



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 051-06

1929 CLIFF DRIVE

### MODIFICATIONS, CONDITIONAL USE PERMIT, DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT

DECEMBER 7, 2006

**APPLICATION OF JEFF GORRELL, ARCHITECT FOR JEMESA PROPERTIES, LLC,  
1929 CLIFF DRIVE, APN 045-015-016, C-P/R-2/SD-3, RESTRICTED COMMERCIAL, TWO-  
FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN  
DESIGNATION: GENERAL COMMERCIAL, NEIGHBORHOOD SHOPPING CENTER  
(MST2004-00492)**

The project consists of a proposal to demolish the existing 1,354 square foot (net) service station, six gas pumps, canopy and underground storage tanks and to construct a 2,618 square foot (net) mini mart, 1,272 square foot (net) car wash, 395 square foot (net) equipment room, 1,725 square foot canopy, four gas pumps and eight parking spaces. A variance, approved by the City Council, to allow encroachments into the Cliff Drive setback would be required.

The discretionary applications required for this project are:

1. A Modification to allow less than the required number of parking spaces (SBMC§28.94.030);
2. A Modification to allow the building to encroach into the rear yard setback (SBMC§28.54.060);
3. A Conditional Use Permit to allow a car wash and automobile service station/mini-market in the C-P/R-2 Zone (SBMC§28.94.030);
4. Development Plan approval for 2,931 square feet of additional non-residential floor area (SBMC§28.87.300); and
5. A Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC§28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (new construction of small structures).

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

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

1. Staff Report with Attachments, December 7, 2006
2. Site Plans

3. Correspondence received in support of the project:
  - a. Eric Sutcliffe, Santa Barbara, CA
  - b. Braun Family Partnership, Santa Barbara, CA received at the hearing and read into the record
4. Correspondence received in opposition to the project:

Berni Bernstein, Co-President of the La Mesa Neighborhood Assoc.

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

- I. Approved the subject application making the following findings and determinations:
  - A. **Parking Modification (SBMC§28.94.030)**

The parking demand would be met by the provision of eight (8) parking spaces for the commercial use; therefore, it can be found that the modification is consistent with the purpose and intent of the Zoning Ordinance.
  - B. **Yard Modifications (SBMC§28.54.060)**

The modification is consistent with the purposes and intent of the Zoning Ordinance in that the proposal will provide an adequate sound barrier and landscape buffer between the proposed use and the adjacent residential uses, and it is necessary to secure an appropriate improvement on a lot because reducing the setback area from twelve to three feet will eliminate the potential for the area behind the carwash building to accumulate outdoor storage.
  - C. **Conditional Use Permit (SBMC §28.94.030)**
    1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan. The proposed project is consistent with the General Plan land use designation of General Commerce, Neighborhood Shopping Center. Additionally, it may result in a small reduction of trips by Mesa area residents to other car wash facilities in town, contributing to the public convenience.
    2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The proposed project is an allowed use and there is a sufficient landscape and sound buffer between the project and the residential uses to the south.
    3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. The lot area of the site and the setbacks including the rear

yard setback modification are sufficient for the proposed project and will not impact the surrounding properties.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. The parking demand of eight spaces is met onsite.
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The proposed project received positive comments from the Architectural Board of Review (ABR) and would return to the ABR for final approval.
6. The proposal is in compliance with any additional specific requirements for a conditional use permit. The proposed project is in compliance with the specific requirements for the mini-market as shown in Exhibit E, except for the parking, for which a parking modification has been granted.

**D. Development Plan (SBMC §28.87.300)**

1. The proposed development complies with all provisions of the Zoning Ordinance. The proposed project is an allowed use and meets all requirements of the Zoning Ordinance for a gas station, mini-market and car wash.
2. The proposed development is consistent with the principles of sound community planning. The design of the proposed project is appropriate for the commercial area and is consistent with the neighborhood pattern of development.
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood. The proposed project received positive comments from the Architectural Board of Review (ABR) and would return to the ABR for final approval. Additionally, it has been designed to minimize impacts to adjacent residential development.
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock. The proposed gas station, mini-market and car wash will not impact housing in the City.
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources. Sufficient water resources are available for the proposed project.
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic. The proposed project will not result in an increase in the number of vehicle trips that would have an impact on the City's traffic in the area.

7. Resources will be available and traffic improvements will be in place at the time of project occupancy. Traffic improvements are not necessary to mitigate project impacts.

E. **Coastal Development Permit (SBMC§28.45.009)**

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Municipal Code. The proposed project would be compatible with the existing commercial neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access and would not contribute to safety or drainage hazards on the site.

II. Said approval is subject to the following conditions:

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. **Recorded Agreement.** Prior to the issuance of any permit for the project on the Real Property, the Owner shall execute a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
  1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
  2. **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.
  3. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 7, 2006 is limited to the construction of a 2,618 square foot (net) mini mart, 1,272 square foot (net) car wash, 395 square foot (net) equipment room, 1,725 square foot canopy, four gas pumps and eight parking spaces and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Hours of operation for the carwash are limited to 8 AM to 8 PM daily and no PA (public address) or similar sound system shall be allowed as part of the car wash facility.

