planning Commission Staff Report dated December 3, 2009, staff has thoroughly reviewed the project and found that there are no significant environmental effects and that the project is consistent with the C-2 Zone and the General Plan policies.

Consistency with SBMC §28.90 Automobile Parking Requirements

Appellant's Position: The proposed parking lifts are not authorized by the Santa Barbara Municipal Code.

Staff's Position: Variations from the parking design standards specified in Chapter 28.90 of the Municipal Code are allowed with a waiver from the Public Works Director or the Director's designee. The vertical tandem parking proposed for this project was reviewed by Public Works Transportation Planning staff as a variation from the parking design standards specified in Subsection 28.90.045.A of the Municipal Code. Tandem parking is allowed for mixed-use development per SBMC §28.90.045.D, if each set of tandem parking spaces is assigned to a single residential unit and the vehicle movements necessary to move cars parking in a tandem arrangement do not take place on any public

street or alley. The project meets these requirements by providing tandem spaces for each residential unit, where all maneuvers would take place on-site. Because the maneuvering requirements of vertical tandem parking (having to remove one vehicle before you can get to the other) are generally the same as traditional tandem parking, staff supported granting a parking design waiver to allow the vertical tandem parking garages, based on how the maneuvering functions in the proposed mixed-use development. A condition of approval requires the parking lifts be kept in good operating condition, and be available for the parking of vehicles owned by the residents of the property.

Appellant's Position: There are numerous site plan violations of the SBMC §28.90.

Staff's Position: The appellant does not list the alleged violations. Staff has reviewed the project and found that it complies with the Santa Barbara Municipal Code and the Zoning Ordinance and no modifications are requested.

Appellant's Position: There are numerous violations with landscaping and landscape protection as required in SBMC §28.90.050 (8).

Staff's Position: The appellant does not list the alleged violations. Staff has reviewed the project and found that it complies with SBMC §28.90.050 (8).

Neighborhood Compatibility Findings

Appellant's Position: The Neighborhood Compatibility Findings cannot be made.

Staff's Position: The ABR was satisfied with the overall size, bulk and scale of the project and was able to use the Compatibility Criteria as described in SBMC §22.68.045 to find the project appropriate for the neighborhood. The project was continued back to the Planning Commission on March 18, 2010, with positive comments and received a unanimous approval.

Mixed-Use Ordinance

Appellant's Position: The project should not be allowed to benefit from the mixed use ordinance by providing a small amount of commercial square footage.

Staff's Position: This is a policy issue that requires a broader discussion. Currently the ordinance does not regulate the amount of commercial that should be included as part of a mixed use building. However, the Planning Commission did consider this as part of their review and added a condition of approval requiring the owners of the three condominiums containing commercial spaces to maintain a business license for the live/work spaces.

California Fair Political Practices Act

Appellant's Position: The California Fair Political Practices Act may have been violated.

Staff's Position: Keith Rivera is architect for the proposed project. Mr. Rivera also serves on the Architectural Board of Review as a professional architect. Staff directed Mr. Rivera to obtain an opinion from the Fair Political Practices Commission (FPPC). The FPPC response states that because Mr. Rivera is the sole practitioner of the firm, Acme

Architecture, he may appear before the ABR to present drawings or submissions of an architectural project on behalf of a client.

CONCLUSION:

The proposed project has undergone a thorough review by staff, the ABR and Planning Commission. The appellant has been present throughout the review process and the project has been revised numerous times in order to address the appellant's issues regarding density, parking and site design. It is staff's position that the Planning Commission appropriately considered all relevant issues pertaining to the application and made the appropriate findings to approve the proposed project. Therefore, staff recommends that the Council deny the appeal and uphold the approval of the project.

NOTE: The documents listed below are available for public review in the City Clerk's Office:

- Fair Political Practices Commission letter dated February 4, 2010
- Planning Commission Staff Report (without attachments) dated December 3, 2009
- Planning Commission Minutes dated December 3, 2009

ATTACHMENTS:

1. Appeal letter dated March 26, 2010
2. Site Plan and Elevations
3. Applicant's letter dated April 28, 2010
4. Planning Commission Resolution 002-10 and minutes
5. Planning Commission Staff Memo (with attachments) dated March 18, 2010

PREPARED BY: Kelly Brodison, Assistant Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development

APPROVED BY: City Administrator's Office

RECEIVED

Donald G. Sharpe
680 Cowles Road
Santa Barbara, CA 93108
(805) 570-0829

2010 MAR 26 PM 4: 37
CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

March 26, 2010

Santa Barbara City Council
De la Guerra Plaza,
Santa Barbara, CA 93101

Re: Santa Barbara City Planning Commission Approvals
825 De la Vina St., March 18, 2010

Mayor Schneider and City Council Members,

I am herein appealing the March 18, 2010 Planning Commission approvals of the proposed project at the above address which include, but are not limited to, a Tentative Subdivision Map, a new Condominium Development and the mechanical vehicle lifts that do not comply with the parking requirements (ZO). I am also appealing the use of a Categorical Exemption to avoid compliance with California Environmental Quality Act.

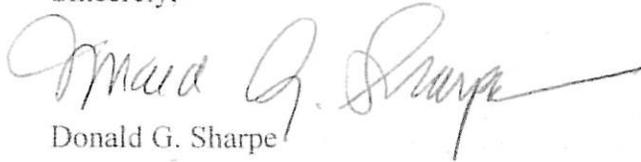
I have the following specific objections with the proposed project:

1. The parking lifts used in this project are not authorized by the Santa Barbara Municipal Code.
2. There are numerous Site Plan violations of Santa Barbara Municipal Code Chapter 28.90, Automobile Parking Requirements.
3. Project square footages seem incorrect.
4. Neighborhood compatibility findings cannot be made.
5. There are numerous violations with landscaping and landscape protection as required in 28.90.050 (8) of the Santa Barbara City Municipal Code.
6. The project accrued major bonuses by utilizing the Mixed Use Ordinance. These benefits do not result in an enhanced or superior development. The rear building has approximately 2 ½% commercial square footage by obtaining the benefits.

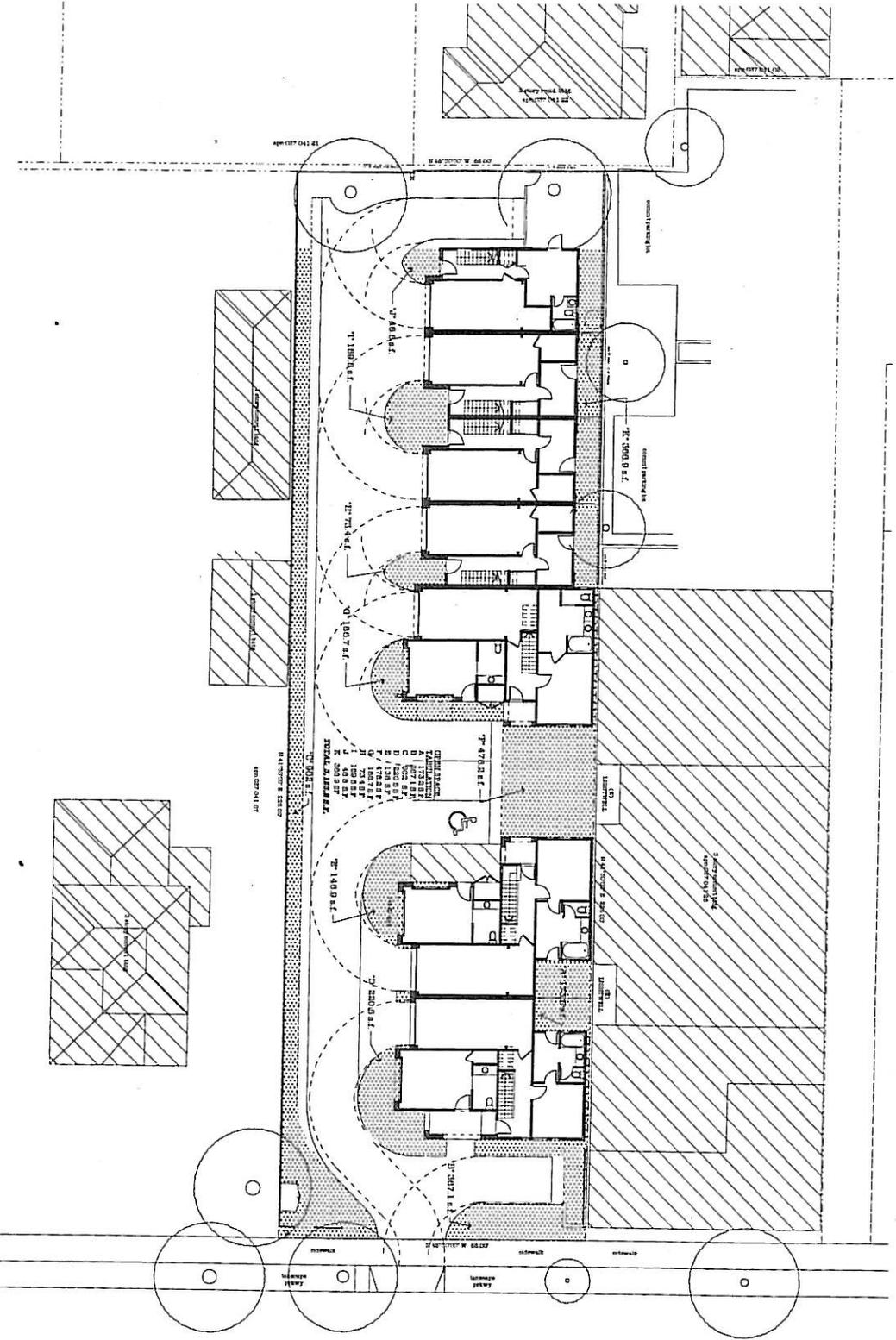
7. The California Fair Political Practices Act may have been violated.

I will supply additional and more specific details and objections prior to the City Council hearing and reserve I the right to supplement my appeal up to that date. I have attended all but one of the numerous Architectural Board of Review meetings and both Planning Commission meetings.

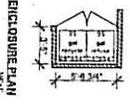
Sincerely,

A handwritten signature in cursive script that reads "Donald G. Sharpe". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Donald G. Sharpe



De La Vina St.



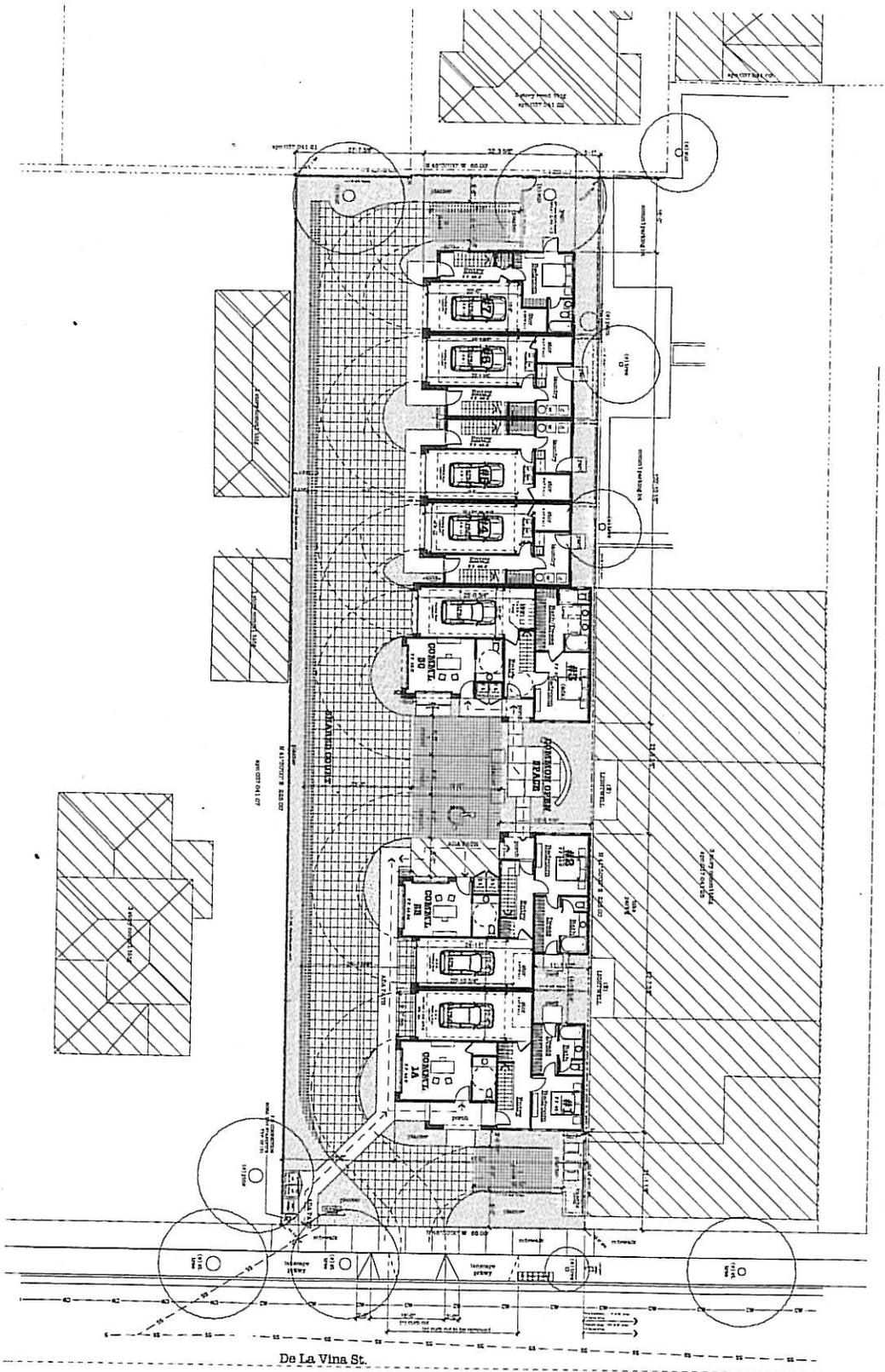
REFUSE RECYCLE CALCULATION
WEEKLY LOAD FACTORS
 CONVENTIONAL: 0.0017 cubic yards per ft²
 RESIDENTIAL: 0.008 cubic yards per ft²
 RESIDENTIAL: 0.017 cubic yards per ft²
 10 Bedrooms X .208 cubic yards = 2.08 cubic yards
 600 sq. ft. CONVENTIONAL = .117 cubic yards
 600 sq. ft. RESIDENTIAL = .0102 cubic yards
TOTAL: 2.2 cubic yards X 262 gallons/cubic yard = 576 gallons
PROVIDED:
 (6) 95 gal = 570 gallons
570 gallons PROVIDED > 444.4 gallons REQUIRED



