

DRAFT

City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

September 6, 2007

CALL TO ORDER:

Vice Chair Myers assumed the Chair for the meeting of September 6, 2007
Chair Myers called the meeting to order at 1:03 P.M.

ROLL CALL:

Present:

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

Absent:

Charmaine Jacobs
John Jostes

STAFF PRESENT:

Stephen Wiley, City Attorney
N. Scott Vincent, Assistant City Attorney
Bettie Weiss, City Planner
Jan Hubbell, Senior Planner
Daniel Kato, Senior Planner
Jaime Limón, Senior Planner
Kelly Brodison, Assistant Planner
Adam Nares, Planning Technician II
Gabriela Feliciano, Commission Secretary

I. PRELIMINARY MATTERS:

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

None.
- B. Announcements and appeals.

Senior Planner Jan Hubbell reminded the Commission that there will be a Joint Meeting with the City Council on September 10th at 2:30 P.M. to be held in the Louise Lowry Davis Center. The discussion will be on Plan Santa Barbara with a summary report on the outcome of Round I and a preliminary look at Round II. Also discussed will be building height issues from the Joint meeting with the Council, Architectural Board of Review, and Historic Landmarks Commission held in July.

- C. Comments from members of the public pertaining to items not on this agenda. [Due to time constraints, each person is limited to two (2) minutes.]

David Newbauer expressed concern for all the current development on Marina Drive and Campanil Drive without consideration being given to drainage that goes into constrained pipes that run through Sea Ledge Lane in three different spots. Would like the Commission to consider the impact on Campanil Hill and Marina and what it is doing to the bluff and neighboring properties that have to deal with the water issues.

II. **NEW ITEMS:**

ACTUAL TIME: 1: 06 P.M.

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)

This revised proposal responds to concerns raised by the Planning Commission in June 2007 and 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 1,551 square feet for the first floor, 1,016 square for the second floor, a new 612 square foot basement and a new 540 square foot attached two-car garage for a net increase of 2,041 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 resurfacing the existing 565 square foot deck and replacement of the guardrail, 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 5,455 square foot two-story residence which includes the 612 square foot basement and a 540 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 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 Planners: Jaime Limón, Senior Planner and Kelly Brodison, Assistant Planner
Email: jlimon@SantaBarbaraCA.gov; kbrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff's presentation.

Staff responded to the Planning Commission's question about the Single Family Design Guidelines and the square footage Floor Area Ratio (FAR) number being used for this project by stating that the modification proposed does not invoke increasing the size of the house.

Trish Allen, Suzanne Elledge Planning and Permitting Services, gave the applicant's presentation.

Ms. Allen answered Planning Commission questions about the FAR without the basement, which is 15%, and represented a 4% reduction from the last presentation

Mr. Limón responded to the Commission's question about the applicant's response to Architectural Board of Review (ABR)'s earlier comments concerning the width of the second story. ABR reviewed the project at the time the Neighborhood Preservation Ordinance (NPO) was being updated and was generally supportive of the project.

Chair Myers opened the public hearing at 1:48 P.M. and acknowledged the following speakers, in support the project, who waived their time to the applicant's presentation: Alerto Barbaran, John Brooks, and Art Bosse.

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

1. David Newbauer: concerned with size of project, compatibility with area.
2. Paula Westbury: against additional development; house should remain as is.

With no one else wishing to speak, the public hearing was closed at 1:52 P.M. Chair Myers also acknowledged that letters were received both in support and in opposition to the project.

Commissioners' comments:

1. Two Commissioners appreciated the applicant's response to prior hearing recommendations, but still had concerns about: a) the reduction in the second floor not being enough; and b) expansion of basement is inappropriate.
2. Three Commissioners would like to have the Single Family Design Board review the project.
3. Two Commissioners could the support square footage if the modification were removed.
4. Some Commissioners were not as concerned with the size of the house and felt that the volume of the house is less than what is often associated with a house of this square footage. Not as concerned with the slight increase in the basement, especially since it has been pulled back from the setback.
5. One Commissioner supported Staff's position on no deck encroachment modification.
6. Two Commissioners felt that the size of the house and the basement were acceptable and supported the modification as an appropriate improvement stating that a properly built and maintained deck provides bluff top protection; changes to the deck could have an adverse effect. One Commissioner felt that the design is still a little large.
7. One Commissioner asked the Commission to further discuss the deck as a necessity to secure improvements. One Commissioner added that support for the deck provides support for protecting the bluff top. Another Commissioner felt differently by stating that deck expansion is based on the design proposal and not a hardship on the site.

Scott Vincent, Assistant City Attorney, provided interpretation of the necessary finding for a modification in this context, referencing the language in the Staff Report taken from the Zoning Ordinance. Mr. Vincent sees the word 'necessary' as modifying the word 'modification' explaining that the modification is necessary in order for the improvement to exist, not that the improvement is necessary. The word modifying 'improvement' is the word 'appropriate'. In order to approve the modification, the Commission must find that the improvement proposed is appropriate for the site. There is room for interpretation on what is 'appropriate'.

Mr. Limón added additional alternatives to the protection of the bluffs that could be considered, such as on-grade platforms, if the Commission chose to eliminate the deck setback modification.

Ms. Allen reminded the Commission that a lot of modifications had already been removed. The reduction from the last presentation is already eliminating a nonconforming element from the building setback. This modification is asking for an existing condition to remain.

MOTION: Thompson/Bartlett

Assigned Resolution No. 034-07

Approve the modification and the Coastal Development Permit making the findings outlined in the Staff Report and subject to the conditions of approval in the Staff Report.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Larson, White) Abstain: 0 Absent: 2 (Jacobs, Jostes)

Commissioners Larson and White could support either the modification or the house size, but not both.

Chair Myers announced the ten calendar day appeal period.

III. DISCUSSION ITEM:

ACTUAL TIME: 2:19 P.M.

SEMI ANNUAL MEASURE E UPDATE

Planning Staff will present a bi-annual update for 2007 on Charter Section 1508 (Measure E) including status on the use of square footage in the various categories.

Case Planner: Adam Nares, Planning Technician II
Email: anares@SantaBarbaraCA.gov

Adam Nares, Planning Technician II, gave the Staff's presentation, joined by Bettie Weiss, City Planner.

Chair Myers opened the public comment at 2:30 P.M. and, with no one wishing to speak, closed the hearing.

Staff answered the Planning Commission's questions about the large number of projects pending approval, explaining that many were for condominiums that require a longer review process; also explained were contributory factors that add to the City's growth fluctuation, including economic, environmental, and water quality issues. The pending projects category is very broad; pre-application review projects are included in the presentation numbers, but many choose not to continue with the review process after the pre-application review.

The Planning Commission asked how to handle pending projects as Measure E comes to a close. Bettie Weiss, City Planner, responded that, as Measure E is evaluated for renewal through the Plan Santa Barbara General Plan Update process, there will be impacts on projects in the pipeline that will need to be considered as part of creating the replacement of Measure E, which also may include residential development. As in any policy shifting period, it will be necessary. Ms. Weiss noted that the demand for small additions has gone down during the 20 year period; in some early years, it was necessary to do a lottery to determine what applications would be considered.

IV. ZONING ORDINANCE AMENDMENT:

ACTUAL TIME: 2:50 P.M.

CITY INTERIM ORDINANCE RELATED TO NEW MEDICAL MARIJUANA DISPENSARIES

Planning Staff will conduct a public hearing on a proposed City zoning ordinance which would preclude new medical marijuana dispensaries within the City for a period of 180 days beginning August 14, 2007. The purpose of the ordinance is to give the City Council and Planning Commission sufficient time to draft and adopt a comprehensive City zoning ordinance amendment containing long-term regulations for the proper location and operation of medical marijuana dispensaries within the City. Nothing in either ordinance would allow Medical Marijuana Dispensaries to operate in a manner contrary to state law.

Case Planner: Danny Kato, Senior Planner
Email: dkato@SantaBarbaraCA.gov

Danny Kato, Senior Planner, gave the Staff's presentation, joined by Steve Wiley, City Attorney.

Staff answered Planning Commissioners' questions about the potential for sale of marijuana at pharmacies and the establishment of a primary caregiver; justification for the need for ten medical marijuana dispensaries as related to the Santa Barbara City population; the identification and validation of a medical marijuana dispensary as a nonprofit; the number and nature of complaints received; classification of dispensaries relocating within the six month ordinance; and the location of medical marijuana dispensaries in the City.

Steve Wiley, City Attorney, stated that, if a medical marijuana dispensary was registered with a business tax certificate and open and operating prior to August 14, 2007, then this ordinance would not preclude them from moving to another location. It was also noted that this is an interim ordinance. A later Conditional Use Permit (CUP) Ordinance will come back before the Commission and City Council that would regulate medical marijuana dispensaries similar to those that regulate adult businesses and specifically regulate location.

Chair Myers opened the public hearing at 3:31 P.M with the following people expressed public comment:

1. Kathy Sheffield requested regulation of dispensaries; concerned with noise and crime associated with them, specifically 211 W. Sola Street. Regulation should include where it is located, medical setting, notification to neighbors, a moratorium, background checks, control of the number of dispensaries, a list of prescribing doctors, a hospice setting, a reason for prescription, and parking. There are no dispensaries in Carpinteria, the City of Los Angeles, or Ventura, so many people are coming here.
2. Susan Lafond spoke in support of interim ordinance and concerned with dispensary activities in contrast to Federal and State laws. Referenced the State law as specifically stating that dispensaries can only sell to County residents. Would like to know how many physicians in the City are allowed to issue certificates. The State Code also states that medical marijuana cannot be sold within 1000 feet of a school, recreation center or other facility, unless in a residence.

3. Joan Livingston, neighbor to Acme dispensary at 211 W. Victoria, expressed concern that self-regulation is currently not adopted by all dispensaries, the impact of parking in the neighborhoods, and fumes of marijuana affecting both adults and children. Supports a moratorium be enacted.
4. Sharon Palmer, Registered Nurse, The Compassion Center of Santa Barbara County, commented that the dispensary has conducted itself ethically. Only RN's have been hired to dispense marijuana. Cannabis is a plant and drug companies cannot patent a plant so therefore not dispensed at pharmacies. In favor of taxing cannabis. Does not see a need for additional rules or regulations.

One Commissioner asked about the consumption of marijuana on the dispensary premises. Ms. Palmer stated that she was only aware of Acme dispensary allowing consumption; most dispensaries do not allow consumption within 1000 feet of the dispensary.

5. Ethan Kravitz, a person familiar with medical marijuana law, commented that doctors can only recommend, but not prescribe, marijuana to patients which is why pharmacies cannot dispense. Pharmacy prescriptions are regulated by the Drug Enforcement Agency (DEA) which does not recognize medical marijuana. It will not be possible to get an accurate count of medical marijuana patients in the County since an ID card is optional, so most patients do not register. All that is required is a note from a licensed doctor to go into a dispensary.

