



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

JUNE 7, 2007

#### **CALL TO ORDER:**

Chair Charmaine Jacobs called the meeting to order at 1:11 P.M.

#### **ROLL CALL:**

##### **Present:**

Chair Charmaine Jacobs

Commissioners Bruce Bartlett, John Jostes, Stella Larson, Addison S. Thompson and Harwood A. White, Jr.

##### **Absent:**

George C. Myers

#### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Jaime Limón, Senior Planner

N. Scott Vincent, Assistant City Attorney

Steve Foley, Supervising Transportation Planner

Irma Unzueta, Project Planner

Heather Baker, Project Planner

Laurie Owens, Project Planner

Kathleen Kennedy, Associate Planner

Peter Lawson, Associate Planner

Kelly Brodison, Assistant Planner

Andrew Bermond, Assistant Planner

Kathy Goo, Alternate Commission Secretary

#### **I. PRELIMINARY MATTERS:**

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

None.

B. Announcements and appeals.

Ms. Hubbell announced that the appeal for 561 W. Mountain Drive, previously scheduled for June 12, 2007, will now be heard on July 24, 2007. Commissioners Bartlett and Jostes will represent the Planning Commission.

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

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

II. CONTINUED ITEM:

ACTUAL TIME: 1:12 P.M.

APPLICATION OF TOM OCHSNER, ARCHITECT FOR THE HAWKES FAMILY TRUST, 1829 STATE STREET AND 11 W. PEDREGOSA STREET, 027-031-006 and 029-031-007, C-2/R-4, COMMERCIAL AND HOTEL/MOTEL/MULTIPLE RESIDENCE ZONES, GENERAL PLAN DESIGNATION: OFFICES AND GENERAL COMMERCE (MST2004-00132)

The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Street. The project site is located at the southwest corner of State and Pedregosa Streets. The existing 1,180 square foot residential unit located at 11 W. Pedregosa is proposed to be removed. The proposed mixed use project would provide 2,360 net square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into five commercial units, four of which will be located on the ground floor and one on the second floor. The six residential condominiums are proposed on the second and third floor and range in size from 1,677 to 2,808 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa Street or be located within the project's interior. Twenty-three parking spaces are proposed in a ground level garage, which includes six, two-car garages for the residential units and 11 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed.

The discretionary applications required for this project are:

1. Modification for front yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
2. Modification for interior yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
3. Modification for rear yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);

4. Tentative Subdivision Map to create a one-lot subdivision for five commercial and six residential condominium units (SBMC§27.07 and 27.13);
5. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
6. Development Plan Approval allow the construction of 2,360 net square feet of nonresidential development (SBMC §28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

Case Planner: Irma Unzueta, Project Planner  
Email: [iunzueta@SantaBarbaraCA.gov](mailto:iunzueta@SantaBarbaraCA.gov)

Irma Unzueta, Project Planner, gave the Staff presentation.

Tom Ochsner, Architect, gave the applicant presentation.

Chair Jacobs deferred the public hearing at 1:43 P.M. until after the Commissions questions were answered, and noted that no one from the public requested to speak.

Mr. Ochsner answered Planning Commission questions on changes in landscaping square footage on State Street, increases in open space, proposed public benefits, and public use of commercial restrooms. He also responded to questions on the gated access to the public paseo, garage podium height and driveway apron drainage issues; the status for closure of the site related to existing contaminated soils; and bus stop sheltering.

Staff answered Planning Commission questions on discrepancies noted between the applicant's presentation and the Staff Report statistics on square footage, bedroom count, parking spaces, plate heights, and overall building height. Also answered were questions on sidewalk width differences between State and Pedregosa Streets; Measure E allocation requirement found in the March Staff Report; clarification of 2<sup>nd</sup> and 3<sup>rd</sup> story building setbacks; status of County of Santa Barbara Fire Prevention Department's letter of closure for the site and deed notification recording with regard to soil contaminants; bus stop design recommendations from the Urban Design Guidelines and Pedestrian Master Plan Guidelines; and clarification of R-4 and R-3 zones.