4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
  5. **Storm Water Pollution Control Systems Maintenance.** The Owner shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  2. **Photovoltaic panels** shall be required if determined to be aesthetically and functionally feasible.
  3. **Permeable Paving** shall be installed where functionally feasible.
  4. **Bioswales** shall be installed in the southeast and southwest corners of the property if functionally feasible.
- C. **Public Works Submittal Prior to Permits.** 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 permits for the project:
1. **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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
  2. **Reciprocal Access Easement.** The Owner shall endeavor to obtain, provide for and record a Reciprocal Access Easement signed by the owner(s) of the adjacent real property located at 1919 Cliff Drive, APN 045-015-013, to provide a reciprocal easement 30-feet wide for use by vehicles and pedestrians through 2 (two) separate contiguous Lots identified as 1919 Cliff Drive, APN 045-015-013, and the Real Property, APN 045-015-016, for the benefit of both lots.
  3. **Private Drainage Easement.** The Owner shall endeavor to obtain, provide for and record a drainage easement with the owner of the adjoining property located at 1933 Cliff Drive, APN 045-015-020, or if unsuccessful in obtaining such drainage easement, Owner shall convey pre-treated runoff beneath subject property through curb drain outlets to Cliff Drive.
  4. **Other Agency Requirements.** Submit copy of encroachment permit from the State of California, Cal Trans Permit Division, for the construction and

installation of improvements (including any required appurtenances) within their right of way / easement. Such permits shall be submitted to the Land Development Engineer.

D. **Public Works Requirements Prior to 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 Building or Public Works Permits for the project.

1. **Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Cliff Drive. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: 8 foot wide sidewalk transitioning from proposed sidewalk configuration to match the existing configuration beyond the property lines to the west and east of subject site and to the extent feasible to create a smooth transition, variable width parkway along the property frontage from a minimum width of 5 feet at the west end to 6.5 feet at the east end, two (2) commercial style driveway approaches (20 foot wide and 25 foot wide) modified to meet Title 24 requirements, saw cut and replace damaged curb & gutter, underground service utilities, provide connection to City/private water and sewer mains, provide on-site drainage system, supply and install on-site pollution prevention interceptors, preserve and/or reset survey monuments, 10.5 foot wide drought-tolerant parkway landscaping, and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
2. **Drainage Calculations.** Submit to the Land Development Engineer drainage calculations signed and stamped by a licensed Civil Engineer justifying that the existing on-site and proposed on-site drainage conveyance system adequately conveys a minimum of a 25-year storm event.

E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Santa Barbara County Fire Department, Protective Services Division, Compliance.** Evidence of full compliance with the requirements of the Santa Barbara County Fire Department, Protective Services Division, regarding onsite soil contamination.
2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written

notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
4. **Archaeological Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List to perform the intensive Phase I survey of the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting, dated May 2005. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain 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, the Owner shall retain 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.

- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review (ABR).
  2. **Archaeological Survey.** After the removal of all structures and pavement, construction shall be temporarily suspended so that a City-qualified archaeologist can complete an intensive Phase I survey of the entire ground surface as recommended in the Phase 1 Archaeological Resources Report prepared by Stone Archaeological Consulting, dated May 2005.
  3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  4. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.
  5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
  6. **Drainage System.** Appropriate storm water interceptors shall be installed in the drainage system before it leaves the site, as determined by the Building and Safety Division.
  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.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field 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 containers for collection of demolition/construction materials.
  2. **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.
  3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
  4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
  5. **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 1 <sup>st</sup> *
Martin Luther King's Birthday.....	3 <sup>rd</sup> Monday in January
Presidents' Day.....	3 <sup>rd</sup> Monday in February
Memorial Day.....	Last Monday in May
Independence Day .....	July 4 <sup>th</sup> *
Labor Day.....	1 <sup>st</sup> Monday in September
Thanksgiving Day .....	4 <sup>th</sup> Thursday in November
Following Thanksgiving Day.....	Friday following Thanksgiving Day
Christmas Day .....	December 25 <sup>th</sup> *

\*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.

6. **Construction Parking/Storage.** 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.
  - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
  
7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement 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.

8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
  9. **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.
  10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
  11. **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.
  12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
  13. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
  14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
  15. **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.
- H. **Prior to Certificate of Occupancy.** Prior to issuance of a Temporary Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements caused by construction (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans.
  3. **Backflow or Backwater Device.** Provide an approved backflow or backwater device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120. The Owner shall request a cross

connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

4. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that exterior noise levels at the rear property line are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
5. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.

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

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

#### **NOTICE OF APPROVAL TIME LIMITS:**

The Modifications, Conditional Use Permit, Development Plan and Coastal Development Permit approvals shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.

2. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

This motion was passed and adopted on the 7 day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs/White)

Recommend approval of setback variance to City Council with the comment that the Commission does not believe it will impede future improvements to the site, and will improve amenities.

This motion was passed and adopted on the 7 day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs/White)

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.



Kathleen Goo, Acting 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.