One Commissioner asked Mr. Kravitz how a doctor's letterhead is confirmed as valid and contrasted the prescription process which is tracked. Mr. Kravitz stated that most dispensaries have the patient fill out forms and call the doctor and check with the medical board for verification.

With no one else wishing to speak, the public hearing was closed at 3:31 P.M.

Mr. Kato read off a list of ten known dispensaries in Santa Barbara.

Commissioner's comments regarding interim ordinance:

1. Consensus of Commissioners was in support of a medical marijuana dispensary interim ordinance.
2. Suggested controls in Section D that insure that current operating dispensaries operate in accordance with California law.
3. Suggested clarification of the language in the fourth paragraph on page two (the last whereas) that appears to be missing some additional words.
4. Suggested that the language in section two, number four could be reworded differently as it may not be appropriate to dispensaries.

Commissioner's comments regarding future regulation:

1. Would like to see the distribution of medical dispensaries on a map that shows the existing number of dispensaries and their proximity to schools and day care facilities; and land use issues.
2. Suggested appropriate locations be included in the ordinance, such as a hospice or a hospital.
3. Suggested that dispensaries be for people that live in the local area only.
4. Suggested that medical marijuana not be consumed on premises, or anyone be allowed to drive after consumption.
5. Suggested that anyone who grows medical marijuana should be inspected. We should know where it's being grown and how much is in cultivation and associated with a dispensary.
6. Suggested site visits to see first hand what is working and what is not, before jumping to conclusions based on one bad example.
7. Many Commissioners expressed interest in prohibiting the consumption of marijuana at the dispensary site and also prohibiting the growing of plants on site.
8. Operating hours are critical and should be included.

Mr. Wiley stated that subsection C already adequately addresses California law compliance and is referred to as SB420. It does not imply that a dispensary is in compliance with Federal Law.

MOTION: Thompson/Larson

Assigned Resolution No. 035-07

Recommend approval to the City Council to adopt the City Interim Control Ordinance, prohibiting the establishment of new medical Marijuana dispensaries, Citywide, for a period of six months beginning upon the effective date of the ordinance, with the Planning Commission comments and recommendations as discussed.

This motion carried forward by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs/Jostes)

V. ADMINISTRATIVE AGENDA:

A. Committee and Liaison Reports.

Commissioner White noted the Harbor Commission's minutes and requested information on the West Beach Pedestrian Improvement Project. He did not recall the subject being discussed before the Planning Commission.

Ms. Hubbell responded that discussion has taken place at the Staff level and provided an update. A Coastal Development Permit is required and the project will

be coming before the Planning Commission. The consensus of Commissioners suggested a concept review of the project.

Chair Myers expressed concerns about the bike path in the area; it is difficult to use.

- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.080.

None.

- C. Action on the review and consideration of the items listed in I.B.2. of this Agenda.

MOTION: White/Larson

Approve the minutes from August 9, 2007 with edits.

This motion carried forward by the following vote:

Ayes: 4 Noes: 0 Abstain: 1 (Bartlett) Absent: 2 (Jacobs/Jostes)

VII. ADJOURNMENT:

MOTION: Thomsson/Larson

To adjourn the meeting of September 6, 2007.

This motion carried forward by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs/Jostes)

Chair Myers adjourned the meeting at 3:55 p.m.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 034-07

3427 SEA LEDGE LANE

COASTAL DEVELOPMENT PERMIT, MODIFICATION

SEPTEMBER 6 2007

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)

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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 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].

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

WHEREAS, 3 people appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 2, 2007.
2. Staff Memorandums of June 21, 2007, and September 6, 2007 2007

3. Site Plans
4. Correspondence received in support of the project:
 - a. Norman H. Caldwell, Santa Barbara, CA
 - b. Antionette Kiraly, Santa Barbara, CA
 - c. Michael W. Weinstock, Santa Barbara, CA
 - d. Edward Fuller, via email
 - e. Anonymous, Santa Barbara, CA

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

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

The Planning Commission finds that the requested interior yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

Coastal Development Permit (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

- 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 Public Works permit or Building 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 Single Family Design Board (SFDB). Such plan shall not

be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the owner is responsible for its immediate replacement.

3. **Maintenance of Drainage System.** Owner 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 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 and/or Coastal Development Permit is required to authorize such work.
4. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 6, 2007, is limited to approximately 5,455 square feet of building, including a new 540 square foot attached two-car garage and a new 612 square foot basement, 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.
5. **Cliff Drive Sewer Connection Requirement.** As a condition of approval of this project, Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
6. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
7. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the

aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

B. Design Review. The following is subject to the review and approval of the Single Family Design Board (SFDB):

1. **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.
2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the SFDB, which should be consistent with the previously approved 1987 Drought Tolerant Landscape Plant List required for the areas adjacent to the bluff top areas. Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the owner is responsible for its immediate replacement.
3. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff and sloped areas. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
4. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
5. **Meet Zoning and Coastal Setback Requirements.** Redesign and relocate the bluff-side deck and all building elements to be outside the required zoning setback. Additionally, the deck shall be relocated outside the 75-year bluff setback.

C. 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. **Drainage Calculations.** The Owner shall submit approved drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.
2. **Approved 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.

D. 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. **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.

E. Building Permit Plan Requirements. The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Technical Reports.** All recommendations of the structural engineer, geological, and soils reports, approved by the Building and Safety Division, shall be incorporated into the construction plans.
2. **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.
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F. **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 container for collection of demolition/construction materials.

2. **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.

3. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

5. **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, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
6. **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.
7. **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 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.

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

Repair Damaged Public Improvements. Repair any damaged public improvements (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.[Not a big deal if this is kept, but what is the likelihood that any public improvements will be damaged when the project is on a private street?]

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

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

NOTICE OF 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.g, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use 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.

This motion was passed and adopted on the 6th day of September, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Larson, White) ABSTAIN: 0 ABSENT: 2 (Jacobs, Jostes)

PLANNING COMMISSION RESOLUTION No. 034-07
3427 SEA LEDGE LANE
SEPTEMBER 6, 2007
PAGE 9

DRAFT

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. 035-07

NEW MEDICAL MARIJUANA DISPENSARIES INTERIM ORDINANCE

RECOMMENDATION TO CITY COUNCIL

SEPTEMBER 6, 2007

CITY INTERIM ORDINANCE RELATED TO NEW MEDICAL MARIJUANA DISPENSARIES

Planning Staff will conduct a public hearing on a proposed City zoning ordinance which would preclude new medical marijuana dispensaries within the City for a period of 180 days beginning August 14, 2007. The purpose of the ordinance is to give the City Council and Planning Commission sufficient time to draft and adopt a comprehensive City zoning ordinance amendment containing long-term regulations for the proper location and operation of medical marijuana dispensaries within the City. Nothing in either ordinance would allow Medical Marijuana Dispensaries to operate in a manner contrary to state law.

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

WHEREAS, 5 people appeared to speak in favor of the ordinance, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

Staff Report with Attachments, August 30, 2007

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

Recommended approval of the New Medical Marijuana Dispensaries Interim Ordinance, prohibiting the establishment of new medical Marijuana dispensaries, Citywide, for a period of six months beginning upon the effective date of the ordinance, to City Council with the following Planning Commission recommendations:

Regarding interim ordinance:

1. Consensus of Commissioners was in support of a medical marijuana dispensary moratorium.
2. Suggested controls in Section D that insure that current operating dispensaries operate in accordance with California law.
3. Suggested clarification of the language in the fourth paragraph on page two (the last whereas) that appears to be missing some additional words.
4. Suggested that the language in section two, number four could be reworded differently as it may not be appropriate to dispensaries.

Regarding future regulation:

1. Would like to see the distribution of medical dispensaries on a map that shows the existing number of dispensaries and their proximity to schools and day care facilities; and land use issues.
2. Suggested appropriate locations be included in the ordinance, such as a hospice or a hospital.
3. Suggested that dispensaries be for people that live in the local area only.
4. Suggested that medical marijuana not be consumed on premises, or anyone be allowed to drive after consumption.
5. Suggested that anyone who grows medical marijuana should be inspected. We should know where it's being grown and how much is in cultivation and associated with a dispensary.
6. Suggested site visits to see first hand what is working and what is not, before jumping to conclusions based on one bad example.
7. Many Commissioners expressed interest in prohibiting the consumption of marijuana at the dispensary site and also prohibiting the growing of plants on site.
8. Operating hours are critical and should be included.

This motion was passed and adopted on the 6 day of September, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Jostes)

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

Planning Division

PLANNING COMMISSION MINUTES

September 13, 2007

CALL TO ORDER:

Chair Charmaine Jacobs was absent. Vice Chair George C. Myers assumed the Chair. Chair Myers called the meeting to order at 1:03 P.M.

ROLL CALL:

Present:

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

Absent:

Charmaine Jacobs, Stella Larson

STAFF PRESENT:

Jan Hubbell, Senior Planner
N. Scott Vincent, Assistant City Attorney
Rob Dayton, Principal Transportation Planner
Steve Foley, Supervising Transportation Planner
Suzanne Johnston, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. Debra Andalaro, Project Planner and Susan Reardon, Project Planner, have been promoted to Senior Planners and will share the positions of Staff Hearing Officer and Training Officer.

2. The 1400 Rogers Court appeal scheduled to be heard by the City Council on October 2, 2007 will be rescheduled for another date.
3. The Planning Commission decision last week for 3427 Sea Ledge Lane was appealed to City Council with a hearing date pending.

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

Chair Myers opened the public hearing at 1:04 P.M., and with no one wishing to speak, closed the hearing.

II. NEW ITEM:

ACTUAL TIME: 1:04 P.M.

APPLICATION OF KEITH RIVERA, ARCHITECT FOR SYNCON HOMES, 927 & 933 OLIVE STREET, APNs: 029-302-030 & 029-302-031, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2006-00421)

The project consists of a proposal to demolish two existing single-family homes and two existing garages and construct a five-unit condominium development. The project includes five two-bedroom units ranging from approximately 2,100 square feet to 2,150 square feet on an 11,761 square foot lot. Parking would be provided within five two-car garages. The project will include a voluntary lot merger to combine the two existing parcels.

The discretionary applications required for this project are:

1. A Modification to allow encroachments into the interior yard setbacks. (SBMC §28.92.026.A);
2. A Modification to allow encroachments into the rear yard setback. (SBMC §28.92.026.A); and
3. A Tentative Subdivision Map for a one-lot subdivision to create five (5) 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 Sections 15303 [New Construction].

Case Planner: Suzanne Johnston, Assistant Planner
Email: sjohnston@SantaBarbaraCA.gov

Suzanne Johnston, Assistant Planner, gave the Staff presentation.

Keith Rivera, B3 Architects, gave the applicant presentation.