Heather Baker, Project Planner, answered Commissioner's questions on Solar Ordinance Guidelines and the applicant's proposed solar system. After reviewing the project, Ms. Baker expressed concern about the project design's distance between the parapets and solar panels and gave the Commission an overview of shading impacts and their effect on solar panel efficiency.

Chair Jacobs opened the public hearing at 2:17 P.M and, with no one wishing to speak, closed the hearing.

Planning Commissioners felt that they had previously been quite clear with the applicant on moving the mass toward the middle and reducing the request for modifications; expressed concern that the project had grown in size and could not make the findings for the yard setback modifications and Tentative Subdivision Map. Commissioners stated a desire to see the project return with fewer or no modifications and smaller in size with respect to volume and bulk, unit size, and building heights. The consensus of the Commission was to move toward denial of the project.

Ms. Hubbell reviewed the project timeline and options available to the Commission, given the ninety-day extension limit set by the State Permit Streamlining Act. She added that, if the applicant returned to the Planning Commission with a revision, they would be subject to paying revised project fees.

Troy White, Dudek and Associates, addressed the Commission with regard to understanding the applicant's options and preferred a waiver or sixty-day extension.

Scott Vincent, Assistant City Attorney, stated that the applicant could choose to waive the provisions of an extension limit. Mr. Vincent recapped the options as being: 1) Denial of the project with the applicant free to exercise an appeal; or 2) Offering an extension with conditions. Since a revised project will require additional Staff review, and not just a change in architectural design, the application of the City's Fee schedule would apply.

Chair Jacobs called for a break at 2:42 P.M., to allow the applicant time to review the options, and reconvened the meeting at 2:58 P.M.

Following the break, Mr. Vincent reviewed the Permit Streamlining Act and the statute in question, noting that it did not allow for additional extensions beyond the ninety-day period. Recommended the Commission make a decision to approve or deny the project. If a motion for denial is made, suggested incorporating provisions in the motion giving an explanation for the denial.

**MOTION: White/Jostes**

**Assigned Resolution No. 024-07**

Deny the project because the findings for the Tentative Subdivision Map and Setback Modifications cannot be made for the following reasons: 1) Volume and bulk of the project are inappropriate and excessive relative to the site; 2) Project is not physically suitable for the proposed site; 3) Proposed use is not consistent with the General Plan's vision of this neighborhood; and 4) The modifications are not necessary to make an appropriate improvement on the site. In addition, the Conditional Use Permit finding #3 related to adequate setbacks of the project from the property line could not be made.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Thompson) Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

Commission discussion was held on what would be appropriate on the site development and what the site is physically able to handle. If this project were to return to the Planning Commission at a future date, the following recommendations were made by the Commission: 1) Substantially reduce or eliminate the modification requests 2) Reduce unit sizes; 2) Reduce volume and bulk of the overall structure. 3) Gates are to be open during business hours; and 4) Work on Built Green elements, such as solar.

III. NEW ITEMS:

ACTUAL TIME: 3:14 P.M.

A. APPLICATION OF KIRK GRADIN FOR GRAND AVENUE LLC, 1759 GRAND AVENUE, 027-141-006, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12UNITS/AC (MST2006-00746)

The proposed project involves construction of three new single-family dwellings with attached garages and a tentative subdivision map to create three condominiums. The project site is a vacant lot that was once developed with three single-family dwellings, but were demolished in 2005 due to the substandard conditions of the units. As proposed the houses would range in size from 1900 square feet to 2,600 square feet and each would have an attached garage. Unit A would be 2,585 net square feet with a 636 net square foot garage. Unit B would be 1,994 square feet with a 563 square foot garage. Unit C would be 2,163 square feet with a 446 square foot garage. The approximate height of the units would be 30 feet. Access to Units A and B would be from Prospect Avenue and access to Unit C would be from Grand Avenue.

Two Modifications are being requested. Each Modification would be for development of retaining walls along both side yard property boundaries, beginning at the intersection of the front lot line at Grand Avenue and ending approximately at the mid-point of the lot. Each of the Modifications would allow a portion of retaining walls to exceed the required three and one half-foot height in the front yard setback, as well as the required eight-foot height in the side yard setback.