825 De La Vina
 Alexia Uzun
 2020
 San Francisco
 California

Drawn by:
OPEN SPACE PLAN

A1.0

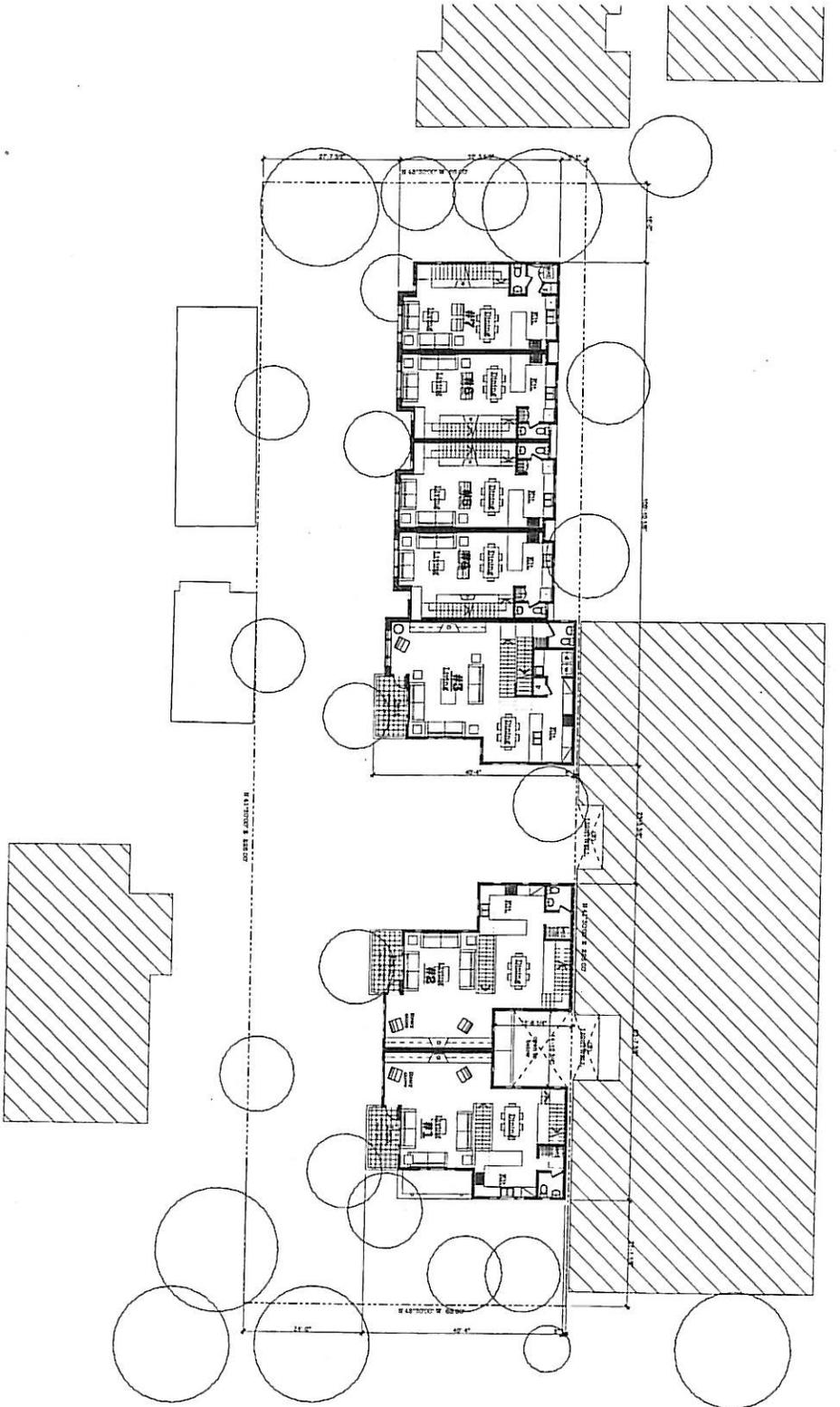


Scale:
 1/8" = 1'-0"
 Date: 02/28/10
 Issue: FOR PC

825 De La Vina
 ANNEKAT URBAN
 Santa Barbara
 California

Drawn:
 SITE/FIRST FLOOR PLAN

A1.1



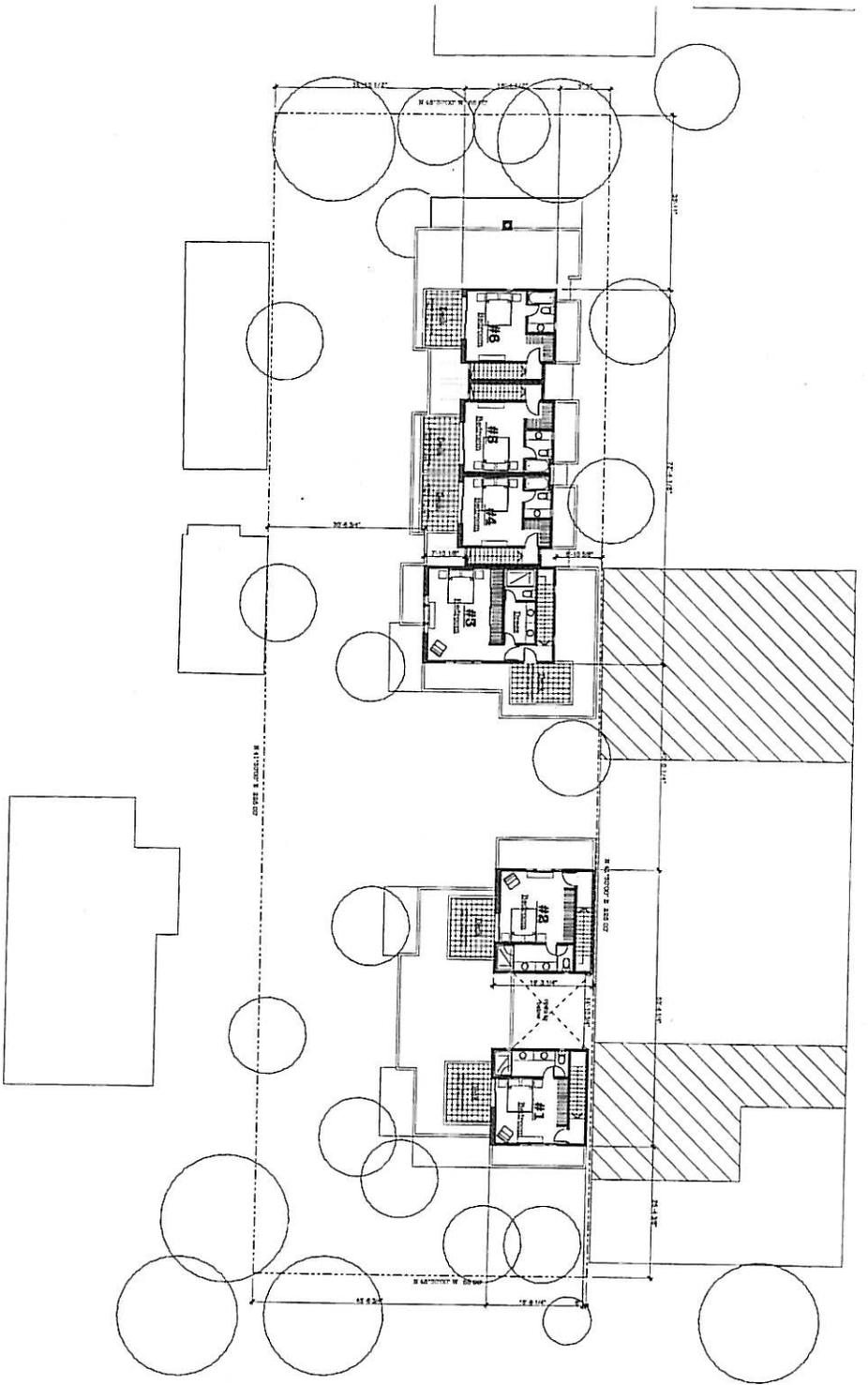
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 Check: [illegible]
 Title: 2ND FLOOR PLAN



825 De La Vina
 ATWOOD VENT
 Santa Barbara
 California

Drawn by
 SECOND FLOOR PLAN

1- A2.2



Scale
1/8" = 1'-0"

Date
02/25/19

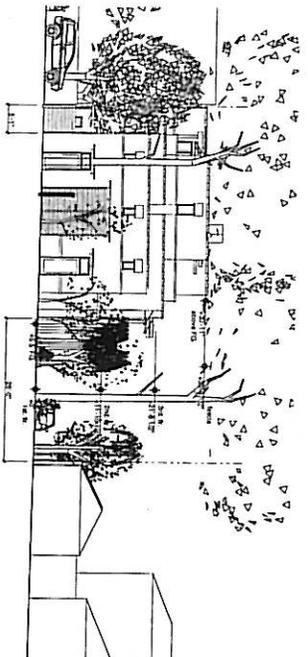
Sheet
555127-101-1-C

825 De La Vina
 SANTA BARBARA
 SANTA BARBARA
 CALIFORNIA

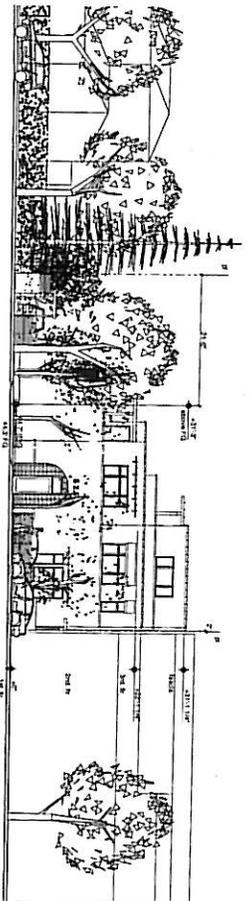


Drawing
THIRD FLOOR PLAN

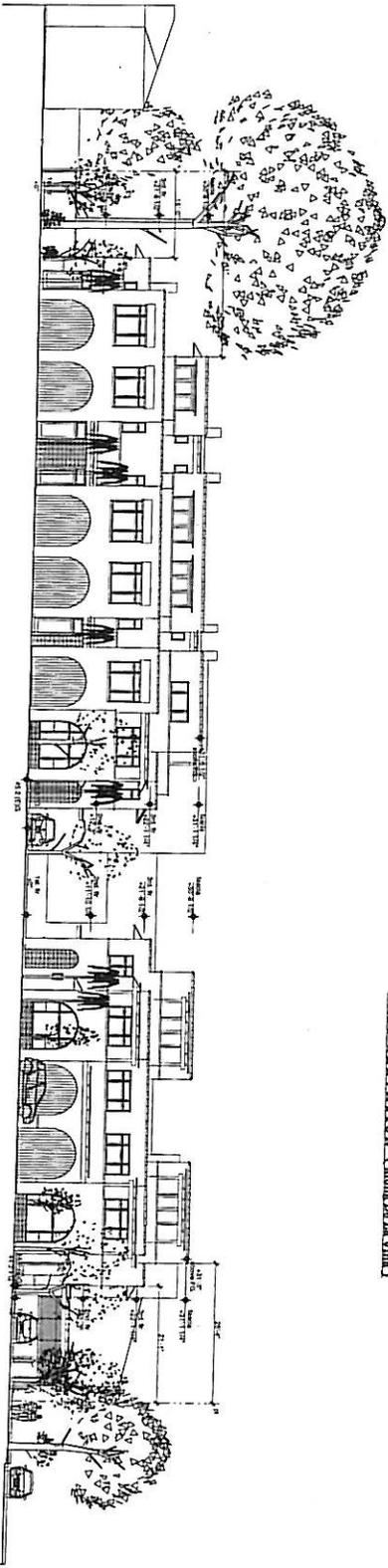
A2.3



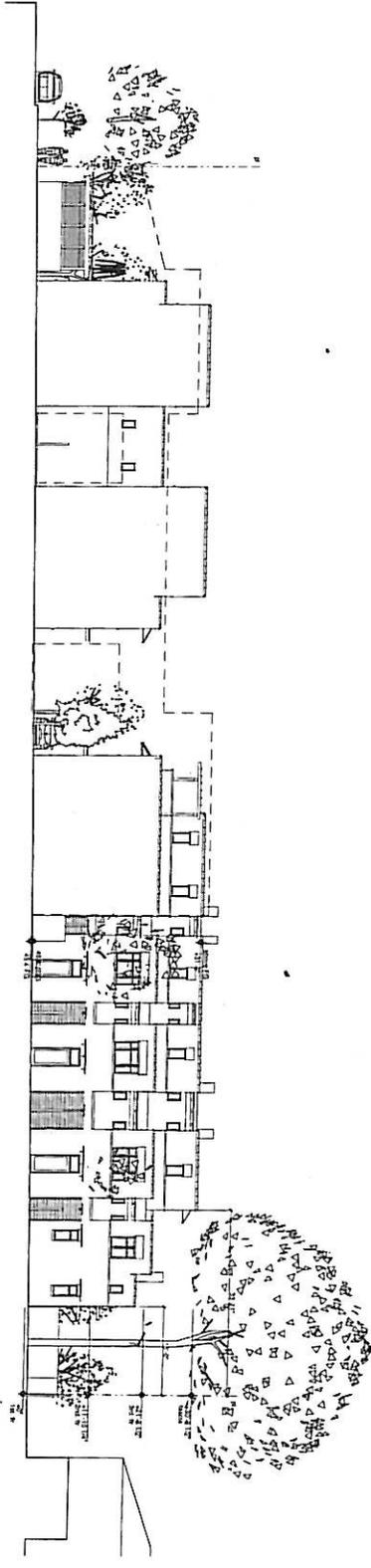
WEST ELEVATION



EAST ELEVATION (Along De La Vina)



SOUTH ELEVATION



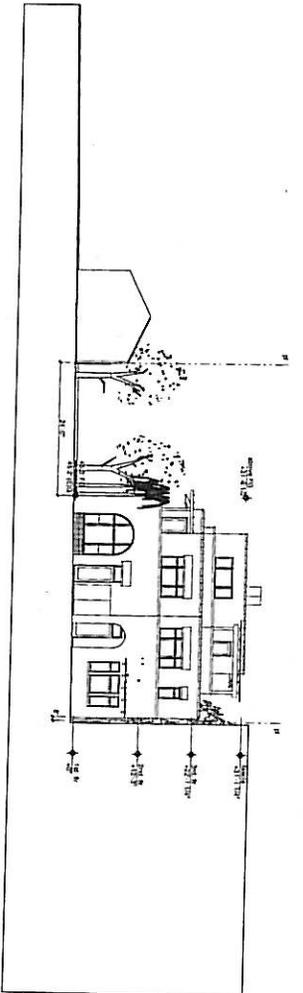
NORTH ELEVATION

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 Checked by: [unintelligible]
 Issue for: PC

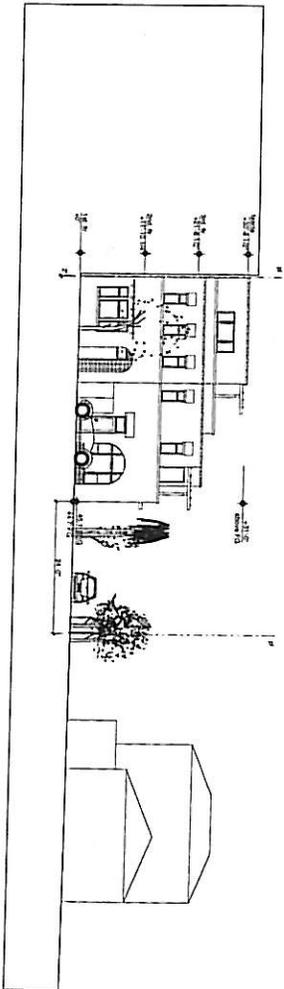
825 De La Vina
 Alexander Levy
 Santa Barbara
 California

Drawing:
 EXTERIOR ELEVATIONS

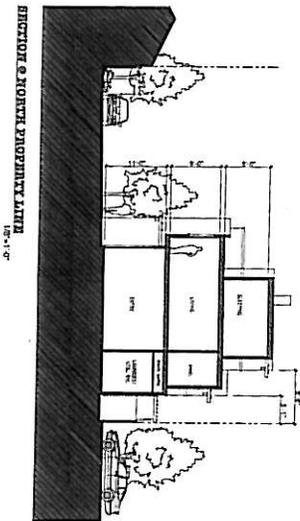
17-A3.1



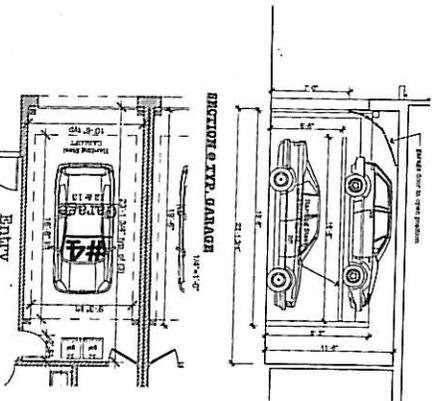
REAR ELEVATION (PROPOSED/TERMINO)



SIDE ELEVATION (PROPOSED/TERMINO)



SECTION & NORTH PROPERTY LINE
1/8" = 1'-0"



SECTION & TYP. GARAGE
1/8" = 1'-0"

REAR DRIVAIL & TYP. GARAGE
1/8" = 1'-0"

Scale:
1/8" = 1'-0"
DATE:
02.24.10
DESIGNER:
SECTION PC



825 De La Vina
ATKINZ USH
SANTA BARBARA
CALIFORNIA

Project:
EXTENSION ELEVATIONS



DEREK A. WESTEN
ATTORNEY AT LAW
1800 JELINDA DRIVE
SANTA BARBARA, CALIFORNIA 93108

EMAIL: DEREK@WESTENLAW.COM
FACSIMILE: (805) 963-7131
TELEPHONE: (805) 963-7130

April 28, 2010

Via Email

Mayor Helene Schneider, and
Members of the City Council
City of Santa Barbara
De La Guerra Plaza
Santa Barbara, CA 93101

Re: Appeal by Donald G. Sharpe of Approval of 825 De La Vina Street;
APN: 037-041-0024; MST2007-00400

Dear Mayor Schneider and Members of the City Council:

I am writing on behalf of the applicant and its agent to urge denial of the appeal of the Planning Commissions unanimous approval of the proposed mixed use project at 825 De La Vina Street.