Staff answered additional Planning Commission questions about how the project was reviewed against the Urban Design Guidelines by Architectural Board of Review (ABR);

how 18 units per acre density is supported in this area; zoning uses on this parcel per the General Plan; retirement of existing street lights on utility poles and installation of (1) replacement City Standard street light.

Mr. Rivera addressed the Planning Commission and stated that the comments made by ABR were not included in the plans submitted for Planning Commission review today.

Mr. Rivera also responded to the Commission's questions about construction and demolition recycling; the incorporation of sandstone curbing; second story elevation comments made by ABR; clarification of square footage totals; and gross versus net square footage calculations on stairwells and entries. Additional responses were made to questions about consideration for solar applications; preservation of existing lot retaining wall and vegetation and landscaping; approximate building area encroaching into the setbacks versus public benefit of front yard being kept outside the setback; and the lack of a roof plan.

Mr. Rivera explained the reasoning for three full baths in some units; the permeable paving dictated by the drainage system; and clarification of the patio enclosure wall.

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

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

1. Fae Perry, speaking for Ron Boeddeker, Transcontinental Corporation, submitted pictures and expressed concern over the size, bulk, scale and view loss.
2. Paula Westbury spoke with a request for the preservation of Santa Barbara and against further development. Consideration was asked for the burial ground beneath the proposed project.

With no one else wishing to speak, the public hearing was closed at 1:50 P.M.

Commissioners expressed favorable comments for the project with the consensus of the Commission desiring the inclusion of photo voltaics as a part of the conditions.

Commissioners expressed some concern over the massing of the project and felt that the project could be pulled in a little bit.

MOTION: Jostes/White

Assigned Resolution No. 036-07

Approved the project making the findings in the Staff Report for the Interior Yard and Rear Yard Setback Modifications and Tentative Subdivision Map, and New Condominium Development subject to the Conditions of Approval in Staff Report Exhibit A, with additional conditions: 1) The second floor of the southerly building shall be moved back a minimum of five feet in order to reduce its square footage and improve its street presence; 2) The applicant shall provide a photo-voltaic system for the project with the intent of providing 85% of the projected energy use. The calculation shall be submitted for review

and acceptance by the Planning Division prior to final ABR approval; and 3) The applicant will provide one residential style street light and two fruitless olive street trees.

Mr. Aaron Amuchastegui, Syncon Homes, agreed to the added condition of the installation of photo voltaics. Syncon Homes, one of five builders in the Country certified green, is new to photo voltaics and will do research for installation to comply with the added request.

The Commission has agreed to allow Staff discretion for the applicant's ability to meet substantial conformity.

Scott Vincent, Assistant City Attorney, asked for clarification of the 85% energy efficiency calculation as to definition, calculation, and timing. Commissioner Jostes responded that the percentage is based on the intent of having the project being 100% self-sufficient in energy consumption.

Ms. Hubbell added that a stipulation of kilowatts would carry its own problems, since we do not know if the system would fit on the roof. What was being used for consumption in the 1970's is very different from what is being used today. Looking at the projected energy at the time of ABR final and looking at 85% of that figure is preferred since a precise figure cannot be determined at this time.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Larson)

Chair Myers announced the ten calendar day appeal period.

III. ADMINISTRATIVE AGENDA

A. A. Committee and Liaison Reports.

None.

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

Commissioner White reported on the Staff Hearing Officer meeting held yesterday.

1. The 2020 Edgewater setback modification was approved.
2. The 226 & 232 Eucalyptus Hill Drive lot adjustment was denied and will be appealed to the Planning Commission.

C. Action on the review and consideration of the draft minutes of July 12, 2007. Continued to September 20, 2007.

IV. ADJOURNMENT

Chair Myers adjourned the meeting at 2:21 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 036-07

927 & 933 OLIVE STREET

TENTATIVE SUBDIVISION MAP AND MODIFICATIONS

SEPTEMBER 13, 2007

APPLICATION OF KEITH RIVERA, ARCHITECT FOR SYNCON HOMES, 927 & 933 OLIVE STREET, APNs: 029-302-030 & 029-302-031, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2006-00421)

The project consists of a proposal to demolish two existing single-family homes and two existing garages and construct a five-unit condominium development. The project includes five two-bedroom units ranging from approximately 2,100 square feet to 2,150 square feet on an 11,761 square foot lot. Parking would be provided within five two-car garages. The project will include a voluntary lot merger to combine the two existing parcels.

The discretionary applications required for this project are:

1. A Modification to allow encroachments into the interior yard setbacks. (SBMC §28.92.026.A);
2. A Modification to allow encroachments into the rear yard setback. (SBMC §28.92.026.A); and
3. A Tentative Subdivision Map for a one-lot subdivision to create five (5) 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 Sections 15303 [New Construction].

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 2 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 29, 2007
2. Site Plans
3. Correspondence received in support of the project:
 - a. Grant Castleberg, 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. Interior Yard Setback Modification (SBMC §28.21.060)

The Planning Commission finds that the requested interior yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The rear yard modification would allow the building containing Units 1 & 2 to encroach 10 feet into the required ten foot setback for three-story buildings. This structural encroachment can be supported because the adjacent two-story commercial building does not allow for the separation of structures to provide light and air and allows for the use of common driveway for the development, decks and balconies that orient use to the center of the property. In addition, this modification allows the provision of enclosed parking which is not visible from the street and enhances the usefulness of the project.

B. Rear Yard Setback Modification (SBMC §28.21.060)

The Planning Commission must find that the requested rear yard front yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The rear yard modification would allow the second floor of Unit 5 to encroach four feet into the required ten foot setback. The rear yard modification can be supported due to fact that it is offset by the increased front yard setback over what is required, allowing for additional green-space, which is closest to the adjacent commercial uses and parking to the west.

C. 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.

D. 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") (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:
 - a. **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.
 - b. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 - c. **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.
 - d. **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:
 - (1) **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.

- (2) **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.
 - (3) **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.
 - (4) **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.
 - (5) **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.
- B. **Public Works Submittal Prior to Final/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 Final/Parcel Map and prior to the issuance of any permits for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 3. **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. **Olive Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Olive Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, supply and install one residential City standard street light, style to be determined by the Public Works

Department and the appropriate design review board, coordinate with City staff to retire light standards on existing utility poles, -curbs, gutters, slurry seal a minimum of 20 feet beyond the limits of all trenching, underground service utilities (SBMC §22.38.125 and §27.08.025), connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), preserve and/or reset survey monuments and contractor stamps, storm drain stenciling, supply and install two new designated street trees, Olea europaea (Olive), fruitless named variety, 24-inch box size and install new designated street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

5. **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.
- 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. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 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. **Southerly Building Design.** The second floor of the southerly building shall be moved back a minimum of five feet in order to reduce its square footage and improve its street presence.
 4. **Photo-voltaics.** The applicant shall provide a photo-voltaic system for the project with the intent of providing 85% of the projected energy use. The calculations shall be submitted for review and acceptance by the Planning Division prior to final Architectural Board of Review approval.
- 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 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.

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. **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.
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.

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

plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **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.
2. **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.

3. **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.

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

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

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

The Planning 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 13th day of September, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Larson)

PLANNING COMMISSION RESOLUTION No. 036-07
927 & 933 OLIVE STREET
SEPTEMBER 13, 2007
PAGE 10

DRAFT

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

DRAFT

City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

September 20, 2007

CALL TO ORDER:

Chair Charmaine Jacobs was absent. Vice Chair George C. Myers assumed the Chair. Chair Myers called the meeting to order at 1:10 P.M.

ROLL CALL:

Present:

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

Absent:

Charmaine Jacobs

STAFF PRESENT:

Paul Casey, Community Development Director
Bettie Weiss, Staff Hearing Officer / City Planner
Jan Hubbell, Senior Planner
Jaime Limón, Senior Planner
N. Scott Vincent, Assistant City Attorney
Rob Dayton, Principal Transportation Planner
Karen Ramsdell, Airport Director
Debra Andaloro, Environmental Analyst
Michael Berman, Environmental Analyst
Laurie Owens, Project Planner
Kathleen Kennedy, Associate Planner
Peter Lawson, Associate Planner
Stacey Wilson, Associate Transportation Planner
Andrew Bermond, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

None.

- B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. Zoning Ordinance Amendments will be reviewed on October 2, 2007 at a Council Ordinance Committee Meeting in the David Gephardt Public Meeting Room from 12 P.M. – 2 P.M. Commissioners White and Jostes will represent the Planning Commission.
2. 1722 State Street rezone ordinance will be introduced at City Council on November 13, 2007.
3. 1400 Rogers Court appeal will be heard by the City Council in December.
4. 3427 Sea Ledge Lane will be appealed to the City Council in December.

- 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, closed the hearing.

II. CONTINUED ITEM:

ACTUAL TIME: 1:12 P.M.

To avoid any perceived conflict of interest, Commissioner White stepped down from hearing this item due to a longstanding business association with the owner.

APPLICATION OF JYL RATKEVICH ARCHITECT/AGENT FOR PROPERTY OWNER, 2519 ORELLA STREET, 025-021-007, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL (12 UNITS/ACRE) (MST2007-00038)

The proposed project involves a proposal to convert six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The proposal includes, new paving and landscaping, demolition of an existing garage and construction of a new storage building. Seven parking spaces currently exist on site and one additional parking space for guest parking is proposed for a total of eight parking spaces. A single car garage, partially located in the required side yard setback, will be demolished and a freestanding storage building, with individual secure space for each of the units, will be constructed on the western side of Unit 2519A. Exceptions to the physical standards for condominium conversions have been requested for all of the units to be less than the required unit size, the location of the storage space and for having less than the required number of parking spaces per unit.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and
2. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including an exception to reduce the required parking for each unit from 1.5 to 1.0 space per unit, the unit size requirements for Unit 2519 C and an exception of the storage space location requirement (SBMC 28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

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

Peter Lawson, Associate Planner, gave the Staff presentation.

Staff answered Planning Commission's questions about whether the number of washers and dryers proposed meets ordinance requirements; and the options for how the potential rental unit could be managed.

Jyl Ratkevich, Architect, gave the applicant presentation.

Ms. Ratkevich and Mr. Holehouse, Owner, answered Planning Commission questions about the sales price range of the units; the desired solution for the studio unit; and handicap accessibility to the rental unit and parking.

Chair Myers opened the public hearing at 1:31 P.M., and with no one wishing to speak, closed the hearing. It was noted for the record that a letter was received from the Allied Neighborhood Association.