The discretionary applications required for this project are:

1. A Modification (western property line) to allow walls greater than 8 feet in the side yard setback and 3 ½ feet in the front yard setback (SBMC §28.92.026.A);
2. A Modification (eastern property line) to allow walls greater than 8 feet in the side yard setback and 3 ½ feet in the front yard setback (SBMC §28.92.026.A);
3. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

Case Planner: Peter Lawson, Associate Planner  
Email: Plawson@SantaBarbaraCA.gov

Peter Lawson, Associate Planner, gave the Staff presentation and revisions to the Conditions of Approval.

Mr. Gradin, Applicant, gave the applicant presentation.

Staff answered Planning Commission questions on clarification of prior granting of the setback modification on the south end and expiration; impacts of driveway fill to drainage on adjacent property on the north-west corner; absence of modification request for the oversized garages; design review process after Planning Commission hearing; Neighborhood Preservation Guidelines; R-2 zone setbacks; and the deletion of a street light in the conditions of approval.

Mr. Gradin answered Planning Commission questions on drainage; unit size considerations; need for the setback modification request; utilities on the west side of property; and on-site back flow preventers.

Chair Jacobs opened the public hearing at 4:04 P.M.

Jeanne McCrea, neighbor, spoke in opposition to the project expressing concern with obstruction of view suggested by story poles and project's incompatibility with neighborhood.

Stephanie Christoff, neighbor, spoke in support of the project but with concerns about depicting the heights correctly on the plans, the preservation of both oak trees, and keeping the current street light. She also submitted a letter to the Commission.

Chair Jacobs referenced receipt of letter of opposition from Charles Mugler that included a picture. With no one else wishing to speak, the public hearing was closed at 4:12 P.M.

**MOTION: Jostes/Thompson**

**Assigned Resolution No. 025-07**

Approved the project, making the findings for the modifications and Tentative Subdivision Map in the Staff Report with the following conditions: 1) Existing streetlight on Grand Avenue shall be changed to a City approved dome light. 2) Applicant shall continue to work with neighborhood on minimizing view impacts.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (White) Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

**ACTUAL TIME: 4:26 P.M.**

B. **APPLICATION OF OWEN THOMAS, AGENT FOR THE CITY OF SANTA BARBARA, 601 NORMAN FIRESTONE ROAD, 073-045-003, A-A-O, A-F, S-D-3, AIRCRAFT APPROACH AND OPERATIONS, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2007-00158, CDP2007-00005)**

The proposed project involves the continued maintenance and grading of approximately 123 acres of infield safety area, and the maintenance and grading of approximately 30 acres of new infield safety area created as part of the Airfield Safety Projects in 2006 and 2007 at the Santa Barbara Airport. The discretionary application required for this project is a Coastal Development Permit to maintain and regrade existing Runway and Taxiway Safety Areas as necessary in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has completed an addendum to the Mitigated Negative Declaration for the Existing Runway and Taxiway Safety Area Grading Project. The addendum concluded that no significant impacts to the environment are anticipated to result from the proposed maintenance project.

Case Planner: Andrew Bermond, Assistant Planner  
Email: [Abermond@SantaBarbaraCA.gov](mailto:Abermond@SantaBarbaraCA.gov)

**MOTION: Jostes/Thompson**

Waive the Staff Report.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

The applicant declined the opportunity for a presentation.

Chair Jacobs opened the public hearing at 4:27 P.M. and with no one wishing to speak, closed the public hearing.

**MOTION: Thompson/White**

**Assigned Resolution No. 026-07**

Approved the Coastal Development Permit, making the findings in the Staff Report.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

**ACTUAL TIME: 4:30 P.M.**

C. **APPLICATION OF BOB PRICE, AGENT FOR LEON F. LUNT AND JOYCE M. LUNT, 3427 SEA LEDGE LANE, APN: 047-082-009, A-1/SD-3 ONE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 1 UNIT PER ACRE (MST2006-00092)**

The proposal consists of the demolition of the existing 460 square foot attached two-car garage and 1,218 square feet of the existing residence in preparation for a remodel and two-story addition including 2,368 square feet for the first floor, 1,262 square for the second floor, a new 455 square foot basement and a new 656 square foot attached two-car garage for a net increase of 3,063 square feet all on a 32,189 square foot A-1/SD-3 zoned lot in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. The project site is currently developed with a 2,954 square foot one-story single-family residence with an attached 460 square foot two-car garage. The proposal also includes replacing the existing 565 square foot deck, replacement of a retaining wall and the replacement of the existing septic system and drywells. When the project is complete, the development on the site will consist of a 6,477 square foot three-story residence which includes the 455 square foot basement and a 656 square foot attached two-car garage.