We believe that the project has been very carefully and thoughtfully designed, appropriately considers and balances the concerns of its neighbors, incorporates all of the recommendations of the ABR and the Planning Commission, and is architecturally handsome. It provides reasonably sized live/work units while providing a great deal of landscaping and open space, and will be an asset to the neighborhood and community.

The project was unanimously approved by both the ABR and the Planning Commission. We believe it is a model project implementing the Plan Santa Barbara goals and objectives.

Overview

The proposed seven-unit two- and three-story residential project, with a small commercial component, complies with all zoning requirements, meets and exceeds all setback requirements, and would even meet solar ordinance requirements if they were applicable. In response to earlier Planning Commission comments in December 3, 2009, the applicant reduced the total square footage of the project by about 7%, increased the rear setback from 10' to 16' eliminating the need for a modification, and incorporated all the of your site layout and design recommendations.

It is, of course, difficult to please everyone. But we believe the applicant has designed the project with great sensitivity to its adjacent neighbors and uses, that it is a sensitive design incorporating many suggestions of its neighbors, and that the project more than reasonably addresses their concerns. The proposed project offers a number of significant benefits:



DEREK A. WESTEN

ATTORNEY AT LAW

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April 28, 2010

- The stepped and broken up massing of the front of the building makes an excellent transition from the relatively flat, boxy frontage of the commercial building at 829 De La Vina to the more varied architectural design of the residential uses at 817 De La Vina.
- The basic orientation of the building on the parcel, with the parking and a landscaping buffer along the southern property line, respects and preserves the very large mature street trees that define the character of lower De La Vina, and provides an excellent transition to the residential uses on the south.
- The project has 29% landscaping coverage, and 21% open space—more than two times the required open space. The applicant's landscape architect worked collaboratively with a landscape architect selected by the neighbors on a landscape plan both thought would be attractive. In response to suggestions of the Planning Commission and ABR, the applicant has added additional landscaping along both the front and south. The 3-foot-wide landscape strip along the auto court is more than twice the landscaping width of similar projects recently approved by the ABR and Planning Commission.
- The project has ample setback from the residential uses at the rear (increased from 10' to 16' in the recent revision). Although it was not required by applicable zoning, the massing steps down from three stories to two to create an appropriate transition and to allow ample air, space and light.
- The three-story commercial building at 829 De La Vina has a relatively unrelieved façade and has been built with a zero-lot-line design, directly on the property line. It is appropriate to place the mass of the proposed project adjacent to this large, relatively unrelieved, rectangular wall. Because the 829 De La Vina property is built right to the property line, it has had to incorporate two light wells into the side to allow some air and light. The applicant for the proposed project has structured the proposed project with sensitivity to the existing light wells, placing a large open courtyard before the major light well, and designing the second one so that the massing is stepped back and uses planned for that unit that will minimize privacy concerns.
- All required parking is incorporated in the project, with a single guest space and attractive planter on the portion on De La Vina Street, as recommended by the Planning Commission.
- The proposed project will redevelop the currently vacant site appealingly, while providing valuable housing.

829 De La Vina

The owner of the commercial building at 829 De La Vina, has appealed. His building, which appears to be an old remodeled warehouse, is built with no setback, directly against the property



line. It would have no light or air from its own property were it not for two light wells and windows cut into the otherwise-unrelieved façade. Not surprisingly, he would prefer the proposed commercial building to be moved closer to the residential uses to the south and west.

The applicant is under no legal obligation to move its project away from the property line to create a setback for the building at 829 De La Vina Street which is built against the property line. But the applicant has nevertheless designed it to accommodate the adjacent building. The building incorporates a spacious courtyard adjacent to the central light well, which eliminates almost all of the impact of the building at that location. That represents a major accommodation of the neighbor because it results in the elimination of significant square footage. In addition, the applicant has removed a deck, a third story portion, and modified the uses at the location of the second light well, to minimize the impact at that location.

Of course, the adjacent owner would like even more. But moving the building farther from that neighbor would simply move it closer to the neighbors to the south or rear, to which they would legitimately object. Moving it closer to De La Vina Street would negatively impact the existing mature street trees and the entire community. And we believe that requiring even greater modifications to the building in the area of the second light well would unfairly limit the applicant from building a project that already more than complies with all applicable requirements. Although the applicant will be disappointed if the owner of 829 De La Vina does not support the revised design, we feel that the design more than reasonably accommodates his concerns.

Live/Work and Parking Considerations

We do want to emphasize the merits of two aspects of the project that were discussed at your last hearing.

The vertical lift parking design, which has been carefully reviewed and approved by the Transportation Department and has been approved elsewhere in the City, is very important for this site. The applicant really wanted to protect the mature trees on De La Vina Street, preserve large amounts of open space and landscaping, and offer a larger number of more reasonably priced units. We believe it is especially important that open space be preserved in the downtown area. The proposed design furthers those goals by reducing by about 13% the volume and mass that would otherwise be devoted to garages, reducing the overall building mass and size, and allowing the substantial landscaping and open space the project offers.

The applicant believes there is a real need for more reasonably sized and priced housing that combines smaller residential units with a small commercial component, providing affordable live/work residential units. We already have many luxury condominiums. This area of De La Vina Street is a perfect location for units that will allow true home professions within walking distance of downtown City and County governmental offices, and the downtown commercial districts. Increasingly, the affordability and power of computing and telecommunications technologies make it possible for individuals to provide high level services from small live/work spaces. The proposed



DEREK A. WESTEN
ATTORNEY AT LAW

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units will meet a real need, with a number of ancillary benefits such as reduced need of commuting and the associated traffic and parking implications of having separate commercial work locations.

Applicant's Appeal Issues

The appellant has filed only a preliminary, very general statement of the grounds for his appeal. We will file a separate response to any subsequent letter he files.

At this stage, however, we note that each of the points he raises on this appeal were points he specifically raised during the Planning Commission's hearing. Staff and the Planning Commission considered, responded to, and rejected each of the contentions he again asserts on his appeal. Specifically, Staff and the Planning Commission concluded that parking lifts, used elsewhere in the City, are authorized by the Municipal Code and that the project entails no violations of parking requirements, that the project's square footages are accepted, that the project is compatible with the neighborhood, that all landscaping protections required by code are incorporated, and that the project does comply with all requirements of the Mixed Use Ordinance. The California Fair Political Practices Commission has issued an advisory rejecting appellant's contention that there has been any violation of its rules.

After careful consideration the Planning Commission unanimously approved the proposed project.

Conclusion

Throughout the review process the applicant has made many modifications to address the concerns of potentially affected neighbors, and the comments of the ABR and of the Planning Commission.

We believe that the appellant's contentions have no merit, that the project is a model project for this area of Santa Barbara, and that the appeal should be denied.

Sincerely,

Derek A. Westen
Attorney at Law

cc. Kelly Brodison, Assistant Planner
Keith Rivera
Norm Popp
Jeff Ridenour



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 002-10
825 DE LA VINA STREET
TENTATIVE SUBDIVISION MAP
MARCH 18 2010

APPLICATION OF KEITH RIVERA, ARCHITECT FOR POPP LLC PROPERTY, 825 DE LA VINA STREET, APN, 037-041-0024, C-2 (COMMERCIAL) ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE AND COMMERCIAL GENERAL COMMERCE (MST2007-00400).

This is a revised project. Changes to the project include elimination of a modification at the rear property line and architectural and landscape changes as requested by the Planning Commission and the Architectural Board of Review. The project consists of a one-lot subdivision to create a mixed-use development with two (2) three-story buildings consisting of seven residential condominium units, three with an attached commercial space, on a 14,750 square foot lot in the C-2 zone. The residential portion of the project would be comprised of four (4) one-bedroom and three (3) two-bedroom units between 700 and 1,700 square feet in size. Three of the units will have a small commercial office space and parking is proposed within seven vertically tandem parking garages. The proposal will result in 7,877 square feet of residential area, 686 square feet of commercial area and 1,890 square feet of garage space for a total of 10,453 square feet. There would also be two (2) uncovered guest spaces and three (3) uncovered commercial spaces. Approximately 200 cubic yards of grading is required.

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units with three (3) attached commercial office spaces (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 Act Guidelines Section 15332 which provides for in-fill development projects in urban areas.

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

WHEREAS, 4 people appeared to speak in favor of the application, and 7 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 18, 2010
2. Site Plans
3. Correspondence received in support of the project:
 - a. Mark Melchiori, Santa Barbara, CA

- b. Derek A. Westen, Santa Barbara, CA
- 4. Correspondence received in opposition to the project:
 - a. Steve Hausz, Santa Barbara, CA
 - b. Paula Westbury, Santa Barbara, CA
 - c. Donald Sharpe, via email

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

I. Approved the subject application making the following findings and determinations:

A. 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 as discussed in Sections VI and VII.A of this staff report. The site is physically suitable for the proposed development because the proposed lots would meet the minimum lot size specified in the R-3/R-4 zone and the density requirements of the General Land Use Designation of 12 units per acre. The site is physically suitable for the proposed development due to its generally flat topography and mid-block location. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII.A of this staff report, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with the surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems as discussed in Section VII.A of this staff report.

B. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

- 1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with density requirements and each unit includes adequate parking, with storage, laundry facilities, separate utility metering, adequate unit size and the required outdoor living space.

- 2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood. The project is an infill mixed-use project proposed in an area where commercial and 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 ABR, which found the architecture and site design appropriate.

3. 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.

The project is an infill mixed-use project proposed in an area where residential and commercial developments are permitted uses. 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. Adequate public facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire and schools. The ABR was able to make the compatibility analysis per SBMC 28.68.045 and found the project to be compatible with the surrounding neighborhood.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
 1. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the parking area from the public Right of Way.
 2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 3. **Minimize Visual Effects 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.
 4. **Screened Check Valve/Backflow.** The check valve backflow device 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.
 5. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
 6. **Pedestrian Access.** The design be revised to provide some differentiated pavement treatment to enhance pedestrian access from the rear of the site to De la Vina Street.
 7. **Drainage and Water Quality.** The project is required to comply with the Preliminary Drainage Analysis prepared by Flowers & Associates, Inc. dated March 13, 2009 and revised August 4, 2009.

8. **Trash Enclosures.** ABR shall evaluate a more appropriate location for trash enclosures.
 9. **Front Parking Space.** ABR will study areas to which the front parking space might be relocated.
 10. **Garage Door.** ABR will reevaluate the garage door design regarding the opening height.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 18, 2010, is limited to a one lot subdivision to create a mixed use development with two (2) three-story buildings consisting of seven residential condominium units, three of which will have an associated commercial office space with tenants required to obtain and maintain a Business Tax Certificate with the City of Santa Barbara, 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.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **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.
 5. **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 prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture,

infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the 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.

6. **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. **Parking Lifts.** The seven parking lifts shall be maintained in good operating condition and remain available for the parking of vehicles owned by the residents of the property in the manner for which the parking lifts were designed and permitted.
 - e. **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.

- f. **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.
 7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **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 draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 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 Program. 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 Parks 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.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan

shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

6. **De La Vina Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on De La Vina Street. As determined by the Public Works Department, the improvements shall include the following: *new sidewalk for entire frontage, and new parkway to match existing, commercial thickness driveway apron modified to meet Title 24 requirements, saw-cut and grind top of curb where uplifted, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations curb drain outlet, supply and install one City standard residential Dome Style street light on opposite side of street from project site with final placement per City Facilities Manager, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, new street trees as determined by the Parks Commission and the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*
 7. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 8. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 9. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The inclusionary fee for this project will be \$100,800.00.
- 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 Final 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. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
2. **Drainage and Water Quality.** The project is required to comply with the Preliminary Drainage Analysis prepared by Flowers & Associates, Inc. dated March 13, 2009 and revised August 4, 2009.
3. **Hazardous Substances.** Work shall stop immediately if visual contamination or chemical odors are detected during site work. Immediately contact the County fire Department, Hazardous Materials Unit (HMU) at 805-686-8170. Resumption of work requires approval of the HMU.

4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

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

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

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing

erosion. The Owner shall employ 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 Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

6. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
7. **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
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

F. **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.

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.** Existing sandstone curb (if any) 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 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
Cesar Chavez Day	March 31st
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.

5. **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.
6. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. 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.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. 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.
7. **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.
8. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.

9. **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.
10. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
11. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
12. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
13. **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.
14. **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.

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

1. **Evidence of Private Covenants Conditions & Restrictions (CC&Rs) Recordation.** Evidence shall be provided that the private CC&Rs required in Section D have been recorded.
2. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
3. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
4. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

H. **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

PLANNING COMMISSION RESOLUTION No.002-10
825 DE LA VINA STREET
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City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission'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.

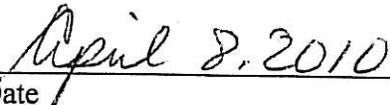
This motion was passed and adopted on the 18th day of March, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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.

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

None.

- C. Announcements and appeals.

Mr. Kato made the following announcements:

1. On April 22, 2010 the agenda will include an additional item, the Cater Water Treatment Plan, to follow the Community Development Department Budget item.
2. The Medical Cannabis Dispensary Permit Ordinance was continued by the Ordinance Committee from March 16, 2010 to March 30, 2010.
3. Today is the PlanSB Open House at the Faulkner Gallery from 10:00 A.M to 7:00 P.M. for public release of the Draft Housing Element, Draft Land Use Element/Land Use Map, and Draft Environmental Impact report (EIR). Everyone is welcome.
4. There will be a Planning Commission training session sometime in May or June covering LEED certification and other related topics. Chair Bartlett will join Kathleen Kennedy, Associate Planner, in conducting the training.
5. The Planning Commission's decision on 803 N. Milpas Street that was appealed to City Council, and originally scheduled for January 26, 2010, has been continued to March 23, 2010. Commissioner Lodge will represent the Commission at the appeal.
6. City Council heard the appeal of the Planning Commission's decision on 3714-3744 State Street (Sandman Inn) on Tuesday and denied the appeal by a unanimous vote of the Council and upheld the Planning Commission's approval of the project.

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

Chair Bartlett opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. CONTINUED ITEM:

ACTUAL TIME: 1:06 P.M.

APPLICATION OF KEITH RIVERA, ARCHITECT FOR POPP LLC PROPERTY, 825 DE LA VINA STREET, APN, 037-041-0024, C-2 (COMMERCIAL) ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE AND COMMERCIAL GENERAL COMMERCE (MST2007-00400).

This is a revised project. Changes to the project include elimination of a modification at the rear property line and architectural and landscape changes as

requested by the Planning Commission and the Architectural Board of Review. The project consists of a one-lot subdivision to create a mixed-use development with two (2) three-story buildings consisting of seven residential condominium units, three with an attached commercial space, on a 14,750 square foot lot in the C-2 zone. The residential portion of the project would be comprised of four (4) one-bedroom and three (3) two-bedroom units between 700 and 1,700 square feet in size. Three of the units will have a small commercial office space and parking is proposed within seven vertically tandem parking garages. The proposal will result in 7,877 square feet of residential area, 686 square feet of commercial area and 1,890 square feet of garage space for a total of 10,453 square feet. There would also be two (2) uncovered guest spaces and three (3) uncovered commercial spaces. Approximately 200 cubic yards of grading is required.

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominiums units with three (3) attached commercial office spaces (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 Act Guidelines Section 15332 which provides for in-fill development projects in urban areas.

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Keith Rivera, gave the applicant presentation, joined by Laurie Romano, Landscape Architect.