Commissioners' Comments:

1. The consensus of Commissioners was appreciative of the rework of the project, but concerned over the loss of rental units.
2. Prefers that the studio be a condominium, too. Supports 8 parking spaces with the inclusion of handicapped parking.
3. One Commissioner appreciated the handicap access included in the parking spaces and hoped that the laundry room was also accessible to the handicap unit. Supports the development of the seven condominiums, but not the inclusion of a rental unit. Initial concern with the size of the units and the loss of neighborhood history.
4. One Commissioner was supportive of the applicant's alternative presentation, but could not support the project due to the loss of rental housing.
5. Concerned with lack of access to Orella Street; it would limit accessibility.

6. Two Commissioners expressed interest in seeing the Architectural Board of Review (ABR) review the laundry building design.
7. One Commissioner was concerned with the size of the small unit, but could support it becoming a handicapped accessible unit. Another Commissioner suggested that the unit be conditioned as an accessible unit.

Staff addressed the restrictions and the preservation of the small court development.

Scott Vincent, Assistant City Attorney, stated that the Subdivision Map Act and the City's Condominium Conversion Act already gives the tenant first right of refusal. The applicant could be encouraged to give notification to the Independent Living Resource Center of the unit's availability.

MOTION: Thompson/Bartlett

Assigned Resolution No. 037-07

Approve the Tentative Subdivision Map and the Condominium Conversion Permit, making the findings in the Staff Report with amended conditions: 1) the parking shall have 8 spaces, including 1 handicap accessible space; and 2) Studio unit shall be identified as an adaptable unit.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Jostes, Myers) Abstain: 0 Absent: 2 (Jacobs, White)

Chair Myers announced the ten calendar day appeal period.

III. STAFF HEARING OFFICER SUSPENSION:

ACTUAL TIME: 1:52 P.M.

Commissioner White returned to the dais at 1:52 P.M.

**APPLICATION OF JEFF SHELTON FOR JULIE & STEVEN SHULEM,
819 GARDEN STREET, APN 031-012-011, C-2 COMMERCIAL ZONE, GENERAL
PLAN DESIGNATION: OFFICE & RESIDENTIAL (MST2005-00439)**

The 1,881 square foot project site is currently developed with a 702 square foot office building. The proposed project involves: demolition of the existing structure, and the construction of a mixed-use building consisting of a first floor 2-car garage with office, second floor office, third & fourth floor residence, and a roof-top deck. The project includes two deeded off-site parking spaces. The discretionary application required for the project is a Modification to not provide the 10% open space as required in SBMC §28.21.080F.

The Staff Hearing Officer approved this project on August 1, 2007, the approval decision was subsequently suspended at the request of the Planning Commission in accordance with SBMC §28.05.020A. The Planning Commission may affirm, reverse or modify the decision of the Staff Hearing Officer.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

Case Planner: Jaime Limón, Senior Planner
Email: jlimon@SantaBarbaraCA.gov

Jaime Limón, Senior Planner, gave the Staff presentation. Bettie Weiss, Staff Hearing Officer, and Stacey Wilson, Associate Transportation Planner, were available to answer questions.

Staff answered Planning Commission questions explaining the architect's interpretation of open space; a request to review the zoning map in comparison to surrounding properties; review of the automobile and pedestrian interface going into the garage; and any consideration for possible impacts to the neighboring properties at the property line.

Jeff Shelton, Architect, gave the applicant presentation.

Mr. Shelton responded to Planning Commission questions about considerations made for plate heights.

Chair Myers opened the public hearing at 2:24 P.M.

Patricia Hiles thought the project is beautiful and would be supportive of the project if it was much smaller and did not compromise open space. Felt the building is too massive and changes the neighborhood; does not support off-site parking; small perimeter around building should not be considered open space.

With no one else wishing to speak, the public hearing was closed at 2:26 P.M.

Staff answered additional Planning Commission's questions about the parking requirement for residential use as related to bedroom count, clarification of the available offsite parking; and data on the setback for the neighboring property at 813 Garden Street.

Commissioners' Comments:

1. To avoid any appearance of a conflict of interest, One Commissioner asked how long the Architect has been involved with the project. The Architect replied that the project has been in his office for at least a year and that there is no conflict issue with the Commissioner's participation in this hearing.
2. Commissioners would like to see further reduction in plate heights. A 2,000 square foot, one-bedroom unit is excessive in size. Too much is being crammed onto the site.
3. Garden Street is seen as the Mason/Dixon line between the Central Business District (CBD) and the less dense areas to the east.

4. Concerned that the two off site parking stalls are outside of the CBD and are being traded to build commercial space inside the CBD resulting in 1000 square feet of commercial instead of 500 square feet. Using the offsite parking agreement has inflated the building size and is contrary to the spirit of the agreement. Three Commissioners took issue with the offsite commercial parking and double counting of square footage. The bulk is mitigated by architectural design. The size is still very tall and Commissioners want to avoid precedent for the corner lot increasing in size.
6. Concerns about open space are relieved; the bulk is mitigated by the excellent design. Concern over canyonization still remains. Suggested pulling back the third story. Appreciated moving mechanical elements from the roof to the garage.
7. Suggested creative garage mirror to allow for pedestrian safety at the exit.

Mr. Shelton asked for clarification of the off street parking location and if it is in a different zone. Expressed concern about the discussion over plate heights when the requested modification dealt with an open yard.

Commissioner White, as Liaison to the Staff Hearing Officer, responded to Mr. Shelton's concern explaining the SHO process and that pulling up of projects by the Planning Commission may have been triggered by a concern, but allows the Planning Commission to review the entire project.

MOTION: Bartlett/Jostes

Assigned Resolution No. 038-07

Affirmed the decision of the Staff Hearing Officer, making the finding that the modification is necessary to secure an appropriate improvement on the site, and meets the purpose and intent of the ordinance.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

Ms. Hubbell responded to the Commission's request for clarity on offsite parking by stating that offsite parking is allowed for commercial usage. When done, the location has to be checked to make sure that the location where the parking is being provided meets ordinance requirements.

Ms. Weiss agreed with Commissioner Bartlett and Ms. Hubbell and added that the parking standard will be spelled out as to its application. Ms. Weiss stated that parking off site is an allowed way to meet the standard in the Zoning Ordinance, but impact on the offsite parking location is also an important project element that should be included in Staff Reports. In this case, this project does meet the zoning ordinance, as does the offside location, and it is allowed.

Commissioner Jostes asked if prior motion could be reconsidered, given the comments expressed after the motion.

Mr. Vincent informed the Commission that a motion for reconsideration could be requested by a majority of the Commission and followed with discussion.

MOTION: Jostes/White

Reconsider the prior motion.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Myers, Bartlett) Abstain: 0 Absent: 1 (Jacobs)

Discussion:

1. One Commissioner asked for reconsideration of the plate heights and the bulk of the commercial area. Asked to look at the one bedroom unit that is over 2000 square feet.
2. A suggestion was made to send the project to the Historic Landmarks Commission (HLC) for review of plate heights.
3. The commercial component is inflated by the off-street parking requirement being one space /1000 square feet; perhaps some second floor office space could be diminished to relieve the upper level mass of the building. Suggested reducing the square footage of commercial to 1000 square feet.

Ms. Weiss commented that, if the square footage of the commercial space is reduced, it could mean the applicant could reduce offsite parking by one space.

MOTION: White/Bartlett

Assigned Resolution No. 038-07

Approved the project and open space modification, making the finding that the modification is necessary to secure an appropriate improvement, subject to HLC review for the purpose of reducing the size, bulk, and scale of the second, third, and fourth floors in order to reduce the visual impact of the face of the proposed building on Garden Street.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

Chair Myers called for a 15 minute recess at 3:13 P.M. and reconvened the meeting at 3:31 P.M.

Commissioners Bartlett and Larson returned at 3:32 P.M.

IV. ENVIRONMENTAL HEARING:

ACTUAL TIME: 3:32 P.M.

APPLICATION OF TRISH ALLEN, SEPPS, AGENT FOR VISITING NURSE AND HOSPICE CARE OF SANTA BARBARA, 930 MIRAMONTE DRIVE, APN 035-023-003 A-1, ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS/ACRE (MST2004-00743)

The project consists of the development of a new 18-bed hospice facility for the Visiting Nurse and Hospice Care of Santa Barbara at the site of the former Community Environmental Council building. The existing 3,990 square foot two-story building would be retained, and the garden center and garage buildings (1,093 square feet total) would be demolished. A new 11,890 square foot hospice facility building would be developed along the north and east sides of the existing building that is to be retained. The new building would provide 18 beds/rooms for clients, along with other accessory facilities. The existing building would be used for offices and other staff-related purposes. A total of 26 parking spaces would be provided including four surface parking spaces and 22 parking spaces in an underground parking garage. The proposed project would widen the existing driveway to a uniform 20-foot width and a new fire truck turn-around area would be provided at the top of the driveway. To facilitate the widening of the driveway, retaining walls would be provided along the western and eastern sides of the driveway.

The purpose of the hearing is to receive comments on the Draft Mitigated Negative Declaration. Written comments should be sent at the earliest possible date, but must be submitted no later than **Monday, October 1, 2007 at 4:30 p.m.** Please send your written comments to: City of Santa Barbara, Planning Division, Attn: **Kathleen Kennedy, Associate Planner**, P.O. Box 1990, Santa Barbara, CA 93102-1990, or send them electronically to **kkennedy@SantaBarbaraCa.gov**

Case Planner: Kathleen Kennedy, Associate Planner and Debra Andaloro, Project Planner
Email: kkennedy@SantaBarbaraCA.gov and dandaloro@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation joined by Debra Andaloro, Project Planner.

Trish Allen, Suzanne Elledge Planning and Permitting Services, gave the applicant presentation joined by Eileen Bunning, President and CEO of Visiting Nurse and Hospice Care of Santa Barbara.

Ms. Allen answered a Planning Commissioner's question about the evolving development of a shelter-in-place fire safety design.

Chair Myers opened the public hearing at 3:47 P.M. and the following people made public comments:

Kathie Organ, neighbor, spoke in support of the project. Her concerns about noise and environmental changes have been mitigated by the applicant and she looks forward to the project.

Jacquelin Daugherty, neighbor, was opposed to this commercial building being put in a residential area. Questioned the number of vehicles at the prior use. Concerns included the impact on safety with increased traffic; the retaining wall design in a fire situation; drainage; erosion during heavy rains; and the fire turnaround. Suggested the area be developed as a park.

With no one else wishing to speak, the public hearing was closed at 3:53 P.M.

Commissioner's Comments:

1. The Commission, in general, stated the Initial Study was well done and thoroughly covered the issues.
2. One Commissioner would like to see General Plan Consistency and Land Use Compatibility addressed in future Mitigated Negative Declarations (MND).
3. Some Commissioners would like to see a shelter-in-place plan be a part of the final MND. Concern was expressed about how such a plan could affect the project design.
4. Grading and draining issues remain a concern. Concerned that drain pipes could concentrate flow, potentially causing damage to the Oak trees. Maybe more oaks are needed to mitigate potential impacts.
5. Some Commissioners expressed concern about the aesthetics of the retaining walls. Suggestions included aesthetic enhancements, breaking them up into lower heights and/or shorter distances, and/or providing more vegetation to hide them.
6. Restoration of the Oak woodland is an offset to the intensification of the site.
7. Would like to see traffic reviewed more carefully, including a focus on the Carrillo Street and Miramonte Drive intersection.
8. One Commissioner would like to see a better study of the relationship of the parking easement to the driveway and better delineation of construction worker parking.