The discretionary applications required for this project are:

1. A Modification to allow an “as-built” portion of an existing deck to encroach into the 15’ required interior yard setback in the A-1 Zone (SBMC §28.15.060);
2. A Modification to allow a two-story portion of the addition to encroach into the 15’ required interior yard setback in the A-1 Zone (SBMC §28.15.060);
3. A Coastal Development Permit (CDP2006-00003) to allow the proposed development in the Appealable Jurisdiction of the City’s 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 Guidelines Sections 15315 [Minor Land Divisions] and 15303 [New Construction].

Case Planner: Jaime Limón, Senior Planner and Kelly Brodison, Assistant Planner

Emails: Jlimon@SantaBarbaraCA.gov; Kbrodison@SantaBarbaraCA.gov

Jaime Limon, Senior Planner, gave the Staff presentation.

Trish Allen, Suzanne Elledge Planning and Permitting, gave the applicant presentation joined by the project team of Bob Price, Architect; Dr. William Anikouchine, Geologist; and Joyce Lunt, Owner.

Mr. Limon answered Planning Commission questions on access to the abandoned stairway and possible bluff remediation; Floor Area Ratio (FAR) calculations and the exclusion of upper level decks; and remaining open yard space.

Chair Jacobs opened the public hearing at 5:12 P.M.

The following people spoke in support of the project

1. Jay Gerlach, neighbor,
2. Art Bosse, neighbor
3. Joan Brooks, neighbor
4. Eleanore Weinstock, neighbor
5. Paula Nelson, neighbor

The following people spoke in opposition to the project:

1. David Neubauer, neighbor, concerned with setback and size precedents and high FAR's proposed.

Chair Jacobs also noted a letter of opposition to the project received from Frank Cuykendall, Attorney, representing Edward Vernon, neighbor.

With no one else wishing to speak, the public hearing was closed at 5:21 P.M.

Commissioners appreciated the project's architecture, but expressed concern about inability to make the necessary findings and the lack of open space. Commissioners expressed concern about parking availability, neighborhood compatibility, need for additional parking, size of house relative to size of lot, and setting precedents for house size and neighborhood compatibility as the updated Neighborhood Preservation Ordinance (NPO) goes into effect.

**MOTION: Jostes/Bartlett**

**Assigned Resolution No. 027-07**

Denied the project due to inability to make the findings to approve the modifications and Coastal Development Permit for the following reasons: 1) Modifications are not necessary to secure appropriate development of the site; 2) The project, as proposed, is not compatible with the neighborhood because the proposed home is twice the size of the 20 closest homes; and 3) The Floor Area Ratio (FAR) sustainability exceeds the 100 percent FAR Guidelines under the Neighborhood Preservation Ordinance and the Single Family Design Guidelines for large lots.

Ms. Allen asked the Commission for the opportunity to return with a revised design and clarification of the Single Family Design Guidelines related to Floor Area Ratios.

Commissioner White asked if a returning project would be able to meet the Guidelines.

Mr. Vincent clarified the calculation for FAR's in section SBMC §28.15.083 as referring to enclosed space only, not including loggias or covered areas.

As discussion continued to digress on the Guidelines, Mr. Vincent reminded the Commission that there was a motion still on the floor.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

Ms. Allen was perplexed at the finality of the motion and inquired on remaining options.

During review of the Administrative Agenda, Commissioner White expressed concern about the outcome of the motion to deny the project at 3427 Sea Ledge Lane and a desire to have continued the decision. Mr. Vincent stated that his only intent was to bring the Commission back to the motion on the floor, not push a denial. If any Commissioner would like to reconsider, and a majority is supportive, the item could be reconsidered. A motion to reconsider would mean that there is no final action and the applicant would not need to initiate an appeal.