Paul Zink, Architectural Board of Review (ABR), reiterated ABR's remaining concerns about elevation, landscaping, the rear elevation trellis, and massing. Would like to see more of an asymmetrical design but acknowledged the improvements made by the Applicant.

Chair Bartlett opened the public hearing at 1:44 P.M.

The following people spoke in support of the project:

1. Jeff Ridenour
2. Norm Popp
3. Scott Miners, Melchiori Investment Companies, LLC (neighboring properties)
4. Derek Westin

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

1. Kellam De Forest: too dense.
2. Susan Thompson: stacked parking.
3. Judy Lawrence: size and mass.
4. Susan Basham, Price Postal and Parma, on behalf of several neighbors: guest and tandem parking.

5. Don Sharpe: stacked and tandem parking; density.
6. Steve Hausz: multiple issues – submitted written comments.
7. Don Elconin: parking.

With no one else wishing to speak, the public hearing was closed at 2:15 P.M.

MOTION: Jostes/Jordan

Assigned Resolution No. 002-10

Approved the project, making the findings for the Tentative Subdivision Map and New Condominium Development as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) Augment condition B.1 with the requirement that the commercial uses obtain and maintain a business license; 2) The design be revised to provide some articulated pavement treatment to enhance pedestrian access from the rear of the site to De la Vina Street; 3) ABR be provided guidance to a) evaluate a more appropriate location for trash enclosures; b) consider areas to which the front parking space might be relocated; and c) reevaluate the garage door design regarding the opening height.

This motion carried by the following vote:

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

Chair Bartlett announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:35 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

- a. Commissioner Larson reported on Historic Landmarks Commission meeting of March 17, 2010.
- b. Commissioner Lodge reported on the Water Commission meeting of March 8, 2010.
- c. Commissioner Jordan reported on the Single Family Design Board meeting of March 15, 2010.
- d. Commissioner Jordan reported on the Creeks Advisory Committee meeting of March 10, 2010.
- e. Commissioner Bartlett reported on the Architectural Board of Review meeting of March 8, 2010.



City of Santa Barbara California

PLANNING COMMISSION STAFF MEMO

AGENDA DATE: March 18, 2010

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DYK*
 Kelly Brodison, Assistant Planner *KB*

SUBJECT: 825 De la Vina Street (MST2007-00400)

I. PROJECT DESCRIPTION

The revised project description consists of a one-lot subdivision to create a mixed-use development with two (2) three-story buildings consisting of seven residential condominium units, three with an attached commercial space, on a 14,750 square foot lot in the C-2 zone. The residential portion of the project would be comprised of four (4) one-bedroom and three (3) two-bedroom units between 700 and 1,700 square feet in size. Three of the units will have a small commercial office space and parking is proposed within seven vertically tandem parking garages. The proposal will result in 7,877 square feet of residential area, 686 square feet of commercial area and 1,890 square feet of garage space for a total of 10,453 square feet. There would also be two (2) uncovered guest spaces and three (3) uncovered commercial spaces. Approximately 200 cubic yards of grading is required.

II. BACKGROUND

The above-referenced project was reviewed by the Planning Commission on December 3, 2009. The project was continued indefinitely for a redesign and specifically, to eliminate the request for an interior setback modification at the rear property line. The Planning Commission minutes are attached as Exhibit E.

At the direction of the Commission the project returned to the Architectural Board of Review (ABR) for two in-progress reviews on January 11 and February 8, 2010. (ABR minutes are attached as Exhibit F)

Based on direction from the Planning Commission and the ABR, the applicant has made the following changes to the project:

1. Eliminated the modification request by increasing the rear yard setback from 10' to 16' on the first and second floors.
2. Individual trash storage within units 4,6 & 7's private garages was eliminated and placed in a common trash enclosure.

3. Increased the setback from 28'-3" to 33'-11" on the third floor
4. Relocated one of the guest parking spaces from the front of the building to the rear of the site.
5. Increased the amount of landscaped area along the front property line
6. Increased landscaped along the southern property line
7. Reduced the size of each unit, resulting in a 7% reduction in the overall building size.
8. Added architectural refinements such as eliminating the roof overhangs and the pitched roofs, reducing the size of the third floor trellises and east elevation, redesigned the trellises at the North and West elevations

III. DISCUSSION

As stated above, the project returned to the ABR on January 11, 2010, for review of a revised project. In response to concerns raised by the Planning Commission, the applicant eliminated the modification request by increasing the rear setback from 10' to 16' on the first and second floors, relocated one of the guest parking spaces from the front of the building to the rear of the site and increased the amount of landscaping along the street frontage and along the southern property line. The Board appreciated the reduction to the size of the building and the increased distance between the proposed structure and the rear property line which eliminated the modification. However, the Board asked the applicant to return with additional detailing of the proposed design style for all four elevations. The Board requested that the exposed northwest elevation be less massive and in keeping with the architectural style. The applicant was also directed to provide additional planting at the southeast elevation.

On February 8, 2010, the ABR reviewed the project again. In response to the Board's concerns at the previous meeting, the applicant introduced several changes to the architecture and design of the building such as adding awnings and trellises, eliminating roof overhangs and creating flat roofs with parapets and red clay tile. These changes were intended to add more scale giving elements to the architecture by breaking up the plane of the building, providing shadow opportunities and introducing color and detail. More details were added to the North elevation to make it more cohesive and compatible with the rest of the building. The 18" planting strip along the driveway was increased to a 5' green strip (3' of plantings and 2' of driveable green turf block).

The Board requested some minor changes to the size and design of the trellises and would like to see the trash locations resolved, however, they were satisfied with the overall size, bulk and scale of the project. The Board stated that the applicant had addressed all of the concerns of both the Planning Commission and the ABR, they were able to conduct the Compatibility Analysis and continued the project back to the Planning Commission.

IV. RECOMMENDATION/FINDINGS

Staff recommends that the Planning Commission approved the Tentative Map making the findings as outlined below, and with the Conditions of Approval in Exhibit A. The Planning Commission finds the following:

A. 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 as discussed in Sections VI and VII.A of this staff report. The site is physically suitable for the proposed development because the proposed lots would meet the minimum lot size specified in the R-3/R-4 zone and the density requirements of the General Land Use Designation of 12 units per acre. The site is physically suitable for the proposed development due to its generally flat topography and mid-block location. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII.A of this staff report, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with the surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems as discussed in Section VII.A of this staff report.

B. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with density requirements and each unit includes adequate parking, with storage, laundry facilities, separate utility metering, adequate unit size and the required outdoor living space.

2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood. The project is an infill mixed-use project proposed in an area where commercial and 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 ABR, which found the architecture and site design appropriate.

3. 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.

The project is an infill mixed-use project proposed in an area where residential and commercial developments are permitted uses. 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. Adequate public facilities exist nearby, and the project

would not adversely impact other community resources, such as water, sewer, police, fire and schools. The ABR was able to make the compatibility analysis per SBMC 28.68.045 and found the project to be compatible with the surrounding neighborhood.

Exhibits:

- A. Conditions of Approval
- B. Reduced Site Plan and Elevations
- C. Applicant's letter dated February 26, 2010
- D. December 3, 2009 Staff Report without attachments
- E. Planning Commission Minutes dated December 3, 2009
- F. Architectural Board of Review Minutes

PLANNING COMMISSION OF APPROVAL

825 DE LA VINA STREET
TENTATIVE SUBDIVISION MAP, MODIFICATION
MARCH 18, 2010

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

A. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the parking area from the public Right of Way.
2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
3. **Minimize Visual Effects 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.
4. **Screened Check Valve/Backflow.** The check valve backflow device 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.
5. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
6. **Drainage and Water Quality.** The project is required to comply with the Preliminary Drainage Analysis prepared by Flowers & Associates, Inc. dated March 13, 2009 and revised August 4, 2009.

B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 18, 2010, is limited to a one lot subdivision to create a mixed use development with two (2) three-story buildings consisting of seven residential condominium units, three of which will have an associated commercial office space, 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.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **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.
5. **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 prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the 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.
6. **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. **Parking Lifts.** The seven parking lifts shall be maintained in good operating condition and remain available for the parking of vehicles owned by the residents of the property in the manner for which the parking lifts were designed and permitted.
 - e. **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.
 - f. **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.
7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
- 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **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 draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 - 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 Program. 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 Parks 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.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

6. **De La Vina Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on De La Vina Street. As determined by the Public Works Department, the improvements shall include the following: *new sidewalk for entire frontage, and new parkway to match existing, commercial thickness driveway apron modified to meet Title 24 requirements, saw-cut and grind top of curb where uplifted, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations curb drain outlet, supply and install one City standard residential Dome Style street light on opposite side of street from project site with final placement per City Facilities Manager, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, new street trees as determined by the Parks Commission and the City Arborist* and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.

8. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 9. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The inclusionary fee for this project will be \$100,800.00.
- 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 Final 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. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
 2. **Drainage and Water Quality.** The project is required to comply with the Preliminary Drainage Analysis prepared by Flowers & Associates, Inc. dated March 13, 2009 and revised August 4, 2009.
 3. **Hazardous Substances.** Work shall stop immediately if visual contamination or chemical odors are detected during site work. Immediately contact the County fire Department, Hazardous Materials Unit (HMU) at 805-686-8170. Resumption of work requires approval of the HMU.
 4. **Grading Plan Requirement for Archaeological Resources.** **The following information shall be printed on the grading plans:**

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

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

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

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ 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 Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
6. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
7. **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
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

F. **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.

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.** Existing sandstone curb (if any) 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 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
Cesar Chavez Day	March 31st
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.

5. **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.

6. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. 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.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. 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.
7. **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.
 8. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 9. **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.
 10. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 11. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
 12. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 13. **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.
 14. **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.

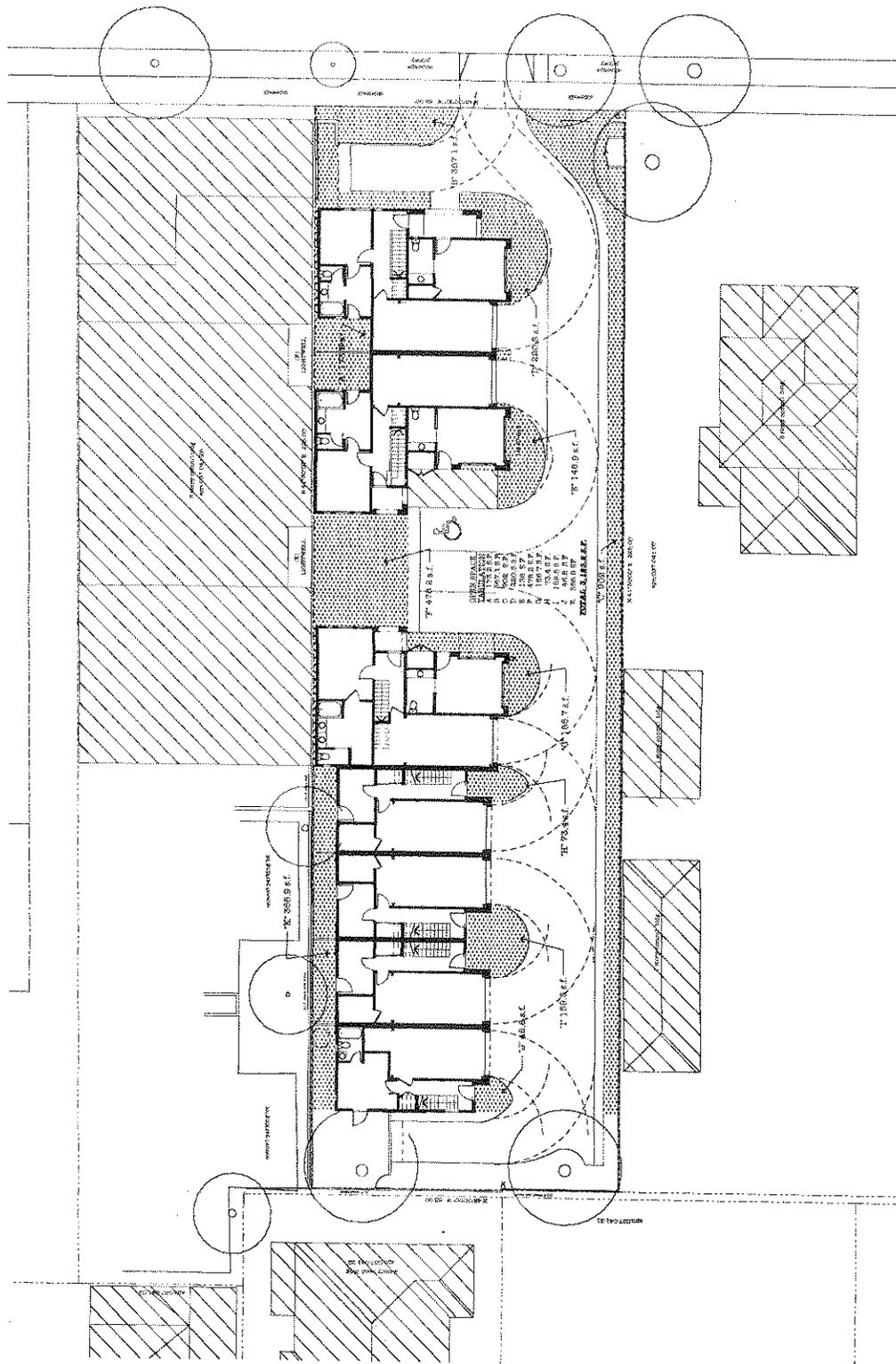
- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Evidence of Private Covenants Conditions & Restrictions (CC&Rs) Recordation.** Evidence shall be provided that the private CC&Rs required in Section D have been recorded.
 2. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 3. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
 4. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
- H. **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 TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire three (3) 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.



De La Vina St.

Scale:
1/8" = 1'-0"
Date:
02.20.10
SBLP P&E, INC.



825 De La Vina
San Jose, California

Drawing:
OPEN SPACE PLAN

A1.0

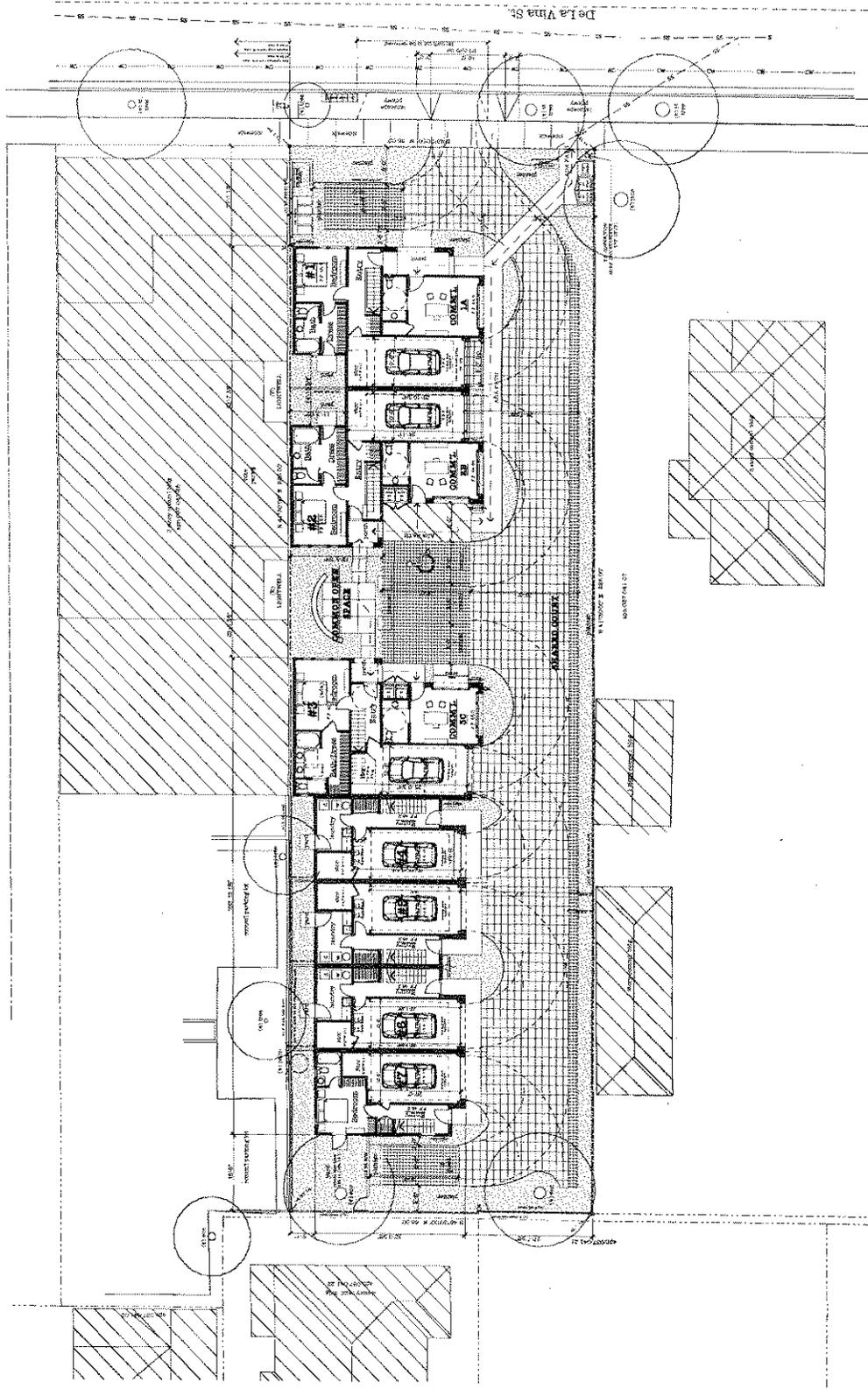
REFUSE RECYCLE CALCULATION

WEEKLY LOAD FACTORS
 COMMERCIAL 0.0017 cubic yards per cubic ft.
 RESIDENTIAL 0.0017 cubic yards per cubic ft.
RESIDENTIAL LOAD
 10 bedrooms X 208 cubic yards = 2,080 cubic yards
 10 bathrooms X 117 cubic yards = 1,170 cubic yards
 10 KITCHENS X 117 cubic yards = 1,170 cubic yards
TOTAL 4,420 cubic yards / week