Ms. Hubbell asked for clarification regarding the concern about the shelter-in-place plan. Commissioner Thompson spoke about designs that have included metal shutters, for example, that may change the architectural details.

V. NEW ITEM:

ACTUAL TIME: 4:06 P.M.

APPLICATION OF OWEN THOMAS, AGENT FOR THE CITY OF SANTA BARBARA, 500 JAMES FOWLER ROAD, 073-450-003 (APN), A-F/S-D-3, AIRPORT FACILITIES/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2007-00002)

The project involves construction of a new two-story Airline Terminal facility measuring approximately 65,740 square feet (SF). The new facility would be located south of the existing 20,000 SF main Terminal building, which would remain in operation during construction. The original 5,000 SF 1942 Terminal building would be rehabilitated, with additions constructed in 1967 and 1976 to be removed. The 1942 building would be relocated and incorporated as part of the new facility. The existing rental car/security operations building, airline trailers, baggage claim pavilions, switchgear building and short-term parking kiosk totaling 22,937 SF, which are currently part of the existing Terminal complex, would also be removed and the uses would be incorporated into the new terminal. The existing short-term parking lot would be reconfigured and the loop road would be revised to incorporate an alternative transportation lane for buses, taxis, and shuttles. A new 305 SF parking control building would be constructed for the short-term parking lot. The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 43,108 net square feet of additional nonresidential development in the Terminal Complex allocated from the Community Priority General Plan Category (SBMC § 28.87.300); and
2. A Coastal Development Permit to allow new Airline Terminal structures and facilities in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has prepared an addendum to the Aviation Facilities Plan Environmental Impact Report because new information, and changes in circumstances, project description, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts.

Case Planner: Laurie Owens, Project Planner
Email: lowens@SantaBarbaraCA.gov

Laurie Owens, Project Planner, gave the Staff presentation joined by Andrew Bermond, Assistant Planner.

Karen Ramsdell, Airport Director, gave the applicant presentation joined by Joe Grogan, HNTP, and Fred Sweeney, Phillips- Metsch- Sweeney and Moore (PMSM), and thanked all the review boards that have contributed to this project.

Chair Myers opened the public hearing at 4:48 P.M. and, with no one wishing to speak, closed the hearing.

Staff answered Planning Commission questions about potential use of recycled water for the fire sprinkler system, regional traffic improvements, unmitigated traffic in Goleta and Santa Barbara, and a recycling target for use of demolition materials. Additional questions answered were about the two long term parking lots, photovoltaics in the parking lot, employee bicycle lockers, and changes in light fixtures in front of the terminal.

Ms. Ramsdell answered Planning Commission questions about consideration of lease requirements for airline's use of alternative energy options,

Joe Grogan, HNTB, explained the safety aspects in the area where passenger drop off and commercial vehicles merge to exit. He also responded to questions about the elevation changes in grading on the site plan.

Commissioner's comments:

1. Commissioners expressed confidence in the project being right for Santa Barbara. No other project has been studied as much as this one. Commissioners were supportive of the project and recognized Staff its good work, especially working with neighboring City of Goleta.
2. The Commission felt mitigation measures are better than those initially made in the Environmental Impact Report (EIR).
3. One Commissioner was disappointed that the Commission was not reviewing the Transportation Demand Management Program. Would like to see a plan addressing peak parking.
4. Would like to see light fixtures from Sandspit Road to Highway 101 become consistent as the area becomes developed.
5. Suggested the center island be studied in the area where passenger drop off and commercial traffic merge.
6. Suggested finding creative ways to find donors for landscaping or art elements to offset Airport budget constraints.

MOTION: Thompson/Larson

Assigned Resolution No. 039-07

Approved the project making the findings in the Staff Report for a Development Plan and Coastal Development Permit with the added conditions that: 1) a roundabout be considered in the future in areas when areas to the south of the project site are considered for Terminal Expansion or Terminal parking; and 2) the Transportation Demand Management Program return for discussion.

Ms. Owens suggested the Commission add a condition, suggested by Rob Dayton, Principal Transportation Planner, for a roundabout when areas to the south of the project site are considered for Terminal Expansion or Terminal parking.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

VI. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Myers reported on attending the Lower Mission Creek Flood Control Design Subcommittee and the design progress.

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

None were requested.

C. Review and consideration of the draft minutes of July 12, 2007. Rescheduled from September 13, 2007.

MOTION: Larson/Thompson Approve the minutes of July 12, 2007 with edits.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: As noted. Absent: 1 (Jacobs)

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 5:25 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 037-07

2519 ORELLA STREET

INTERIOR SETBACK MODIFICATION

CONDOMINIUM CONVERSION AND TENTATIVE SUBDIVISION MAP

SEPTEMBER 20, 2007

**APPLICATION OF JYL RATKEVICH ARCHITECT/AGENT FOR PROPERTY OWNER,
2519 ORELLA STREET, 025-021-007, R-3 ZONE, GENERAL PLAN DESIGNATION:
RESIDENTIAL (12 UNITS/ACRE) (MST2007-00038)**

The proposed project involves a proposal to convert six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The proposal includes, new paving and landscaping, demolition of an existing garage and construction of a new storage building. Seven parking spaces currently exist on site and one additional parking space for guest parking is proposed for a total of eight parking spaces. A single car garage, partially located in the required side yard setback, will be demolished and a freestanding storage building, with individual secure space for each of the units, will be constructed on the western side of Unit 2519A. Exceptions to the physical standards for condominium conversions have been requested for all of the units to be less than the required unit size, the location of the storage space and for having less than the required number of parking spaces per unit.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and
2. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including an exception to reduce the required parking for each unit from 1.5 to 1.0 space per unit, the unit size requirements for Unit 2519 C and an exception of the storage space location requirement (SBMC 28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

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, September 6, 2007
2. Site Plans
3. Correspondence received in opposition to the project:

- a. Judy Orias, Allied Neighborhood Association

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. FOR THE CONDOMINIUM CONVERSION (SBMC §28.88.120)

1. The project is consistent with the provisions of the Condominium Conversion Ordinance and the project will not be detrimental to the health, safety, and general welfare of the community.
2. The proposed conversion is legally nonconforming to the density requirement of the Land Use Element of the General Plan (Residential- 12 units/acre). The unit density of the project is 23 units/acre.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
4. The overall design (including project amenities) and physical condition of the conversion, will result in a project which is aesthetically attractive, safe, and of quality construction.
5. The applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.
6. The owner has made a reasonable effort to assist those tenants wishing to purchase their units for purposes of minimizing the direct effect on the rental housing market created by relocating such tenants.
7. The requirements of Section 28.88.130 have been met because there are fewer than 50 units proposed for conversion this year.
8. The use of the site as condominium units will not be detrimental to the public peace, health, safety, comfort or general welfare, nor will it decrease property values in the neighborhood. Adequate consideration has been given to setbacks, visibility, amenities and parking such that there will be no impact on surrounding properties or the neighborhood in general.

C. EXCEPTIONS TO THE PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS (SBMC §28.88.040.N)

1. Unit Size – All of the seven units are less than 600 square feet. These units provide an opportunity buy into the Santa Barbara housing market and the project includes amenities, such as ample outdoor living space and an open floor plan, which offset the project's failure to meet the 600 square foot unit size minimum. Additionally, increasing the size of the unit beyond that proposed would result in increased development on a site that is non-conforming as to density under the General Plan. However, it should be noted that the project is consistent with the Variable Density under the R-3 Zone District.
2. Parking –Historically, there has been one parking space per unit and that will not change. Further, one additional parking space is being provided for guest parking. Given the size of the units at approximately 550 square feet or less and that there is a large amount of common open space in conjunction with private open space, reducing the parking is appropriate. Finally, based upon parking demand, a reduction of parking from 1.5 spaces/unit to 1.0 space per unit has been supported in the past for units of 750 s.f. or less.
3. Location of Storage – The project's design features, such as providing storage in a location that is easily accessible to all affected residents, offsets the fact that the storage is not accessible directly from that unit's parking space.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "*Agreement Relating to Subdivision Map Conditions Imposed on Real Property*" reviewed and approved as to form and content by the City Attorney, Community Development Director and Public Works Director that shall be executed by the Owners concurrent with the Final Map, and recorded by the City prior to issuance of any Public Works permit or Building Permits for the condominium conversion. Said agreement(s) shall be recorded in the Office of the County Recorder:

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 September 20, 2007 is limited to converting six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The project includes demolition of an existing garage and construction of a new, freestanding 244 square foot storage building that would serve each of the units. A laundry facility would also be located within the storage building and a common trash area would be located adjacent to the building. Seven existing parking spaces will remain and one guest parking space is proposed. Exceptions to the physical standards for condominium conversions have been requested for the units to be less than the required unit size of 600 square feet, the location of the storage space and for having less than the required number of parking spaces per unit and the improvements as shown on the Tentative Subdivision Map and architectural plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
6. **Accessible Unit.** If any time the accessible studio unit is made available for sale, the Independent Living Resource Center, or successor agency serving the disabled population, shall be notified of the unit's availability.
- 6.7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways,

common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Available for Parking for Tenants.** A covenant that includes a requirement that all parking spaces, except for one guest parking space, be kept open and available for the parking of vehicles owned by the residents of the property. One handicapped parking space shall be provided and assigned to the studio unit.
- 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.

7.8. **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan shall be preserved, protected, and maintained. 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. **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 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 three to one (3:1) 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.
- C. **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 B above.
 2. **Hydrology Calculations.** All drainage conveyance systems shall be designed to convey the 25-year storm event. If additional drainage conveyance structures are needed based on the review of the results of the hydrology calculations, the improvements shall be shown on the improvement plans and constructed prior to Certificate of Occupancy for the improvements permit, and prior to recordation of the Final Map, at the sole expense of the Owner.
 3. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
 4. **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.
 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.

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.
 6. **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.

D. 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. Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of 1 street tree in the front yard setback.
- 4. Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
- 5. Noise Measurements.** Submit an interior noise analysis from a licensed acoustical engineer, verifying that interior noise levels for future conditions (20 years) are no more than 45 dBA CNEL. As part of the structural and seismic upgrades, any deficiencies in noise mitigation shall be remedied.