**MOTION: White/Larson**

Reconsider the decision on 3427 Sea Ledge Lane and place on the June 21, 2007 agenda.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

**IV. ADMINISTRATIVE AGENDA**

A. Committee and Liaison Reports.

1. Commissioner Larson reported on Plan Santa Barbara Outreach and the volunteer tours offered by the Contractors Association.

2. Commissioner Jacobs reported on recently speaking to the Non-Profit Support Center as part of Plan Santa Barbara's outreach and their eagerness to participate.
3. Ms. Hubbell reported on having attended an outreach meeting for Plan Santa Barbara at the Santa Barbara Association of Realtors with the Mayor and the comments received. Both received a plaque from the Association of Realtors.
4. Commissioner Thompson reported on the Airport Terminal Design Subcommittee. They will have one more meeting on interior design in three weeks before presenting changes to the Architectural Board of Review. Commissioner Bartlett attended for Commissioner Jacobs and discussed the updates on the interior décor.
5. Commissioners Bartlett and Jacobs reported on the Housing Policy Steering Committee and the lowering of thresholds for inclusionary housing. The Planning Commission will discuss the proposed changes on June 21, 2007 and recommendations will be forwarded to City Council.

B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Commissioner White reported on two Staff Hearing Officer meetings he had attended.

1. One trash enclosure was denied in a front yard setback, other modifications approved.
2. One four unit condominium project on upper Castillo Street was approved.

Ms. Hubbell reported that the 518 State Street Staff Hearing Officer approval has been appealed to the Planning Commission, but may be resolved beforehand.

C. Review and consideration of the following draft minutes and resolutions:

- a. Draft Minutes of April 5, 2007
- b. Resolution 015-07  
1722 State Street
- c. Draft Minutes of April 19, 2007
- d. Resolution 017-07  
2108 Los Canoas Road
- e. Resolution 018-07  
128-138 E. Canon Perdido Street and 825-833 Santa Barbara Street

**MOTION: Thompson/Larson**

Approved the draft minutes and resolutions with as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Jostes) Absent: 1 (Myers)

**VII. ADJOURNMENT**

**MOTION: Jostes/Larson**

Adjourn the meeting of June 7, 2007

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

Chair Jacobs adjourned the meeting at 6:10 P.M.

Submitted by,

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Julie Rodriguez for Kathy Goo, Alternate Commission Secretary



# City of Santa Barbara California

**DRAFT**

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 024-07

#### 1829 STATE STREET AND 11 W. PEDREGOSA STREET FRONT YARD MODIFICATION, INTERIOR YARD MODIFICATION, REAR YARD MODIFICATION, CONDITIONAL USE PERMIT, DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP JUNE 7, 2007

**APPLICATION OF TOM OCHSNER, ARCHITECT FOR THE HAWKES FAMILY TRUST,  
1829 STATE STREET AND 11 W. PEDREGOSA STREET, 027-031-006 and 029-031-007, C-  
2/R-4, COMMERCIAL AND HOTEL/MOTEL/MULTIPLE RESIDENCE ZONES, GENERAL  
PLAN DESIGNATION: OFFICES AND GENERAL COMMERCE (MST2004-00132)**

The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Street. The project site is located at the southwest corner of State and Pedregosa Streets. The existing 1,180 square foot residential unit located at 11 W. Pedregosa is proposed to be removed. The proposed mixed use project would provide 2,360 net square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into five commercial units, four of which will be located on the ground floor and one on the second floor. The six residential condominiums are proposed on the second and third floor and range in size from 1,677 to 2,808 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa Street or be located within the project's interior. Twenty-three parking spaces are proposed in a ground level garage, which includes six, two-car garages for the residential units and 11 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed.

The discretionary applications required for this project are:

1. Modification for front yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
2. Modification for interior yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
3. Modification for rear yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
4. Tentative Subdivision Map to create a one-lot subdivision for five commercial and six residential condominium units (SBMC§27.07 and 27.13);
5. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
6. Development Plan Approval allow the construction of 2,360 net square feet of nonresidential development (SBMC §28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

**WHEREAS**, the Planning Commission has held the required public hearings on March 8, 2007 and June 7, 2007, and the Applicant was present.