1 cubic yard = 270 gallons
 2.2 cubic yards X 270 gallons/cubic yard = 444.4 gallons
PROVIDED:
 48 RS gal = 576 gallons
 576 gallons PROVIDED = 444.4 gallons REQUIRED



ENCLOSURE PLAN



Scale: 1/8" = 1'-0"
 Date: 10/10/07
 Project: 625 De La Vina St
 City: Santa Barbara, CA



625 De La Vina
 Santa Barbara
 California

Project: SITE/FIRST FLOOR PLAN

A1.1

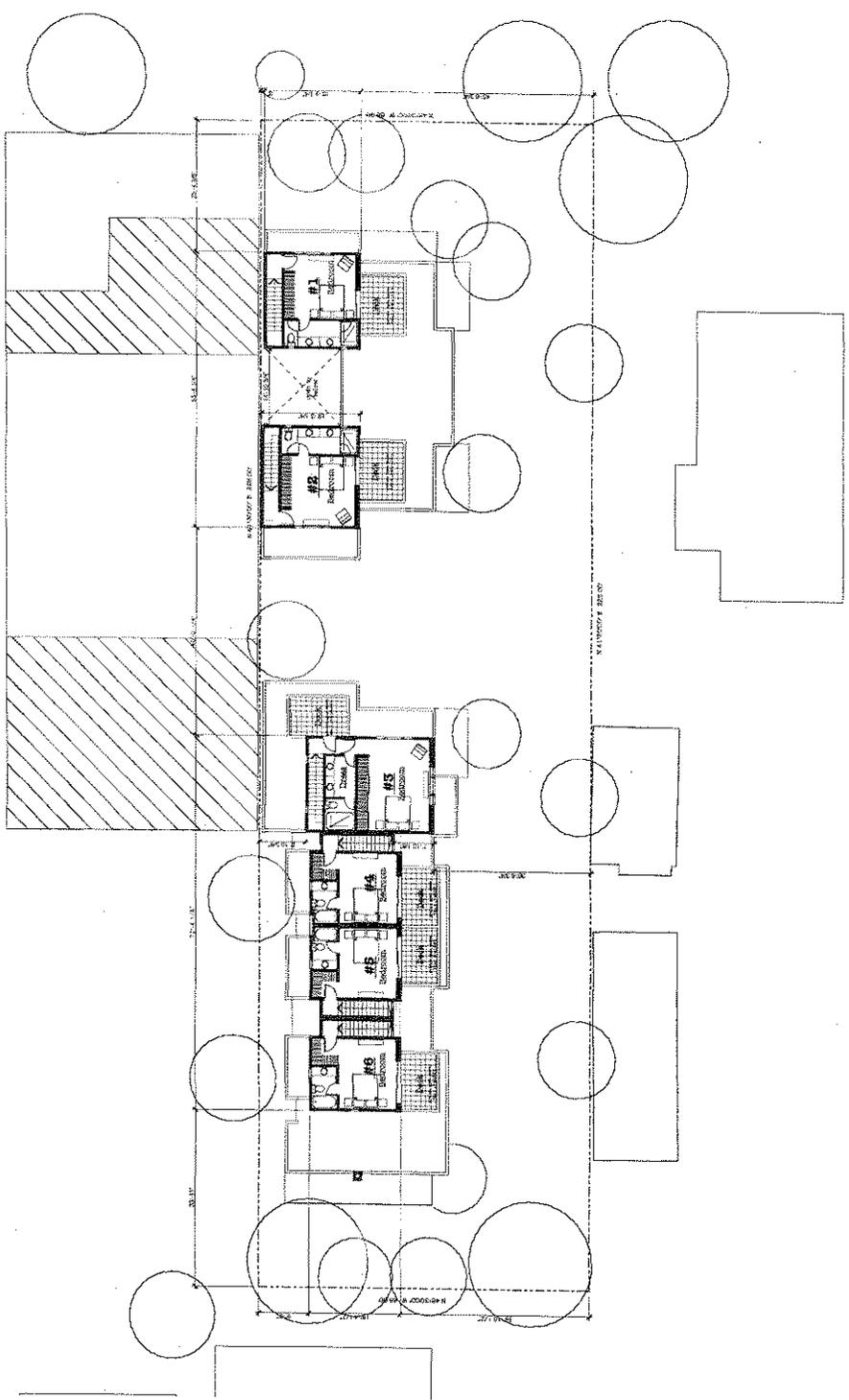
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Issue:
02/11/2014
02/11/2014

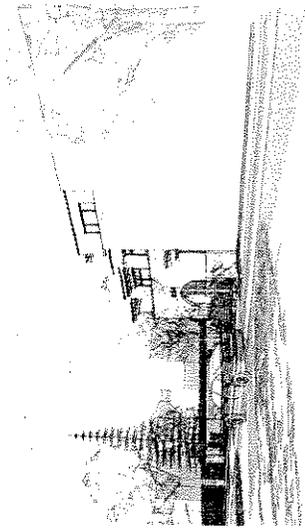


825 De La Vina
MAXXELUSE
Santa Barbara
California

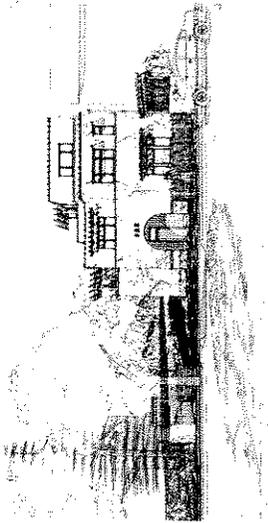
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THIRD FLOOR PLAN

Sheet
A2.3

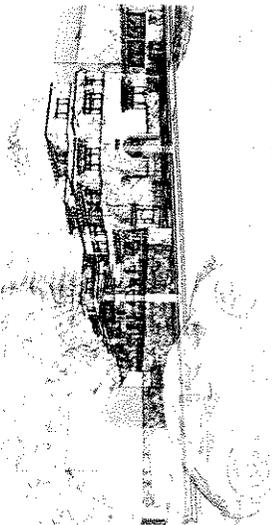




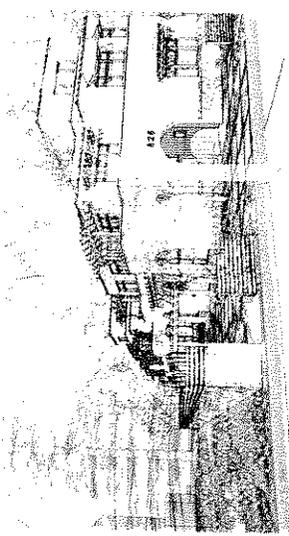
View From The North East



View From Across De La Vina Street



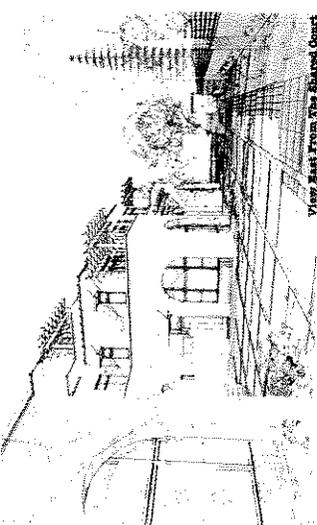
View From The Southeast



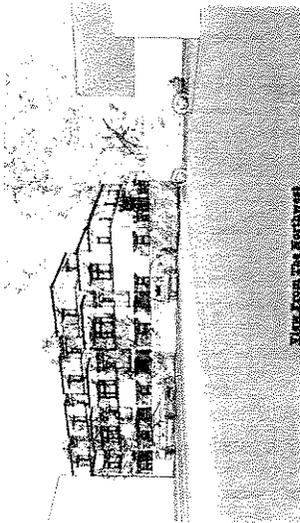
View From De La Vina



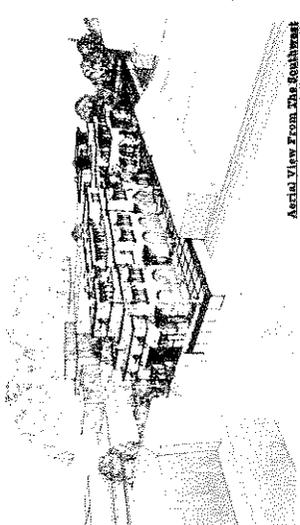
View of Shared Court & Deck Space



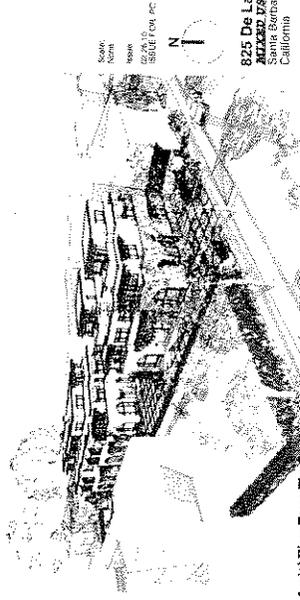
View East From The Shared Court



View From The Northwest



Aerial View From The Southwest

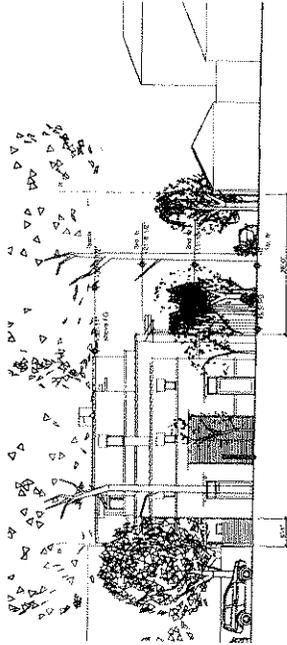


Scale:
North
South
East
West

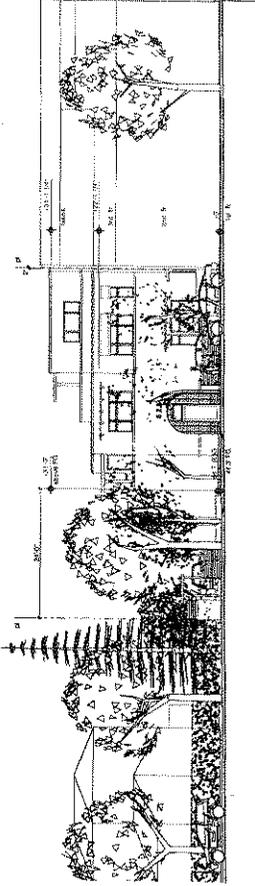
825 De La Vina
AZIZO, BIZ
Santa Barbara
California

825 De La Vina
AZIZO, BIZ
Santa Barbara
California

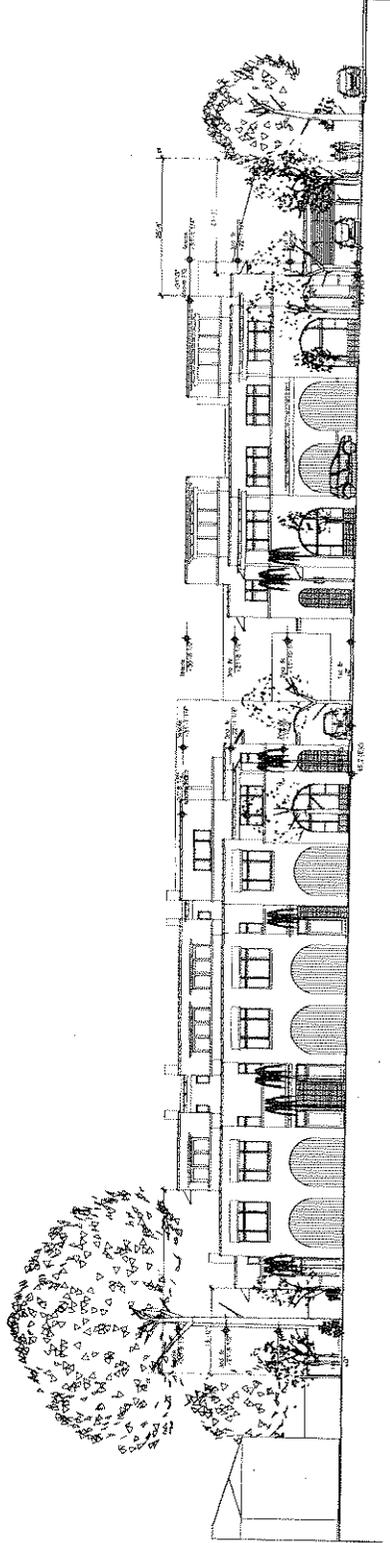
Drawing:
EXTERIOR IMAGES



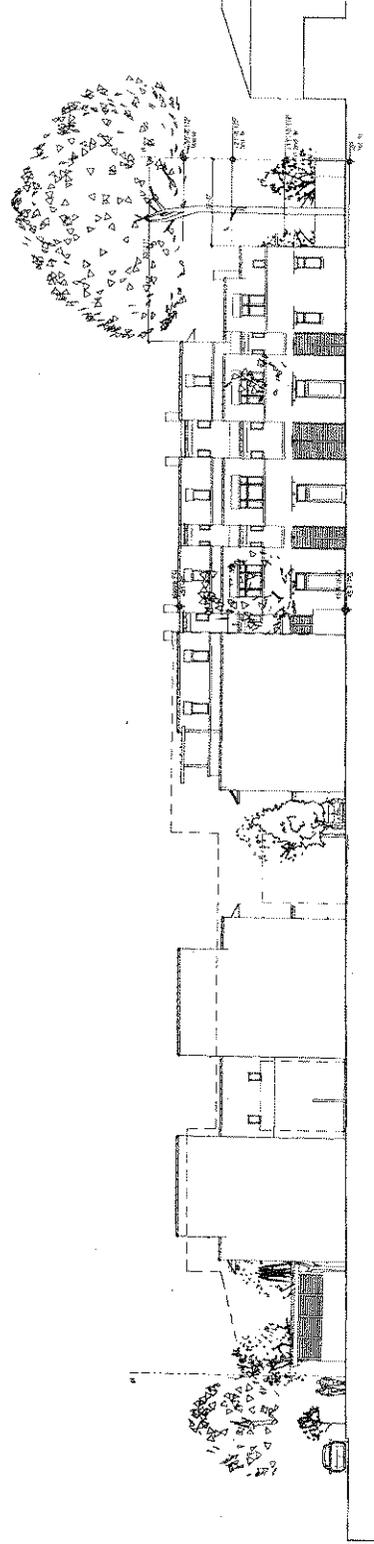
WEST ELEVATION



EAST ELEVATION (OPPOSITE LA VINA)



SOUTH ELEVATION



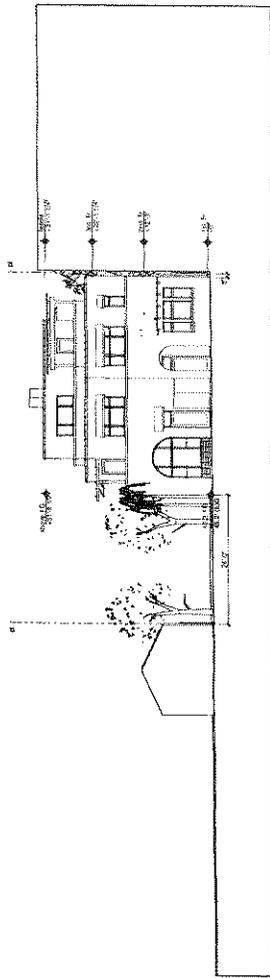
NORTH ELEVATION

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 Date: 08/11/09
 Name: STEVE TORO, INC.