- E. **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88) (including adjustments to the tenant assistance specified in Subsection 28.88.100.G as specified below):
1. **Notice of Approval of Conversion.** Owner shall deliver written notice to each tenant household within 15 days of the approval of the conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
 2. **Notice of Final Map.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval.
 3. **Notice of Department of Real Estate Report.** Owner shall deliver written notice to each tenant household that an application for a public report has been submitted with the California Department of Real Estate within 10 days of the submission of such application.
 4. **Exclusive Right to Purchase (Right of First Refusal).** Prior to issuance of a Certificate of Occupancy on the Conversion Permit, Owner shall provide evidence of the extension of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.
 5. **Notice of Vacation of Unit.** Each non-purchasing tenant household that is not in default shall have not less than 180 days from the date of approval of the conversion in which to find substitute housing and to relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100.E of the Municipal Code.
 6. **Tenant Displacement Assistance.** In the place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89. Evidence of compliance with this condition shall be submitted prior to the issuance of a Certificate of Compliance for the conversion permit.
- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction
1. **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. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Saturday before 7:00 a.m. and after 5:00 p.m., and all day on 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.

3. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval.
4. **Oak Tree Protection.** The following provisions shall apply to existing oak trees on site:
 - a. 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.
 - b. Grading within the dripline of any oak tree 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.
 - c. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - d. 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.

5. **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.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- G. **Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to recordation of the Final Map:
 1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the seven units to condominiums.

2. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
4. **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.7 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
5. **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.
6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
7. **Orella Street Public Improvement Plans.** The Owner shall submit public improvement plans for construction of improvements along the property frontage on Orella Street. 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: *crack seal to the centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits 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, detention, erosion protection (provide off-site storm water BMP plan), etc.), supply and install one (1)*

residential standard street light, style to be determined by the Public Works Department and the ABR, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs according to the MUTCD Chapter 6, and provide adequate positive drainage from site. The existing private sewer lateral serving the property is subject to the Sewer Line Inspection Program and shall be repaired before new dwellings are 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, drainage calculations and hydrology report shall be prepared by a registered civil engineer. Any work in the public right of way requires a public works permit.

8. **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.
 9. **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.
- H. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- I. **Prior to Certificate of Occupancy for the Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Conversion Permit, 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 building plans, including utility service undergrounding and installation of street trees.

3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 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).
 5. **Recordation of Final Map and Agreements.** After City Council approval of the Map and Agreements, the Owner shall provide evidence of recordation to the Public Works Department.
- J. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING CONDOMINIUM CONVERSIONS) 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 20th day of September, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Jostes, Myers) ABSTAIN: 0 ABSENT: 2 (Jacobs, White)

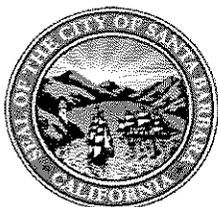
I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

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. 038-07
819 GARDEN STREET
OPEN YARD MODIFICATION
SEPTEMBER 20, 2007

**APPLICATION OF JEFF SHELTON FOR JULIE & STEVEN SHULEM,
819 GARDEN STREET, APN 031-012-011, C-2 COMMERCIAL ZONE, GENERAL PLAN
DESIGNATION: OFFICE & RESIDENTIAL (MST2005-00439)**

The 1,881 square foot project site is currently developed with a 702 square foot office building. The proposed project involves: demolition of the existing structure, and the construction of a mixed-use building consisting of a first floor 2-car garage with office, second floor office, third & fourth floor residence, and a roof-top deck. The project includes two deeded off-site parking spaces. The discretionary application required for the project is a Modification to not provide the 10% open space as required in SBMC §28.21.080F.

The Staff Hearing Officer approved this project on August 1, 2007, the approval decision was subsequently suspended at the request of the Planning Commission in accordance with SBMC §28.05.020A. The Planning Commission may affirm, reverse or modify the decision of the Staff Hearing Officer.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

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 opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 20, 2007
2. Site Plans

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

- I. Approved the subject application making the following findings and determinations:
The open yard modification is necessary to secure an appropriate improvement on the project site.
- II. Said approval is subject to the following condition:
The Historic Landmarks Commission shall review the project with the intent of reducing the size, bulk, and scale of the second, third, and fourth floors in order to reduce the visual impact of the proposed building on Garden Street.

PLANNING COMMISSION RESOLUTION No. 038-07
819 GARDEN STREET
SEPTEMBER 20, 2007
PAGE 2

DRAFT

This motion was passed and adopted on the 20th day of September, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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. 039-07

500 JAMES FOWLER ROAD

DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT

SEPTEMBER 20, 2007

APPLICATION OF OWEN THOMAS, AGENT FOR THE CITY OF SANTA BARBARA, 500 JAMES FOWLER ROAD, 073-450-003 (APN), A-F/S-D-3, AIRPORT FACILITIES/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2007-00002)

The project involves construction of a new two-story Airline Terminal facility measuring approximately 65,740 square feet (SF). The new facility would be located south of the existing 20,000 SF main Terminal building, which would remain in operation during construction. The original 5,000 SF 1942 Terminal building would be rehabilitated, with additions constructed in 1967 and 1976 to be removed. The 1942 building would be relocated and incorporated as part of the new facility. The existing rental car/security operations building, airline trailers, baggage claim pavilions, switchgear building and short-term parking kiosk totaling 22,937 SF, which are currently part of the existing Terminal complex, would also be removed and the uses would be incorporated into the new terminal. The existing short-term parking lot would be reconfigured and the loop road would be revised to incorporate an alternative transportation lane for buses, taxis, and shuttles. A new 305 SF parking control building would be constructed for the short-term parking lot. The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 43,108 net square feet of additional nonresidential development in the Terminal Complex allocated from the Community Priority General Plan Category (SBMC § 28.87.300); and
2. A Coastal Development Permit to allow new Airline Terminal structures and facilities in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has prepared an addendum to the Aviation Facilities Plan Environmental Impact Report because new information, and changes in circumstances, project description, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts.

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, September 14, 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 Aviation facilities Plan FEIR 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 Environmental Impact Report is not required because the proposed project remains largely unchanged from the existing project described in the Final Environmental Impact Report for the Santa Barbara Aviation Facilities Plan (SCH# 2000111037).
 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 Final Environmental Impact Report. 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 Final Environmental Impact Report and Addendum dated September 20, 2007.

Consideration of Final EIR/EIS

The Planning Commission has reviewed and considered the information contained in the Final Aviation Facilities Plan EIR along with public comments received and final document responses and the Addendum dated September 20, 2007, and finds that the Final EIR and Addendum was completed in compliance with the California Environmental Quality Act (CEQA) and reflects the independent judgment and analysis of the Planning Commission and constitutes adequate environmental evaluation and documentation for the Airline Terminal Improvement Project.

Class I Impacts: Significant Unavoidable Impacts

The Final AFP EIR/EIS and Addendum identify no significant unavoidable environmental impacts associated with the Airline Terminal Improvement Project.

Class II Impacts: Potentially Significant Impacts Mitigated to Insignificant Levels

Mitigation measures have been required and/or changes incorporated into the Airline Terminal Improvement Project which would avoid or substantially lessen the following potentially significant effects of the Airline Terminal Improvement Project described in the Final AFP EIR/EIS and Addendum to less than significant levels: air quality, hazardous materials, water quality, cultural resources, floodplains, geology, solid waste and ground transportation. These impacts and mitigation measures are summarized as

follows:

1. **Air Quality**

Potential air quality impacts from temporary construction-related fugitive dust (PM₁₀) would be mitigated by the implementation of appropriate dust control measures (Mitigation Measures [MM] 3.5-1, -2, -3, -4, -5, -6 and -7) throughout grading and construction of the Airline Terminal Improvement Project.

2. **Hazardous Materials**

Potential hazardous materials impacts due to exposure of the public, workers or the environment to contaminated soil or accidental spills during construction or ongoing vehicle maintenance and refueling would be mitigated by the implementation of a Construction Contingency Plan (MM 3.6-1), remediation plan procedures (MM 3.6-2), and best management practices for refueling, equipment maintenance and materials storage to prevent spill contamination (MM 3.6-3).

3. **Water Quality**

Potential water quality impacts to local wetlands due to sedimentation and/or hazardous materials release during construction would be mitigated by implementation of a drainage and erosion control plan and Best Management Practices (MM 3.7-1) throughout the construction process.

Potential water quality impacts to the Goleta Slough from non-point source pollutants during project operations would be mitigated with installation and maintenance of sediment, silt and grease traps and filters (MM 3.7-3).

4. **Cultural Resources**

Potential archaeological resource impacts (project-specific impacts and project contributions to regional cumulative impacts) due to ground disturbances during construction would be mitigated by specified procedures for unanticipated resource discoveries, including education of construction workers, assessment of resources pursuant to City procedures, and mitigation of impacts as necessary (MM 3.9-2). Potential impacts to the 1942 Historic Terminal would be mitigated by retention of a qualified restoration architect on the project design team to ensure that all proposed work on the building follows the Secretary of the Interior's Standards for historic structures (MM 3.9-4).

5. **Geology**

Potential geologic impacts associated with expansive soils, liquefaction and erosion would be mitigated by incorporation of grading and earthwork recommendations into the project design in accordance with geotechnical report recommendations (MM 3.15-1 and -2). Additionally, foundations would be

constructed to compensate for possible liquefaction induced settlement and medium expansive soils (MM 3.15-3 and 3.15.4)

6. **Solid Waste**

Potential solid waste impacts during construction would be mitigated by recycling construction and demolition debris (MM 3.20-1). In order to mitigate potential operational impacts, the Airport will develop and implement a solid waste management plan (MM 3.20-2).

7. **Ground Transportation**

Temporary traffic, circulation and parking impacts during construction would be mitigated by implementation of traffic and parking management plan measures including a pre-construction conference (MM 3.23-10), routing of construction traffic to avoid the Fairview/Hollister intersection during peak-hour commute periods (MM 3.23-11), scheduling of trips by large hauling trucks outside of peak-hour commute periods (MM 3.23-12), location of construction materials and equipment storage to minimize traffic and circulation impacts (MM 3.23-13), and location of construction worker parking to minimize effects on traffic and circulation (MM 3.23-14). An alternative parking plan for passengers and Terminal employees during the construction period would also be developed (MM 3.23-15).

Potential Congestion Management Plan (CMP) traffic impacts would be mitigated by payment of the City's fair share of traffic mitigation fees for future programmed improvements to study area intersections within the City of Goleta (MM 3.23-2, 3.23-16 through 3.23-18) and by implementation of a Transportation Demand Management Program (MM 3.23-8 and 3.23-9).

Potential parking demand impacts during peak holiday seasons would be mitigated by implementation of a holiday parking plan (MM 3.23-3 and 3.23-5) and through implementation of a Transportation Demand Management Program (MM 3.23-4, 3.23-8 and 3.23-9)

The Planning Commission hereby finds that all significant effects on the environment identified in the Final Aviation Facilities Plan EIR have been eliminated or substantially lessened and the project will not have a significant effect on the environment.