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

1. Staff Report with Attachments, March 1, 2007
2. Staff Report with Attachments, May 31, 2007
3. Site Plans
4. Correspondence received in opposition to the project:
  - a. Eric N. Pedersen, AIA, Santa Barbara, CA

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

- I. Denied the application making the following findings and determinations:

The Planning Commission could not make the findings for the Tentative Subdivision Map nor the Setback Modifications for the following reasons:

- A. Volume and bulk of the project are inappropriate and excessive relative to the site; and
- B. Project is not physically suitable for the proposed site; and
- C. Proposed use is not consistent with the General Plan's vision of this neighborhood; and
- D. The modifications are not necessary to make an appropriate improvement on the site.

In addition, the Commission could not make the Conditional Use Permit findings for the total area of the site and the setbacks of all facilities from property and street lines as being 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.

- II. Said denial was given with the following recommendations if the project were to return to the Planning Commission at a future date:

- A. Substantial reduction or elimination of need for modifications,
- B. Reduction of unit sizes;
- C. Reduction of volume and bulk,
- D. Paseo gates are to remain open during business hours, and
- E. Work on addition of Built Green elements.

This motion was passed and adopted on the 7th day of June, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (Thompson) ABSTAIN: 0 ABSENT: 1 (Myers)

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.

DRAFT





# City of Santa Barbara California

**DRAFT**

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 025-07

1759 GRAND AVENUE

TENTATIVE SUBDIVISION MAP

JUNE 7, 2007

**APPLICATION OF KIRK GRADIN FOR GRAND AVENUE LLC, 1759 GRAND AVENUE, 027-141-006, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12UNITS/AC (MST2006-00746)**

The proposed project involves construction of three new single-family dwellings with attached garages and a tentative subdivision map to create three condominiums. The project site is a vacant lot that was once developed with three single-family dwellings, but were demolished in 2005 due to the substandard conditions of the units. As proposed the houses would range in size from 1900 square feet to 2,600 square feet and each would have an attached garage. Unit A would be 2,585 net square feet with a 636 net square foot garage. Unit B would be 1,994 square feet with a 563 square foot garage. Unit C would be 2,163 square feet with a 446 square foot garage. The approximate height of the units would be 30 feet. Access to Units A and B would be from Prospect Avenue and access to Unit C would be from Grand Avenue.

Two Modifications are being requested. Each Modification would be for development of retaining walls along both side yard property boundaries, beginning at the intersection of the front lot line at Grand Avenue and ending approximately at the mid-point of the lot. Each of the Modifications would allow a portion of retaining walls to exceed the required three and one half-foot height in the front yard setback, as well as the required eight-foot height in the side yard setback.

The discretionary applications required for this project are:

1. A Modification (western property line) to allow walls greater than 8 feet in the side yard setback and 3 ½ feet in the front yard setback (SBMC §28.92.026.A);
2. A Modification (eastern property line) to allow walls greater than 8 feet in the side yard setback and 3 ½ feet in the front yard setback (SBMC §28.92.026.A);
3. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

**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 one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 31, 2007
2. Site Plans
3. Correspondence received in support of the project:
  - a. Stephanie and Jordan Christoff, Santa Barbara, CA
4. Correspondence received in opposition to the project:
  - a. Charles Mugler, Santa Barbara, CA

**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. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

B. **The New Condominium Development (SBMC §27.13.080)**

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

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
  5. **Approved Development.** The development of the Real Property approved by the Planning Commission on June 7, 2007 is limited to 3 dwelling units 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.