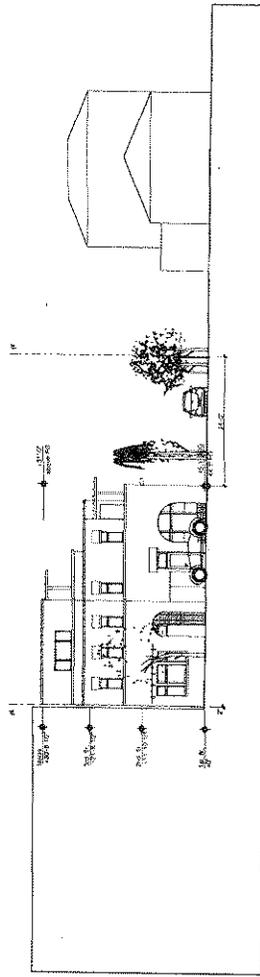


825 De La Vina
 ALVARO VEGA
 Santa Barbara
 California

Project:
 EXTERIOR ELEVATIONS



EAST ELEVATION (PROJECT INTERIOR)



WEST ELEVATION (PROJECT INTERIOR)

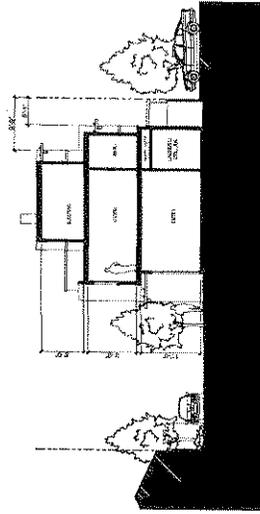
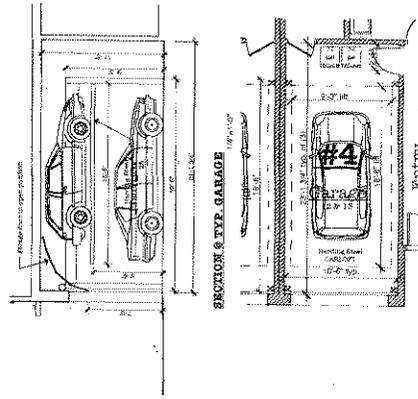
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 Issue: 01
 Project: 825 De La Vina



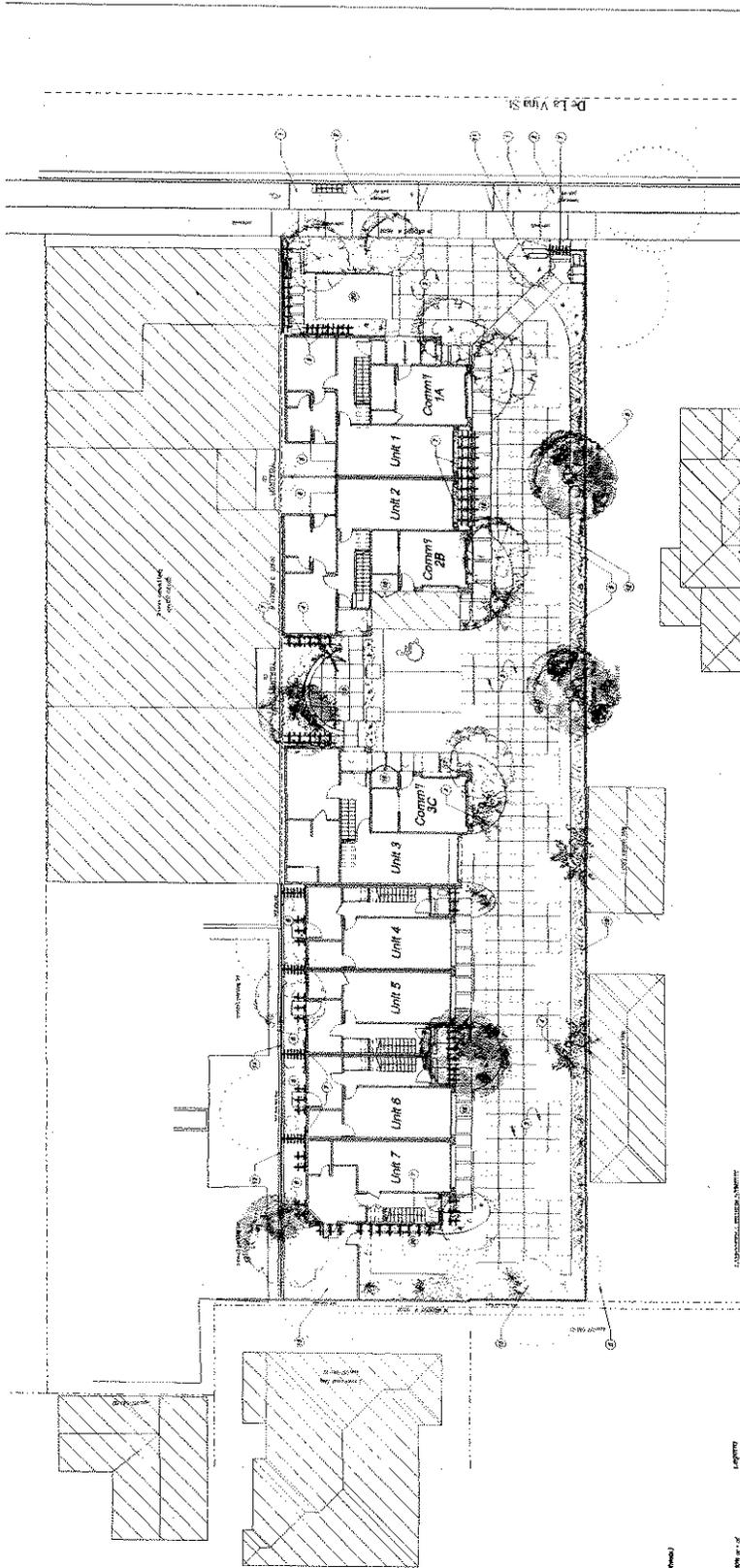
825 De La Vina
 MAXXEL DUFF
 Santa Barbara
 California

Drawn by:
 EXTERIOR ELEVATIONS

A3.2



SECTION & NORTH PROPERTY LINE



1. LANDSCAPE MATERIALS LIST

Planting Schedule: All plants to be installed within 90 days of construction completion.

Planting Notes: All plants to be installed in accordance with the following specifications:

- 1. All plants to be installed in accordance with the following specifications:
- 2. All plants to be installed in accordance with the following specifications:
- 3. All plants to be installed in accordance with the following specifications:
- 4. All plants to be installed in accordance with the following specifications:
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- 10. All plants to be installed in accordance with the following specifications:
- 11. All plants to be installed in accordance with the following specifications:
- 12. All plants to be installed in accordance with the following specifications:

2. PLANTING SCHEDULE

Planting Schedule: All plants to be installed within 90 days of construction completion.

Planting Notes: All plants to be installed in accordance with the following specifications:

- 1. All plants to be installed in accordance with the following specifications:
- 2. All plants to be installed in accordance with the following specifications:
- 3. All plants to be installed in accordance with the following specifications:
- 4. All plants to be installed in accordance with the following specifications:
- 5. All plants to be installed in accordance with the following specifications:
- 6. All plants to be installed in accordance with the following specifications:
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- 8. All plants to be installed in accordance with the following specifications:
- 9. All plants to be installed in accordance with the following specifications:
- 10. All plants to be installed in accordance with the following specifications:
- 11. All plants to be installed in accordance with the following specifications:
- 12. All plants to be installed in accordance with the following specifications:



KEITH RIVERA, AIA
017499

February 26, 2010

City of Santa Barbara
Community Development Department
620 Garden Street
Santa Barbara, CA 93101
Via e-mail: KBrodison@SantaBarbaraCA.gov

Re: 825 De La Vina, MST #2007-00400, APN 037-041-024
Revisions Since Planning Commission of December 3, 2009.

Dear Commissioners,

As requested by the commission we returned to the ABR for further review of the project taking into account your comments from December 3, 2009. The project was reviewed twice by the ABR since it appeared before you. The following is a description of the project design revisions that have taken place as a result of this additional review:

Eliminated Requested Modification

The rear yard setback at the first and second floors was increased from 10' to 16', eliminating the previously requested modification. The rear yard setback at the third floor, which did not require a modification, was increased from 28'-3" to 33'-11". No modifications are now requested.

Guest Parking Reconfiguration

As was suggested by the Commission one of the two residential guest parking spaces was relocated to the rear of the site resulting in one guest space at each end of the project.

Increased Front Yard Landscaping

The on site landscape planter at the front property line was increased from 18" to 8'-0". The landscape area in front of the building facing the street was increased in width by 3'-6". As requested by ABR additional trees were located in these larger planter areas facing De La Vina.

Increased Landscaping Along the Southern Property Line

The landscape area along the Southern property line at the edge of the auto court was doubled in width from 18" to 36". In addition a two foot wide planted paver edge was added along this side of the auto court resulting in a 5' wide band of planting material.

Trash Enclosure Revisions

Per the ABR's direction the individual trash storage within units 4,6 & 7's private garages was eliminated and placed in a common trash enclosure. ABR was concerned about the location of the individual trash cans placement for collection and their being left out after pick up. The additional common trash enclosure addresses these concerns.

Reduction of Building Areas/Increase In Open Space

The amount of building area has been reduced by 7%. This and a reduction in Paving Coverage have resulted in a 5% increase in Landscape Coverage to 29%. Open space has increased to 21%, which is more than twice the minimum area required.

Architectural Refinements

As directed by the ABR the roof overhangs and pitched roof sections have been eliminated and the trellises at the third floor and East elevation have been reduced in size. The North and West elevations were redesigned as suggested by ABR to better integrate into the overall design. As a result the projecting second floor bays were eliminated and additional breaks, windows and relief were added on the North facade. Per the ABR additional scale giving elements and details such as trellises, awnings, moldings and trim were added. Key elevation walls were thickened to add shadow and mass. A central mailbox location has been added at the pedestrian entry. The scale of the permeable paving pattern of the auto court was reduced to a smaller scale pattern as directed by the ABR.

Neighbor Design Input

With input from the neighbors the West elevation was revised to include additional architectural details such as lattices, trellises and awnings. Neighbor input on the landscape design resulted in revisions to the plant selections along the South and West property lines to include the use of more palm species in these areas.

This additional review has resulted in a better project, one that is smaller, with more open space, better architecture and no modifications. The development will provide workforce housing and live / work opportunities along transit and close to the downtown core in an environmental sound manner. Again, we believe we have created a balanced, appropriate, design that will be a benefit to all the community and we look forward to its successful completion.

Sincerely,



Keith Rivera, AIA

CC: J. Ridenour, 825 de La Vina LLC/Popp LLC



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 24, 2009
AGENDA DATE: December 3, 2009
PROJECT ADDRESS: 825 De la Vina Street (MST2007-00400)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a one-lot subdivision to create a mixed use development with two (2) three-story buildings consisting of three commercial office spaces and seven residential condominium units on a 14,750 square foot lot in the C-2 zone. The residential portion of the project would be comprised of four (4) one-bedroom and three (3) two-bedroom units between 800 and 1,800 square feet in size. Each two-bedroom unit will have a small commercial office space for a total of 686 square feet of commercial square feet. The proposal will result in 8,507 square feet of residential area and 686 square feet of commercial area for a total of 9,193 square feet. Parking is proposed within seven vertically tandem parking garages that each accommodate two vehicles. There would also be two (2) uncovered guest spaces and three (3) uncovered commercial spaces. Approximately 500 cubic feet of grading is required.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification for rear yard setback encroachment in the C-2 zone, (SBMC §28.66.060); and
2. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominiums units, three of which will have an attached commercial office space (SBMC 27.07 and 27.13).

III. RECOMMENDATION

Upon approval of the requested 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 VIII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map - 825 De la Vina Street

APPLICATION DEEMED COMPLETE: October 14, 2009
DATE ACTION REQUIRED PER MAP ACT: December 3, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Keith Rivera, Architect	Property Owner: POPP LLC c/o Jeff Ridenour
Parcel Number: 037-041-024	Lot Area: 14,750 sq. ft.
General Plan: Residential-12 units/acre & Commerical-General Commerce	Zoning: C-2
Existing Use: Parking Lot	Topography: Flat
Adjacent Land Uses: Northwest - Commercial Southwest- Multiple Family Residential Northeast - Commercial Southwest - Commercial	

B. PROJECT STATISTICS

Units	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Commercial Unit A	N/A	250 sq. ft.	N/A
Commercial Unit B	N/A	218 sq. ft.	N/A
Commercial Unit C	N/A	218 sq. ft.	N/A
Residential Unit 1	2	1,488 sq. ft.	703 sq. ft.
Residential Unit 2	2	1,598 sq. ft.	526 sq. ft.
Residential Unit 3	2	1,752 sq. ft.	499 sq. ft.
Residential Unit 4	1	975 sq. ft.	241 sq. ft.
Residential Unit 5	1	975 sq. ft.	198 sq. ft.
Residential Unit 6	1	975 sq. ft.	132 sq. ft.
Residential Unit 7	1	797 sq. ft.	132 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
-Front	None	N/A	None for parking 20' for structure
-Interior	None		None
-Rear	10 feet or 1/2 building height (15')	N/A	10' 1 st and 2 nd story* 28' 3 rd story
Building Height	4 stories/60'	N/A	3 stories/31'-3"
Parking	Residential = 12 spaces + 1.75 Guest parking space Commercial = 3 spaces Total=17	46 space parking lot	Residential=14 spaces+ 2 Guest spaces Commercial=3 spaces Total= 19
Lot Area Required for Each Unit	1 bedrooms=1,840 sq. ft. 2 bedrooms=2,320 sq. ft.	N/A	(4) 1,840 sq. ft. (3) 2,320 sq. ft.

(Variable Density)				Req'd = 14,320 sq. ft.
10% Open Space	1,475 sq. ft.	N/A		3,056 sq. ft.
Private Outdoor Living Space	72 sq. ft. = 1 bdrms 84 sq. ft. = 2 bdrms	N/A		Unit 1 = 168 sq. ft. Unit 2 = 168 sq. ft. Unit 3 = 156 sq. ft. Unit 4 = 72 sq. ft. Unit 5 = 72 sq. ft. Unit 6 = 72 sq. ft. Unit 7 = 355 sq. ft.
Lot Coverage				
-Building	N/A	None		5,199 sq. ft. 35%
-Paving/Driveway	N/A	14,098 sq. ft.	96%	5,838 sq. ft. 40%
-Landscaping	N/A	652 sq. ft.	4%	3,713 sq. ft. 25%

*Modification requested

Lots in the C-2 Zone may use the Variable Density provisions in Section 28.21.080.F of the Zoning Ordinance to calculate maximum density allowed. For one bedroom units, 1,840 square feet of lot is required and for 2 bedroom units, 2,320 square feet of lot area is required. The lot is 14,750 square feet in size, which can accommodate the seven proposed units in accordance with the Variable Density Ordinance.