Class III Impacts: Less than Significant Impacts

Recommended mitigation measures and/or changes incorporated into the Plan have been included which would further avoid or reduce the following impacts already identified as insignificant project-specific impacts and/or incremental project

contributions to cumulative impacts such that project impacts would be minimized to the extent feasible: air quality, water supply, biotic communities, floodplains, solid waste, ground transportation and lighting and visual aesthetics.

1. Air Quality

Short-term construction equipment emissions would be reduced with implementation of standard mitigation measures for maintenance and use of heavy equipment (MM 3.5-8). Long-term operational emissions would be reduced through installation of 400 Hz central power and preconditioned air (MM 3.5-9) and installation of facilities to accommodate electric powered GSE recharging stations (MM 3.5-10) and incorporation of APCD recommended measures as applicable (MM 3.5-11 through -20).). Additionally, the use of bio-diesel would be required for construction equipment to the maximum extent feasible.

Water Supply

Water demand increases associated with project operations would be lessened with the continuation of the Airport's water conservation measures for exterior water use (MM 3.7-4) and use of reclaimed water if feasible (MM.3.7-5).

Record of Proceedings

The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA.

Department of Fish and Game Finding

As described in the Final Aviation Facilities Plan Final EIR/EIS, the Airline Terminal Improvement Project has the potential to affect wildlife resources and their habitat. The project is, therefore, subject to payment of the California Department of Fish and Game environmental review fee.

Alternatives

Specific economic, legal, social, technological and other considerations make the project alternatives identified in the Final EIR/EA infeasible for the following reasons:

1. No Action Alternative

The No Action Alternative involving no Airline Terminal Improvement Project would not meet basic project objectives to accommodate existing and forecast increases in passenger demand, address deficiencies in the existing building, restore the original 1942 Terminal and provide appropriate flood protection for the facility.

2. Other Alternatives

As described in the Final AFP EIR/EIS and determined during the public scoping process, other alternatives to the proposed Aviation Facilities Plan and implementing projects are infeasible, as follows:

The use of other airports in the County or adjacent counties would not meet project objectives, and would result in greater overall significant effects in the locations of the other airports compared to the proposed project.

Establishing a new airport in an alternative location, such as an island off the coast, would involve significantly greater environmental effects and significantly higher costs than the proposed project and may be jurisdictionally infeasible.

Mitigation Measure Enforceability and Mitigation Monitoring and Reporting Program

Feasible mitigation measures identified in the Final Aviation Facilities Plan EIR/EIS and the Addendum would be fully enforceable through the conditions of project approval in Exhibit A to this Staff Report.

B. Development Plan Approval

1. The proposed development complies with all provisions of the Zoning Ordinance. The project site is zoned A-F, Airport Facilities. The proposed Terminal uses are specifically allowed by the Zoning Ordinance. (SBMC §29.15.030).
2. The proposed development is consistent with the principles of sound community planning because the project would implement the seven key issue policies for development of the Airline Terminal Improvement Project pursuant to City Council Resolution 05-042, namely the Santa Barbara Airport Experience, building massing, passenger loading, shifting the original 1942 Terminal, public transit, sustainable building techniques and accessibility.
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 Santa Barbara Airport Experience as defined in City Council Resolution 05-042.
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock. Minimal growth in the number of Terminal area employees is anticipated to result from the proposed project. Additionally, the types of jobs anticipated to be created would be skills commonly found within the South Coast region, and any marginal change in employment would be met by the existing local population.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources. In the Aviation Facilities Plan FEIR, the project was estimated to demand 12.44 acre-feet per year (AFY) of water. This amount would increase most recently assessed water usage by 5.87, which is within the 240 AFY allocated to the Airport area by the Goleta Water District. Further, the proposed project is approximately 70,000 SF in size and would therefore demand less water than the 95,000 SF project analyzed in the FEIS/EIR. The increase in water demand would not significantly impact the water supply available to the Airport.
6. The proposed development will not have a significant unmitigated adverse impact on the City of Santa Barbara's traffic. Additionally, it will not have a significant unmitigated impact on the City of Goleta's traffic. Based on the updated traffic study prepared by ATE dated February 26, 2007, project traffic would be approximately 26% less than that assessed in the 2001 Aviation Facilities Plan EIR. No impacts to study area intersections would result and the Airport is preparing a Transportation Demand Management Plan to further reduce project traffic. The City of Santa Barbara would contribute fair share traffic mitigation fees to the City of Goleta for future improvements to study area intersections.
7. Resources will be available and traffic improvements will be in place at the time of project occupancy. No road and traffic improvements are required for this project.

C. Coastal Development Permit Approval

The proposed project is consistent with the applicable policies of the California Coastal Act and of the City's Coastal Plan and Local Coastal Plan – Airport and Goleta Slough, all applicable implementing guidelines, and all applicable provisions of the Code, because:

1. The project is not located in a sensitive biological habitat, and would not adversely affect such habitat in the general vicinity; and
2. The project would not contribute to flood hazards and building would be constructed to meet the requirements of the City's Floodplain Ordinance; and
3. The project would protect water quality through reduction of impervious surfaces, incorporation of bioswales and filtration systems and by implementation of a Stormwater Pollution Prevention Plan and Water Quality Management Plan
4. The project is not in an archaeologically sensitive area; and
5. The project is consistent with the visual character of the surrounding area and the Santa Barbara Airport.

- II. Said approval is subject to the following conditions:
- A. **Uninterrupted Water Flow.** The City of Santa Barbara Airport Department (hereinafter "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 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.
 - B. **Landscape Plan Compliance.** The Airport 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
 - C. **Maintenance of Drainage System.** 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.
 - D. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 20, 2007 is limited to approximately 66,045 square feet of building area and the improvements shown on the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 - E. **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
 - F. **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.
 - G. **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.

- H. **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.
- I. **Public Works Requirements Prior to Building Permit Issuance.** The Airport 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. **Drainage Calculations.** The Airport shall submit drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum storm event approved by the City Engineer.
 2. **James Fowler Road and William Moffett Place Public Street Improvement Plans.** The Airport shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on James Fowler Road and William Moffett Place. 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, underground service utilities, connection to City/private 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, detention, erosion protection (provide off-site storm water BMP plan), etc.), supply and install commercial standard street light(s), style to be determined by the Public Works Department and the ABR, 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 pollution prevention interceptor device, off-site biofilter/swale sized per drainage calculations, new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. 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, drainage calculations and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

3. **Relocation of MTD Fixtures.** Relocation of the MTD bus stops, benches, poles and signs on William Moffett Place, as determined by the Public Works Director and MTD.
4. **Stormwater Pollution Prevention Plan.** In addition to Best Management Practices, as a supplement to the pollutant controls specified in the Stormwater Pollution Prevention Plan (SWPPP), a Construction Phase Erosion Control and Polluted Runoff Control Plan consistent with Airport and Goleta Slough Local Coastal Program Policy C-14 shall be developed and implemented for each area of proposed construction to mitigate erosion from construction and to address subsequent sedimentation impacts to Goleta Slough. These plans shall contain the following erosion control measures (*MM 3.7-1*):
 - i. To the extent feasible, schedule construction to minimize the amount of graded soil exposed at any given time;

Newly-poured concrete (such as culvert structures) shall not be allowed to come into contact with the aquatic environment until the concrete has had time to cure properly. The minimum curing time is approximately seven to 14 days;

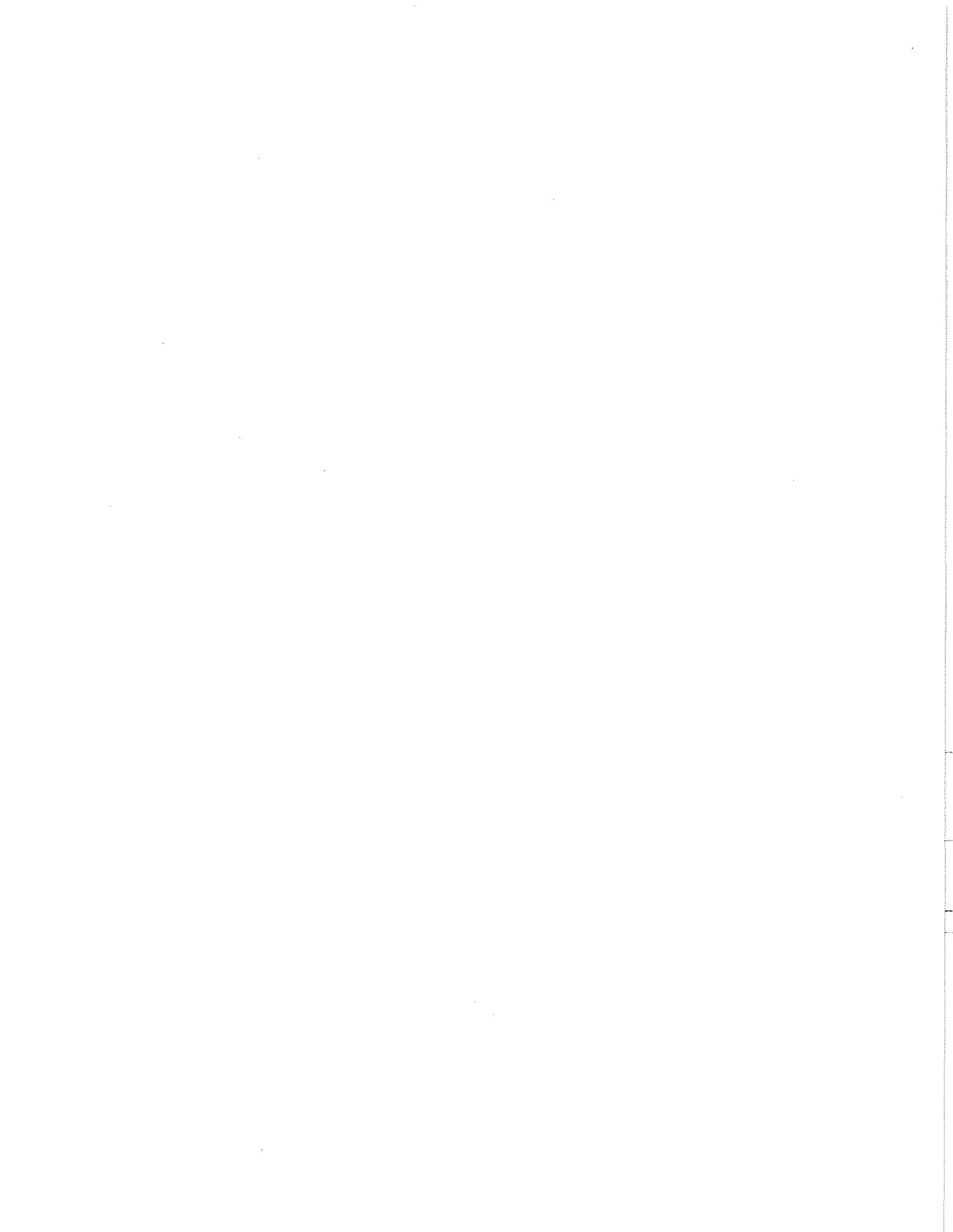
Clear brush and vegetation only as required to accommodate necessary grading;

Limit grading activities in the non-rainy season as specified in Airport and Goleta Slough Local Coastal Program Policy C-14. If construction during the rainy season is unavoidable as defined in Policy C-14, use silt fences, straw bales, and other erosion control measures to control siltation of local drainages during wet periods. Any grading during the rainy season shall provide full capacity for stream flow at all times;

Seed and plant disturbed areas with native vegetation or other appropriate and acceptable plant species immediately following construction activities;

Protect (e.g., riprap) any new storm drain outlets to prevent scouring at the point of discharge; and

Provide dust control by wetting exposed soil surfaces.
5. **Water Quality Management Plan.** The Water Quality Management Plan (WQMP) shall be finalized consistent with all requirements of Airport and Goleta Slough Local Coastal Program Policy C-13 based on the final construction plans submitted for building permit.