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. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
7. **Oak Tree Protection.** The existing 2 tree(s) shown on the Tentative Subdivision Map shall be preserved, protected, and maintained. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees. The following provisions shall apply to any oak trees to remain on the property:
  - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
  - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

- B. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
1. **Final/Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.6 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
  3. **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.
  4. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (such as ...), 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.
  5. **Prospect Avenue and Grand Avenue Public Improvement Plans.** The Owner shall submit ~~C-1 public improvement or building plans for construction of improvements along the property frontage on both Prospect and Grand Avenue. The C-1 plans shall be submitted separately from plans submitted for a Building Permit.~~ As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, ~~access~~ ramp(s), asphalt concrete, concrete pavement on aggregate base, 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, underground service utilities, connection to City water and sewer

mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, ~~slot/trench drain, drop inlet,~~ on-site detention basin, erosion protection (provide off-site storm water BMP plan), etc.), supply and install 1 residential standard street light(s), style to be determined by the Public Works Department and the appropriate design review board, coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, ~~supply and install directional/regulatory traffic control signs, storm drain stenciling, off-site biofilter/swale sized per drainage calculations,~~ and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

6. **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.
  7. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
  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. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed driveway, subject to the review and approval of the Public Works Director and City Attorney.
- C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
    - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
    - b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
      - (1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.

- (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a five to one 5:1 ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
  2. **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.
  3. **Private Views.** The Owner shall continue to work with the neighborhood to reduce impacts of the development to private views.
- 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 Parcel Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
  2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
  1. **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.
  2. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
  3. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect, the Contractor and each subcontractor.

- 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, outlined in Section C above.
  2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Contractor and each Subcontractor.
  3. **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.
  4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales,

catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B-4, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
6. **Vehicle Access.** Vehicles exiting from the project site onto Prospect Street shall be restricted to right turns only, and a no left turn sign shall be posted and maintained on-site advising motorists of this restriction.
7. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
8. **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:

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Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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Contractor \_\_\_\_\_ Date \_\_\_\_\_ License No. \_\_\_\_\_

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Architect \_\_\_\_\_ Date \_\_\_\_\_ License No. \_\_\_\_\_

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Engineer \_\_\_\_\_ Date \_\_\_\_\_ License No. \_\_\_\_\_

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Construction Materials Recycling.** Recycling and/or reuse of 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 construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **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. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

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

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
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) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
14. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
15. **Tree Protection.** Notes on the grading plan that specify the following:
  - a. No grading shall occur within three feet of the driplines of the existing tree(s).
  - b. All excavation within the dripline of the tree(s) shall be done with hand tools.
  - c. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
  - d. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
  - e. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
  - f. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
    - i. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
    - ii. No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the foundation. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger

equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- iii. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
  - iv. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
  - v. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
16. **Existing Tree Preservation.** The existing tree(s) shown on the approved Site Plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
  17. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
  18. **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.
  19. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
- ~~3. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.~~
- 4.3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
- 5.4. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels 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).
- 6.5. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
- 7.6. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

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

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

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Modifications, shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

**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 7th day of June, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (White) ABSTAIN: 0 ABSENT: 1 (Myers)

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.



# City of Santa Barbara California

**DRAFT**

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 026-07  
601 NORMAN FIRESTONE ROAD  
COASTAL DEVELOPMENT PERMIT  
JUNE 7, 2007

**APPLICATION OF OWEN THOMAS, AGENT FOR THE CITY OF SANTA BARBARA, 601 NORMAN FIRESTONE ROAD, 073-045-003, A-A-O, A-F, S-D-3, AIRCRAFT APPROACH AND OPERATIONS, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2007-00158, CDP2007-00005)**

The proposed project involves the continued maintenance and grading of approximately 123 acres of infield safety area, and the maintenance and grading of approximately 30 acres of new infield safety area created as part of the Airfield Safety Projects in 2006 and 2007 at the Santa Barbara Airport. The discretionary application required for this project is a Coastal Development Permit to maintain and regrade existing Runway and Taxiway Safety Areas as necessary in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has completed an addendum to the Mitigated Negative Declaration for the Existing Runway and Taxiway Safety Area Grading Project. The addendum concluded that no significant impacts to the environment are anticipated to result from the proposed maintenance project.

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

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

1. Staff Report with Attachments, May 31, 2007
2. Site Plans

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

- I. Approved the subject application making the following findings and determinations:
  - A. **Findings for the Mitigated Negative Declaration Addendum (CEQA Guidelines 15164)**
    1. In the Planning Commission's independent judgment there is no substantial evidence that this project will have a significant effect on the environment; and,
    2. Minor technical changes and additions are necessary to complete environmental review however a Supplemental Negative Declaration is not required because the proposed project remains largely unchanged from the existing project described in the Mitigated Negative Declaration ENV97-0005.