With the exception of the encroachment into the rear setback, the proposed project would meet the requirements of the C-2 Zone, with regard to parking requirements, density, open yard and private yard requirements, building height.

Inclusionary Housing Ordinance

New construction of fewer than 10 units is subject to the Inclusionary Housing Ordinance Fee of \$18,000.00 per unit (28.43.070.D). However, the amount of the in-lieu fee shall be reduced where the average Unit Size of the Market-Rate Unit is less than 1,700 square feet. The total square footage is 8,507 and the average unit size is 1,215 square feet. Therefore, the average unit size is between 1,100 square feet and 1,399 square feet and the in-lieu fee shall be reduced by 20%. Without the reduction, the in-lieu fee for the project would be \$126,000.00 (7 x \$18,000.00). A 20% reduction will result in a required in lieu fee of \$100,800.00 which shall be paid prior to recordation of the Final Subdivision Map.

VI. ISSUES

A. PHYSICAL STANDARDS FOR NEW CONDOMINIUMS

In addition to the requirements of the zone in which a project is located, physical standards are required for all new condominium projects per SBMC 27.13.060. The project would provide the required parking, and 300 cubic feet of private storage space is proposed for each unit, as well as individual laundry facilities. Each of the units would have their own utility meters, and all utilities are proposed to be underground. Also, the project would meet the minimum requirements for density, unit size and outdoor living space.

B. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on three occasions (meeting minutes are attached as Exhibit D). At the first two ABR meetings of March 18th and July 28th, 2008, the proposal consisted of eight units within significantly larger buildings. There was a central driveway centered between two (2) three-story buildings on both sides of the lot. The Board requested that the applicant restudy the site design in relation to the setbacks, adjacent building, neighborhood context, and look for additional landscape opportunities. The Board preferred a revised site plan with an alternative driveway approach rather than the center courtyard between two (2) three-story buildings.

The project returned for a third review on January 12, 2009, with a revised site design that proposed two main buildings along the northwest side of the property and a driveway along the southeast side of the property. The Board appreciated the new direction of the project and commented that the mass, bulk and scale was improved from previous design.

The project returned to the ABR on November 16, 2009 for an in-progress review of the site design and the proposed modification. The Board made positive comments on the overall concept of the project and its compatibility with the surrounding neighborhood. The Board requested some changes to the roof design and the driveway material, and requested that the applicant study additional landscape opportunities along the front of the property as well as provide more detail for the linearity of the building. The Board was supportive of the rear setback of modification understanding that rear portion of building is all residential in nature. Some board members would like to see applicant study north side of the 2nd and 3rd floors for some additional relief in the massing, as it relates to the northwest elevation.

In conclusion, the Board conducted the Compatibility Analysis pursuant to SBMC §22.68.045 and found the overall project design to be compatible with the surrounding neighborhood and felt the project was ready to proceed to the Planning Commission.

C. REAR SETBACK MODIFICATION

Section 28.66.060 requires a greater setback for mixed-use buildings adjacent to residentially zoned properties. In the C-2 Zone, the interior setback on lots adjacent to residential zones shall not be less than 10' or ½ the building, whichever is greater. The proposed building is approximately 30' in height and therefore a 15' rear setback is required. The applicant is requesting to provide a rear setback of 10'. If this were solely a residential building the setbacks would be the same as in the R-3/R-4 zones and would be 10'. The intent of the larger setback in the rear yard is to keep commercial uses away from residential uses on adjacent properties. The portion of the building that encroaches into the setback is solely residential and the commercial spaces are located towards the middle and front of the lot, therefore the project meets the intent of the ordinance. The modification is consistent with the purposes and intent of the Ordinance because only residential portion of the building will be encroaching into the greater setback of 15', and the additional setback was intended to keep commercial uses separated from residential uses on adjacent lots. By allowing this encroachment, more floor space is provided on the first and second floor allowing the third story to be set back 28'-3" which is significantly more than required.

D. TANDEM PARKING DESIGN

Tandem parking is allowed for mixed-use development per SBMC §28.90.045.D, if each set of tandem parking spaces is assigned to a single residential unit. Per this allowance, vehicle movements necessary to move cars parking in a tandem arrangement shall not take place on any public street or alley, and guest parking spaces cannot be in a tandem configuration. The project meets these requirements by providing tandem spaces for each residential unit, where all maneuvers would take place on-site. Transportation Staff reviewed different parking lift designs with the applicant, and supports the proposed model, which allows adequate area for vehicular maneuvering, as well as pedestrian maneuvering area within the garage (getting in and out of the vehicle). A condition of approval is included, which requires the parking lifts be kept in good operating condition, and be available for the parking of vehicles owned by the residents of the property.

E. COMPLIANCE WITH THE GENERAL PLAN AND ZONING ORDINANCE

Land Use Element

The project site is located in the West Downtown Neighborhood and has a General Plan designation of Residential 12 units per acre and General Commerce and is zoned C-2, Commercial. The West Downtown Neighborhood is an area containing extensive commercial as well as residential use. It is one of the oldest residential neighborhoods in the City, and contains some of Santa Barbara's architecturally important residential structures. Many of these homes have been converted into relatively low-density apartments. In addition, new apartment complexes are replacing older single-family houses as West Downtown continues in transition to a higher-density residential and commercial uses. Increased commercial activity has occurred in the eastern portions of the area, primarily on Chapala and Carrillo Streets. The vicinity of Carrillo Street and west of De la Vina Street has become one of the most traveled arterials in the City circulation system and consequently carries traffic to and from the Highway 101. The Land Use Element of the General Plan states that commercial uses are appropriate if they are of a low intensity and are suited to this transition area. This neighborhood is in close proximity to the downtown business and shopping area and is therefore, considered to be appropriate for apartment development, and allows twelve-dwelling units to the acre as well as being zoned for commercial and multi-unit development.

Because this is a mixed-use project, the residential portion of the development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. However, the General Plan Land Use and Housing Elements recognize that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. The proposed project would result in a density of approximately 20 units per acre, which, based on the above discussion would be consistent with the Land Use and Housing elements of the General Plan.

This proposal consists of seven condominium units, three of which would have a small, attached, commercial office space. These units would be in close proximity to the downtown commercial area, Highway 101 and the beach. Each of the office spaces will be part of a

residential unit and are intended to be a low intensity office use, therefore this project can be found consistent with the Land Use Element of the General Plan.

Housing Element

Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. A goal of the Housing Element is to encourage construction of a wide range of housing types to meet the needs of various household types and to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The development would provide for homeowner opportunities in a neighborhood with close proximity to the downtown, shopping, parks the beach front and Highway 101 and therefore meets the goals outlined in the City's Housing Element. Therefore, the project would be consistent with the Housing Element as it will contribute seven new residential units to the City's existing housing stock.

Neighborhood Compatibility

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood. The surrounding neighborhood is comprised of a mix of office, residential and commercial buildings, with a wide range of heights. Along De la Vina Street, the uses are a mixture of offices and commercial uses and there is multiple residential along the rear of the lot on Bath Street. The rear adjacent lot, facing Bath, street, is zoned for residential and the proposed mixed-use project keeps commercial spaces towards the front half of the lot on De la Vina thereby separating the commercial uses from the residential.

The Architectural Board of Review has reviewed the project and found that the project complies with the City Charter and Municipal Code requirements; the project design is compatible with the desirable architectural qualities and characteristics distinctive to the City of Santa Barbara; there are no designated National, State, or City Landmarks, nor designated structures of merit, adjacent to the project site; the size, mass, bulk, height, and scale of the project is appropriate for its location; the building will not affect public views of the ocean or mountains and the project provides the appropriate amount of open space and landscaping on site. Therefore, this project can be found to be compatible with the prevailing character of the surrounding neighborhood and thus consistent with Housing Element of the General Plan.

Conservation Element:

One of the policies of the Conservation Element is that new development shall not obstruct scenic view corridors, including those of the ocean. The proposed project would not obstruct scenic corridors or existing public views of the ocean and would be consistent with the scale of neighboring residential development. The project can be found to be consistent with the Conservation Element of the General Plan. See further discussion under Environmental Review.

VII. ENVIRONMENTAL REVIEW

Archaeological Resources: The project site is located within several Archaeological Resource Sensitivity zones including the Spanish/Mexican Period, the Hispanic-American Transition Period, (1850-1870), American Period, (1870-1900), and the Early 20th Century, (1900-1920) Cultural Resource Sensitivity Zones. Per the requirements of the City's Master Environmental Assessment, a Phase I Archaeological Resources Report was prepared by David Stone of Stone Archaeological Consulting. This Report was reviewed and accepted by the Historic Landmarks Commission on October 14, 2009. The report determined that because the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources, no mitigation measures are required. The standard condition of approval related to unanticipated archaeological resources has been included

Water Quality: A Preliminary Drainage Analysis was prepared for this project by Flowers & Associates, Inc. dated March 13, 2009, and revised per Staff's recommendations on August 4, 2009. The report concluded that the project, with the reduction of impermeable surface area, will result in a net decrease in the amount of storm water runoff. The drainage pattern will be modified to prevent drainage from crossing the common southeast property line and entering the existing lot to the southeast by directing the drainage northeast to De la Vina Street via the new driveway and sidewalk drain.

Infill Exemption (CEQA Section 15332)

Staff and the Environmental Analyst have determined that the project qualifies for an exemption per CEQA Section 15332 which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects as identified by the following criteria:

General Plan & Zoning Consistency – The project is consistent with the C-2 Zone District and the General Plan policies as discussed in the staff report. The Zoning Ordinance allows for modifications, and the applicant has demonstrated to staff that the interior setback modification at the rear lot line is consistent with the purposes and intent of the Ordinance, because the mixed-use development separates the commercial uses from the adjacent residentially zoned lot on the adjacent property to the rear on Bath Street.

Site Location and Size – The project site 14,750 square feet and is within the city limits on a project site of no more than five acres. The area is urban and developed with a mix of commercial, office, and residential uses, and the site is surrounded by urban uses in all directions.

Habitat Value – The project site is currently developed as a parking lot, and has no value as habitat for endangered rare or threatened species.

Significant Effects – The proposed project would not result in a significant increase in traffic, and parking will be accommodated on site. Use of the site would be consistent with the zone district and not cause or be affected by any significant noise impacts. The project site is not located within an area exceeding the noise level requirements and the project can comply with the exterior noise guidelines. Standard dust control measures would address short term air

quality impacts during construction activities, and given the allowed uses of the zone district, long term impacts would be minimal. Standard measures for water quality, consistent with the Storm Water Management Program, are included as conditions of approval. The proposed project would not result in hazards from flooding by Mission Creek.

Utility Service – All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant demand for public services, including police, fire protection, electrical power, natural gas and water distribution and treatment.

VIII. FINDINGS

The Planning Commission finds the following:

A. REAR SETBACK MODIFICATION (SBMC §28.66.060)

The Planning Commission finds that the requested rear setback modification is consistent with purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. Because this is a mixed-use building on a lot adjacent to a residential zone, the setback shall be 10 feet or ½ the building height, whichever is greater. The proposed building is approximately 30' in height and therefore a 15' rear setback is required. The applicant is requesting to provide a rear setback of 10'. If this were solely a residential building the setback would be 10'. The modification is consistent with the purposes and intent of the Ordinance because only residential portion of the building we will be encroaching and the additional setback was intended to keep commercial uses separated from residential uses on adjacent lots. By allowing this encroachment more floor space is provided on the first and second floor allowing the third story to be setback 28'-3" which is significantly more than required.

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 as discussed in Sections VI and VII.A of this staff report. The site is physically suitable for the proposed development because the proposed lots would meet the minimum lot size specified in the R-3/R-4 zone and the density requirements of the General Land Use Designation of 12 units per acre. The site is physically suitable for the proposed development due to its generally flat topography and mid-block location. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII.A of this staff report, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with the surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems as discussed in Section VII.A of this staff report.

C. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
The project complies with density requirements and each unit includes adequate parking, with storage, laundry facilities, separate utility metering, adequate unit size and the required outdoor living space.
2. The proposed development is consistent with the General Plan of the city of Santa Barbara.
The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood. The project is an infill mixed-use project proposed in an area where commercial and 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 ABR, which found the architecture and site design appropriate.
3. 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.
The project is an infill mixed-use project proposed in an area where residential and commercial developments are permitted uses. 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. Adequate public facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire and schools. The ABR was able to make the compatibility analysis per SBMC 28.68.045 and found the project to be compatible with the surrounding neighborhood.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated August 20, 2009
- D. ABR Minutes

MOTION: Lodge/Thompson

Assigned Resolution No. 044-09

Approved the project, making the findings for the Coastal Development Permit outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

Discussion was held regarding the inclusion of the as-built foundation be included in the approval; and the Commission requested that consideration be given for the neighbors' side of the rock wall.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

IV. NEW ITEM:

ACTUAL TIME: 1:09 P.M.

APPLICATION OF KEITH RIVERA, ARCHITECT FOR POPP LLC PROPERTY, 825 DE LA VINA STREET, APN, 037-041-0024, C-2 (COMMERCIAL) ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE AND COMMERCIAL GENERAL COMMERCE (MST2007-00400).

The project consists of a one-lot subdivision to create a mixed use development with two (2) three-story buildings consisting of three commercial office spaces and seven residential condominium units on a 14,750 square foot lot in the C-2 zone. The residential portion of the project would be comprised of four (4) one-bedroom and three (3) two-bedroom units between 800 and 1,800 square feet in size. Each two-bedroom unit will have a small commercial office space for a total of 686 square feet of commercial square feet. The proposal will result in 8,507 square feet of residential area and 686 square feet of commercial area for a total of 9,193 square feet. Parking is proposed within seven vertically tandem parking garages that each accommodate two vehicles. There would also be two (2) uncovered guest spaces and three (3) uncovered commercial spaces. Approximately 200 cubic feet of grading is required.

The discretionary applications required for this project are:

1. A Modification for rear yard setback encroachment in the C-2 zone, (SBMC §28.66.060); and
2. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominiums units with three (3) attached commercial office spaces (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 Act Guidelines Section 15332 which provides for in-fill development projects in urban areas.

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Keith Rivera, Architect, gave the applicant presentation.

Paul Zink, Architectural Board of Review (ABR) Board Member, summarized the ABR's comments and responded to questions regarding wanting more detail to address the starkness of the project, a desire for more setback relief on the northwest elevation of the project, and consideration for more softness in the elevation. Also it was suggested to either have no red tile used or more red tile used on the roof. A request for more landscaping was desired to conceal the parking area at the front of the building. Clarification was provided regarding the ABR's review of different schemes that evolved throughout the process.

Chair Larson opened the public hearing at 1:48 P.M.

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

1. Jim Kahan, Friends of Outer State Street, was concerned about the project developing too much on too small a space. Expressed concern over parking being placed on the front of the lot and contrary to zoning code.
2. Steve Hausz, adjacent neighbor, also concerned with the massive size of the project for the lot size, tandem parking, and car lift parking.
3. Don Sharpe submitted and summarized written comments expressing concern for density on the site and inconsistency and incompatibility with the neighborhood.
4. Don Elconin submitted and summarized written comments expressing concern for the density on the site and neighborhood incompatibility.
5. Susan Basham, representing the Thompson and Lawrence neighbors, submitted written comments and requested denial of the setback modification.
6. Susan Thompson, neighbor, submitted pictures exemplifying the impact to her property if the modification were approved and requested denial of the setback modification.
7. Aaron Thompson, neighbor, was concerned that the development of the wall would block their views; also concerned with the project impacting the limited off-site parking on De la Vina Street.
8. Judy Lawrence was opposed to the rear setback encroachment.

With no one else wishing to speak, the public hearing was closed at 2:10 P.M. Chair Larson acknowledged receipt of correspondence from

Discussion was held about the impacts to the light wells when considering alternatives in widening the rear setback to eliminate the request for a modification; the parking lifts and resulting plate heights and whether parking lifts are allowed under the zoning ordinance; trash circulation and trash enclosures on the property; parking space requirements; and compliance with the Pedestrian Master Plan requirements. Also discussed were assurances

in the CC&R's that the commercial properties would remain commercial and not converted to another bedroom; and alternatives considered for preserving open space .

Scott Vincent, Assistant City Attorney, stated that the Staff report mistakenly described the interior setback requirement for parcels that are zoned C-2 and adjacent to a residential zone. Mr. Rivera's presentation explained the logic behind Staff's support of the modification; applying the R-3 interior setback requirements to the rear setback since the adjacent uses were both residential. Ms. Basham was correct in her letter stating that there is no distinction in the interior setback for the C-2 zone where the parcel is abutting a residentially zoned parcel. The treatment of commercial buildings and residential buildings for the purpose of defining the setbacks is not the same.

In response to a comment from Commissioner Bartlett, Mr. Vincent noted that Bill Mahan's study of three-story buildings was helpful, but outdated in that the zoning ordinance changes to C-2 setbacks have changed since Mr. Mahan's analysis was submitted.

The Commissioners made the following comments:

1. Commissioner Jacobs expressed concern with noticing to a neighbor who is a property owner of record and has asked to be noticed on this project.
2. Commissioners Jacobs, Thompson and White cannot make the finding for consistency with the zoning ordinance for the rear yard setback. Commissioners Jacobs and Jostes do not see this as a necessary modification for a lot that is currently empty. Cannot support the tentative subdivision map since it would necessitate the modification. Overall bulk and scale, parking, and plate heights would need reconsideration. Commissioners Jacobs and Thompson could not support parking in the front yard setback.
3. The majority of the Commission could not make the findings, but would support a continuation for the project to be redesigned and allow for the elimination of any modifications.
4. Commissioner Bartlett could support a modification.
5. Commissioner White remained concerned with the tandem parking and the resulting intensity of the project. Questioned the status of existing live/work projects and whether or not they have been successful in maintaining commercial space.
6. Commissioners Jostes and Lodge felt the applicant has done a good job on the project. Given the location, Commissioner Jostes supports a live/work project, too, but wants to see a balance with the neighborhood.
7. Commissioner Lodge suggested making the light well a larger forward light well by taking away some square footage. Likes the setbacks in the front and suggested one parking space in the front, using the rest for landscaping, and the other parking space in the back in the larger setback.
8. Commissioner Larson was concerned with what happens to the commercial offices with the transfer of properties. Suggested the Applicant continue working with neighbors.
9. Commissioner Jacobs and Lodge commented on the challenge of making decisions on live/work requests without knowing how our existing live/work projects are

working. We do not have sufficient data to know how this concept is working. Questioned if the zero commute is working. Would like Staff to report back to the Commission with an update on the status of live/work projects. Commissioner Lodge suggested looking at a live/work project on Gutierrez Street.

10. Commissioner Thompson commented that private CC&R's are effective as an enforcement tool only if you have an aggressive and active homeowners association. The city has nothing to do with any enforcement of CC&R's; if enforcement is desired then it must be stipulated in either the Conditions of Approval or a Conditional Use Permit.

11.

MOTION: Jostes/Thompson

Continue the project indefinitely pending review of a revised project by the Architectural Board of Review.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:16 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on December 2, 2009.

2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Downtown Parking Committee's recent review of alternative uses for the upper level of city parking garages.

- b. Commissioner Jacobs reported on the Mesa Town Hall meeting held on December 2, 2009.

- c. Commissioner White reminded the public that today is First Thursday where participating galleries and art-related venues host an evening of visual and performing arts in the Downtown area.



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

825 DE LA VINA ST

MST2007-00400

M-NEW RES & COM C

Page: 1

Project Description:

Proposal for two new three-story mixed-use buildings to include a total of seven residential condominiums and three commercial condominiums on an existing 14,750 square foot lot. The proposal includes four, one-bedroom and three, two-bedroom residential units, varying in size from 752 to 1,662 square feet. The commercial units will range in size from 218 to 250 square feet. The proposal will result in 8,191 square feet of residential area and 686 square feet of commercial area for a total of 8,877 square feet. A total of 19 parking spaces will be provided on site (14 covered and five uncovered). Planning Commission approval is requested for a Tentative Subdivision Map.

Activities:

2/8/2010

ABR-Concept Review (Continued)

(Sixth Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission review of a Tentative Subdivision Map.)

(3:57)

Present: Keith Rivera, Architect; and Lori Romano, Landscape Architect.

Public comment opened at 4:11 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Judy Lawrence, in opposition.*
- 2) Susan Thompson, in opposition.*
- 3) Kellam de Forest, expressed concerns.*
- 4) Steve Hausz, (submitted letter) in opposition.*
- 5) Norm Park, in support.*
- 6) Don Elconin, in opposition.*

An opposition letter from Paula Westbury was acknowledged by the Board.

Public comment closed at 4:25 p.m.

Planning Commissioner Stella Larson clarified the previous December 3, 2009, Planning Commission comments and direction.

Activities:

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

- 1) *The Board finds that the applicant has addressed the concerns sufficiently and the project is ready to return to the Planning Commission.*
 - 2) *The Compatibility Analysis is as follows:*
 - a. *The proposed project complies with the Design Guidelines and is consistent with the City Charter and applicable Municipal Code requirements.*
 - b. *The project's design is compatible with the City and the architectural character of the neighborhood.*
 - c. *The project's mass, size, bulk, height, and scale are appropriate for the neighborhood.*
 - d. *The project's design is appropriately sensitive to adjacent City Landmarks and adjacent historic resources.*
 - e. *The project's design does not block established public views of mountains or ocean.*
 - f. *The project's design provides an appropriate amount of open space and landscaping.*
 - 3) *Study the locations and maneuverability of the trash receptacles for each unit.*
 - 4) *Reduce the size of the trellis on the third story and on the west elevation.*
 - 5) *Study combining the utilities into one screened utility area (including the water meters).*
- Action: Sherry/Mosel, 4/0/0. Motion carried. (Rivera stepped down, Aurell/Gross/Gilliland absent).*

1/21/2010

ABR-Resubmittal Received

rec'd three sets for continued ABR.

1/11/2010

ABR-Concept Review (Continued)

(Fifth Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission review of a Tentative Subdivision Map.)

(3:19)

Present: Jeffrey Donner, Co-owner; Lorne Henkel, Architect Representative; and Lori Romano, Landscape Architect; Kelly Brodison, Assistant Planner; and Chelsey Swanson, Assistant Transportation Planner.

Public comment opened at 3:34 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) *Judy Lawrence, in opposition.*
- 2) *Steve Hausz, in opposition.*
- 3) *Don Sharpe, (submitted letter) in opposition.*
- 4) *Norm Papp, (co-owner of proposed project) in support.*
- 5) *Don Elconin, in support.*
- 6) *Susan Thompson, (submitted letter) in opposition.*

An opposition letter from Paula Westbury was acknowledged by the Board.

Activities:

Public comment closed at 3:55 p.m.

Ms. Brodison read to the Board the December 3, 2009, Planning Commission draft comments.

Ms. Swanson clarified for the Board the Ordinance requirements regarding vehicle lifts, use, and allowed vehicular maneuvering space and setback requirements.

Motion: Continued indefinitely to Full Board with comments:

- 1) Carry forward previous 11/16/09 comment #3: "Study the architectural starkness of the project, and provide additional detailing of the proposed design style." Provide an integrated design at all four elevations. Redesign the exposed north west elevation to be less massive and in keeping with the architectural style.*
- 2) Remove the overhang on the third level as it does not represent the proposed style.*
- 3) Consider additional planting at the southeast elevation, and consider removing the southern entry arch.*
- 4) Consider an appropriate solution to the mail boxes.*
- 5) Provide building sections with plate heights and property lines.*

LANDSCAPING:

- 1) Confirm with the Transportation Division staff to maximize the landscaping potential at the south property line.*
 - 2) Study an appropriate design for integration of trees on the south property line.*
 - 3) Increase the width of the proposed 18-inch landscaping planting strip, which is to minimal.*
- Action: Sherry/Zink, 5/1/0. Motion carried. (Mosel opposed, Rivera stepped down, Gilliland absent).*

12/17/2009 ABR-Resubmittal Received

3 sets rec'd for continued concept review at ABR.

12/17/2009 ABR-FYI/Research

Routed one of the three sets submitted to Kelly Brodison, case planner.

11/16/2009 ABR-Concept Review (Continued)

(Fourth Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission review of a Tentative Subdivision Map and a requested zoning modification for an encroachment into the rear setback.)

(4:55)

Present: Keith Rivera, Architect; Lori Romano, Landscape Architect; and Jeff Ridenour, Co-owner.

Public comment opened at 5:08 p.m.

Kellam de Forest expressed concern regarding setbacks, street parking, density, and landscaping.

Activities:

Susan Thompson, opposition: expressed concern regarding zoning requirements and setback encroachments.

Don Sharpe, opposition: expressed concerns regarding proposed three-story height for compatibility within a mostly two-story neighborhood, density, access, parking, and solar access.

An opposition letter from Paula Westbury was acknowledged by the Board.

Public comment closed at 5:20 p.m.

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

- 1) Study the use of red tile roofing on the project and either introduce additional red tile roofing or redesign the rear roof to be a flat roof to match the other roofing design.*
- 2) Study the paving pattern design and permeability at the driveway.*
- 3) Study the architectural starkness of the project, and provide additional detailing of the proposed design style.*
- 4) Study the north side elevation of the second and third floor for additional massing relief as it relates to the northwest elevation.*
- 5) The Board finds the project is consistent with the Compatibility Analysis as follows:*
 - a) The proposed project complies with the design guidelines and is consistent with the City Charter and applicable Municipal Code requirements. The Board finds no negative aesthetic impacts to the requested rear setback encroachment as the area of encroachment is for residential use only and not any commercial components.*
 - b) The project's design is compatible with the City and the architectural character of the neighborhood.*
 - c) The project's mass, size, bulk, height, and scale are appropriate for the neighborhood.*
 - d) The project's design is appropriately sensitive to adjacent City Landmarks and adjacent historic resources.*
 - e) The project's design is progressing in regards to the amount of open space and landscaping. The board encourages the applicant to study opportunities to provide an increased landscape area and additional landscaping amenities along the front of the property.*

Action: Zink/Aurell, 5/0/0. Motion carried. (Rivera stepped down, Sherry/Gross absent).

11/16/2009 **ABR-Mailed Notice Prepared**

to be mailed out 11/5/09.

1/12/2009 **ABR-Concept Review (Continued)**

(Third Concept Review. Comments only; Project requires Environmental Assessment and Planning Commission review of a Tentative Subdivision Map.)

(4:13)

Present: Doug Singletary, B3 Architects.

Public comment opened at 4:30 p.m.

Activities:

Jeff Ridenour, support: would like the project to move forward.

Don Elconin, support: past insensitive tree trimming and property line issues, which are currently being appreciatively worked out with Mr. Sharpe.

A support letter was submitted and read into the record by Donald G. Sharpe and acknowledged by the Board.

An opposition letter from Paula Westbury was acknowledged.

Public comment was closed at 4:38 p.m.

Straw vote: How many of the Board like Option A or Option B? Board stated no option preference.

Motion: Continued indefinitely to Full Board with the following comments:

ARCHITECTURE:

- 1) The Board appreciates the new direction of the project and improved mass, bulk and scale. Applicant to look for other future opportunities of the proposed design.*
- 2) Maximize the lighting opportunities of the light wells to the neighbor to the north.*
- 3) Integrate the chosen design elements to work in better harmony and cohesion.*
- 4) Maximize the relief created at building openings, such as doors, windows, etc.*
- 5) Study the garage proposal for a stack garage and other opportunities allowed for an improved design.*
- 6) Board looks forward to a proposal that would bring stylistic elements together cohesively.*

LANDSCAPING:

- 1) Maximize landscaping options by reviewing (the driveway) turning radius for an improved entry and egress.*
 - 2) Study the trash enclosure for an alternate location.*
 - 3) Provide a landscape plan.*
 - 4) Study the linearity of the south property line for bulb-out opportunities.*
- Action: Sherry/Aurell, 8/0/0. Motion carried. (Rivera stepped down).*

12/23/2008***ABR-Resubmittal Received***

Resubmittal for concept continued. Site plan reconfigured, increased setbacks and landscaping and new common open space, reconfigured parking, reduced commercial floor area from 1606 s.f. to 750 s.f., reconfigured unit plans and changes to architecture.

7/28/2008***ABR-Concept Review (Continued)***

(Second Concept Review. Comments only; Project requires environmental assessment and Planning Commission Review of a Tentative Subdivision Map and Development Plan Approval for new commercial square footage.)

(3:36)

Present: Bill Wolf, Architect

Public comment opened at 3:53 p.m.

Activities:

The following members of the public commented on the proposed project:

- 1. Kevin Fewell, supported.*
- 2. Don Elconin, opposed: site and design planning, view corridors, garage turnaround areas and parking, tree preservation, "canyonization" style of project.*
- 3. Don Sharpe, opposed: three-story structure creates noise conduits, vehicular fumes into open space areas, palm trees, drip lines, lack of landscaped open space, private and public views, high exterior elevation.*
- 4. Steve Hausz, opposed: architecture is improving, however the site remains over-developed and is out of character with neighborhood; landscaping plan lacks adequate shade trees.*

Public comment closed at 4:05 p.m.

Mr. Limon suggested the Board utilize the new compatibility review criteria and provide clear comments to the Planning Commission to specify the types of modifications to the project design plans, that may be necessary based upon the concerns on compatibility of the proposed project with the surrounding buildings.

Motion: Continued indefinitely to return to Full Board with the following comments: 1) The Board would prefer to see a revised site plan with an alternative entry approach rather than the center courtyard, which will: a) Address the adjacent environments, in particular the properties to the north (the blank wall) and south (the Italianate building); b) Demonstrate a significant amount of respect for the existing landscape environment, specifically the pine tree at the neighboring south; c) Respect the driveway approach of the garages and parking lot; and d) A significant amount of usable and functional landscape area shall be shown on the proposed plans.

Action: Zink/Sherry, 7/0/0. Motion carried. (Mosel absent.)

Board Comments: Some of the Board commented that not enough landscape areas and functional open spaces have been provided that are large enough to accommodate existing trees in the proposed project. The landscape plan should work with functional landscape spaces to accommodate existing trees, as designed, the site plan is too aggressive. Where mature landscaping already exists, buildings should not impose or intrude on trees or open space. Applicant should try to work the architecture with the existing landscaping.

7/22/2008

ABR-FYI/Research

Revised project description on 7/22/08 as a result of the resubmittal received on 7/1/08.

The project has been revised to include one three-story mixed use building (rather than two buildings); one residential condominium has been eliminated (the affordable unit) and the commercial square footage has increased.

7/1/2008

ABR-Resubmittal Received

Activities:

3/18/2008 ***ABR-Notice Prepared-PC/SHO Req***

Prepared 3/4/08

3/18/2008 ***ABR-Concept Review (New) - PH***

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

(Time: 4:24)

Present: Bill Wolf, Architect; and Kent Smith from Pacific Architects, Irma Unzueta, Project Planner for the City of Santa Barbara.

Public comment opened at 4:40 p.m.

- 1) Don Sharpe, opposed: addressed public views, and suggested pulling back the structure.*
- 2) Lani Collins, opposed: addressed blocked public views.*
- 3) Steve Hausz, opposed: addressed appropriateness of structure size to neighborhood and architecture, traffic density and fumes, lack of landscaping.*
- 4) Don Elconin, opposed: addressed inadequate parking; zoning, appropriateness of structure size to neighborhood.*
- 5) Norm Polp, opposed: addressed concerns of appropriateness of structure size to neighborhood.*
- 6) A letter from Paula Westbury was read into the record.*

Public comment closed at 4:59 p.m.

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

- 1) Applicant to continue to work with planning and transportation staff to further develop the constraints for the zoning element as they see them before returning. The Board is concerned that the applicant is missing site opportunities for this particular site and would like to see the applicant return with another option which addresses the parameters of the neighboring properties in a better way or format.*
- 2) Some trees are not shown on the site plan, and the plan does not respect the significant specimen trees and neighboring trees; include trees in the parkway.*
- 3) The street elevation will accurately show both buildings on the right and left of the project site.*

Action: Wienke/Mudge, 7/0/0. Motion carried. (Blakeley absent.)

2/5/2008 ***ABR-Resubmittal Received***

Initial design review submittal. Three sets of plans and set of photos for ABR.