3. No substantial changes are proposed in the project and no substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions of the Negative Declaration. No new information of substantial importance shows a new or more severe impact. Additionally, no new information of substantial importance shows that a previously considered infeasible mitigation or alternative and no new mitigation or alternative that would substantially reduce the impact of the maintenance project are known to exist (CEQA Guidelines §15162(a)).
4. Pursuant to Section §15164 of the California Environmental Quality Act Guidelines, the Planning Commission adopts the Mitigated Negative Declaration ENV97-0005 and Addendum dated May 21, 2007.

**B. Findings for the Coastal Development Permit:**

The project is consistent with the policies with all applicable policies of the California Coastal Act, the City's Local Coastal plan, all applicable implementing guidelines, and all applicable provisions of the Code because:

1. Allowing wetland plants to reestablish constitutes the least environmentally damaging, feasible project that satisfies federal requirements for a compact and clear Safety Area (Airport Local Coastal Plan Policy C-9, Coastal Act Policy 30233(a)(4)).
2. The project would neither introduce nor mitigate existing risks to life and property in an area of high geologic, flood, or fire hazard. The project would be consistent with requirements imposed by the Santa Barbara County Air Pollution Control District as standard dust control mitigation measures will be applied (Coastal Act Policy 30253).
3. The project is designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure that areas that provide important water quality benefits are protected (Airport Local Coastal Plan Policy C-12).
4. The project is consistent with the visual character of the surrounding area and the Santa Barbara Airport as the project will maintain existing grade and the project area will be restored with appropriate landscaping and will not obstruct important public views (SBMC Chapter 29.87, and Airport Local Coastal Plan Policy E-1).
5. The project is consistent with the uses in the Aircraft Approach and Operations (A-A-O) and Airport Facilities (A-F) zones (SBMC Chapters 29.12 and 29.15).

II. Said approval is subject to the following conditions:

- A. **Permit Permanence:** This Coastal Development Permit (CDP) shall be in effect from the date upon which the Planning Commission issues a Coastal Permit for this project unless maintenance activity does not commence within two (2) years of said date. This permit is not to expire. Airport staff shall be required to submit for a CDP for any work in the Safety Areas beyond that allowed in this permit not eligible for a Coastal Exclusion. Airport staff shall maintain a record of all maintenance work in the Safety Areas which shall be submitted with the request for any future CDP along with information regarding the existence of any new endangered, threatened or candidate species for such designation.
- B. **Condition Consistency.** All conditions imposed by the Federal Aviation Administration, the U.S. Army Corps of Engineers, the California Department of Fish and Game, the California Coastal Commission and the Regional Water Quality Control Board are hereby incorporated by reference into these conditions. Where there are differences in conditions between this document and conditions imposed by other agencies, those most protective of the environment shall prevail.
- C. **Uninterrupted Water Flow.** The Airport 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 Airport 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.
- D. **Maintenance of Drainage System.** The Airport shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Airport 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 Coastal Development Permit is required to authorize such work.
- E. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
- F. **Storm Water Pollution Control Systems Maintenance.** The Airport 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.
- G. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the

California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$850 for projects with Environmental Impact Reports and \$1,250 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

- H. 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. **Contractor and Subcontractor Notification.** The Airport 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.
  2. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- I. Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the plans submitted to any Building and Safety Division for Building permits.
1. **Pre-Construction Conference.** Prior to commencement of maintenance grading work, a conference to review site conditions, maintenance schedule, conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Airport, Project Engineer, Contractor and each Subcontractor.
  2. **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/or rate of water run-off conditions from the site. The Airport shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment 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 interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Airport, as outlined in Condition D, above, which shall include the regular

sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.

3. **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.

- J. **Implementation Requirements.** All of these requirements shall be carried out in the field for the duration of the project.

1. **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.
2. **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 grading, 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.
3. **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.

4. **Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
5. **Equipment Maintenance.** All equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading below a depth of 10 centimeters (approximately 4 inches), contractors and maintenance 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 an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

#### **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless maintenance of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.

3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 7th day of June, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

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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.