Storm drain pollutant interceptors, sediment traps or other structural Best Management Practices (BMPs) for paved areas shall be incorporated into the project design as appropriate, to minimize turbidity, Total Suspended Solids (TSS), and pollution in Goleta Slough and to meet the requirements of Airport and Goleta Slough Local Coastal Program Policy C-13. These traps or BMPs could consist of storm drain pollutant interceptors, infiltration basins, infiltration trenches, vegetated filter strips, grassed swales, porous pavement, water quality inlets, detention ponds, filtration basins, and sand filters. Each of these devices shall include oil absorbing pillows, filters or other systems for sediment and pollutant removal. (MM 3.7-3).

6. **Storm Drain Operation and Maintenance Plan Required.** The Airport shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department (MM 3.7-3).

J. **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. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Airport, approved by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) to the City. The contract shall include the following, at a minimum:
 - i. The frequency and/or schedule of the monitoring of the mitigation measures.
 - ii. A method for monitoring the mitigation measures.
 - iii. A list of reporting procedures, including the responsible party, and frequency.
 - iv. A list of other monitors to be hired, if applicable, and their qualifications.The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
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 Project Environmental Coordinator (PEC) and

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 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.
4. **Letter of Commitment for Pre-Construction Conference.** The Airport 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 Airport Department, Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Project Environmental Coordinator, the Contractor and each subcontractor (*MM 3.23-10*).
5. **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.
6. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Airport shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Final Aviation Facilities Plan Environmental Impact Report and Addendum for the project (*MM 3.5-6*).
7. **Qualified Restoration Architect.** Provide a contract to the Community Development Department Planning Division for a qualified restoration architect to ensure that all proposed work on the Airline Terminal building, including new construction, follows the Secretary of Interior's Standards (*MM 3.9-4*).
8. **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 and Water Quality Management Plan to intercept all

sediment and pollutants from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All bioswales, proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department, Building and Safety Division and Creeks Division. Maintenance of these facilities shall be provided by the Airport, as outlined in Condition K.6, 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.

9. **Technical Reports.** All recommendations of the geology, structural engineer, and soils reports approved by the Building and Safety Division, shall be incorporated into the grading, drainage, and building construction plans. Foundations shall be designed to compensate for possible liquefaction-induced settlement. Additional geotechnical analyses shall be completed in association with the proposed foundation construction subsequent to final project design. Minimum foundation requirements for medium expansive soils and the proposed building types, as defined by the UBC, shall be considered as the minimum requirements for foundation design. Building areas shall be backfilled with non-plastic, low expansive soils to mitigate the potential effects of expansive soils (*MM 3.15-1 through 3.15-4*).
10. **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.
11. **Central Power and Pre-Conditioned Air.** 400 Hz central power and pre-conditioned air shall be provided to reduce the use of auxiliary power units while aircraft are parked at the gate (*Recommended MM 3.5-9*).
12. **Electric Powered Recharging Stations.** Adequate facilities to accommodate electric-powered Ground Service Equipment (GSE) recharging stations at the Terminal shall be provided. The Airport ~~will~~ shall encourage airlines to convert their GSE to electric power or use other fuel types such as natural gas or reformulated diesel fuels where usage of electric-powered GSEs are not practical (*Recommended MM 3.5-10*).
13. **Water Conservation.** The Airport shall continue to implement its water conservation program in the project design including drip irrigation and general conservation policies and measures. (*Recommended MM 3.7-4*).
14. **Reclaimed Water for Landscaping.** The Airport shall utilize reclaimed wastewater for exterior landscaping consistent with State and County standards and for fire suppression water line where the Public Works Director deems it physically and financially feasible (*Recommended MM 3.7-5*).
15. **Regional Traffic Improvements.** The Airport ~~would~~ should contribute its fair share of traffic mitigation fees to the City of Goleta for local/regional

improvements to intersections within the study area identified in the updated Airline Terminal Improvement Project Traffic Study dated February 26, 2007 (MM 3.23-2).

16. **Transportation Demand Management Plan.** A Transportation Demand Management Plan shall be developed and implemented including measures to reduce traffic and parking impacts from both passengers and employees at the Airline Terminal. Strategies and measures to be considered shall include bicycles, walking, MTD ridership, door-to-door shuttle and taxi services, provision of bicycle lockers and showers, preferential parking for carpools, and free bus passes (MMs 2.23-8 and 3.23-9).
17. **Holiday Parking Plan and Construction Mitigation Plan.** The Airport shall develop a holiday parking plan and construction mitigation and parking plan to accommodate estimated parking demand during construction and peak holiday periods. These plans may include such strategies as off-site overflow parking, alternative transportation strategies as identified in the Transportation Demand Management Plan and peak period pricing strategies (MMs 3.23-3 through 2.23-5 and 2.23-15).
18. **APCD Recommended Measures.** To the maximum extent feasible, the Airport should implement the following APCD recommended measures for inclusion in the project building plans to minimize the use of natural gas and electricity:
 - i. Install low NOx water heaters and space heaters;
 - ii. Install heat transfer modules in furnaces;
 - iii. Use light-colored water-based paint and roofing materials to reduce air conditioning demands caused by solar heating;
 - iv. Install solar panels for water heating systems and other facilities and/or use water heaters that heat water only on demand;
 - v. Use passive solar cooling/heating;
 - vi. Maximize the use of natural lighting;
 - vii. Where feasible, use concrete or other non-polluting materials for parking lots instead of asphalt;
 - viii. Install energy efficient appliances and lighting;
 - ix. Use landscaping to shade buildings and parking lots; and
 - x. Use alternative fuels in City-owned shuttle vans and buses that would operate on a permanent basis between the Terminal and remote parking lots (Recommended MMs 3.5-11 through 3.5-20.)
19. **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.

K. **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.** The Airport shall contract with a disposal company that recycles construction and demolition debris. Recycling and/or reuse of demolition/construction materials shall be carried out to the maximum 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 (*MM 3.20-1*).
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 (*MMs 3.23-11 and 3.23-12*).
3. **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.

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 st *
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.

4. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - i. 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 (MM 3.23-14).
 - ii. Storage or staging of construction materials and equipment within the public right-of-way is prohibited (MM 3.23-13).
5. **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 (MM 3.5-1).

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 (*MM 3.5-1*).
6. **Onsite Vehicle Speeds.** Minimize the amount of disturbed area and on-site vehicle speeds (*MM 3.5-2*).
 7. **Stock Piles and Covered Truck Loads.** If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered from the point of origin. (*MM 3.5-3*)
 8. **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 (*MM 3.5-4*).
 9. **Fugitive Dust During Demolition.** Since emissions of fugitive dust could occur during building demolition and cause a nuisance, these impacts shall be mitigated with use of shrouding or water application (*MM 3.5-7*).
 10. **Monitoring of Dust Control Program.** The PEC or contractor shall designate a person or persons to monitor the dust control program and to order increased water as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of a building permit for grading of the site (*MM 3.5-5*).
 11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
 13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor and Project Environmental Coordinator's (PEC) name, contractor and PEC'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.
 15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

16. **Construction Equipment Emissions Reduction.** The following requirements shall be specified on the construction plans submitted to the Building Department for Building Permits and be adhered to during grading and construction to reduce emissions from construction equipment:
 - i. Use heavy-duty diesel powered construction equipment manufactured after 1996 (with federally mandated "clean diesel engines).
 - ii. Engine size of construction equipment shall be the minimum practical size.
 - iii. Minimize the number of construction equipment operating simultaneously through efficient management practices.
 - iv. Maintain construction equipment in tune per manufacturer's specifications.
 - v. Equip construction equipment onsite with two to four degree engine retard or pre-combustion chamber engines.
 - vi. Install catalytic converters on gasoline-powered equipment.
 - vii. Install diesel catalytic converters.
 - viii. Replace diesel-powered equipment with electric equipment.
 - ix. Minimize construction worker trips by requiring carpooling and by providing lunch or by requiring workers to bring lunch to the site (Recommended MM 3.5-8).
17. **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.
18. **Bio-diesel.** During the demolition and grading phases, all diesel-powered construction equipment and vehicles manufactured in 1992 or later and used on site shall be fueled using bio-diesel fuels. Bio-diesel fuels shall be used to the maximum extent feasible for all other construction phases. Availability and feasibility shall be determined by the Public Works Director.
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 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 (*MM 3.9-2*).

20. **Construction Contingency Plan.** A Construction Contingency Plan consistent with Airport and Goleta Slough Local Coastal Program Policy C-14 shall be developed addressing methods to control potential migration of contamination discovered during construction as well as safety considerations for onsite construction personnel and the general public. Details of the plan shall include but not be limited to:
- i. Soils monitoring for identification of contaminated soil during and after construction for eroded and graded soils.
 - ii. Measures that shall be taken immediately to protect workers and the public from exposure to contaminated areas (e.g., fencing or hazard flagging, covering contaminated soils with plastic, etc.) and prevent migration of the contaminants to the surrounding environment.
 - iii. Steps to be taken following initial discovery of contaminated soils. Notification shall be made to the Santa Barbara County Environmental Health Services Division of the Santa Barbara County Fire Department immediately following identification of contamination within the construction area.

Following initial actions specified in the Construction Contingency Plan, a project-specific remediation plan would need to be developed and implemented to reduce contaminant concentrations to acceptable levels. The details of the plan would be dependent upon the extent and types of contamination but would

include characterization of the problem, a review of remedial options, (i.e., feasibility study), and a detailed plan for implementation of the chosen alternative. These plans would require review and approval by Santa Barbara County Environmental Health Services and the Airport, taking into account potential flooding impacts and prevention of contaminant run-off into nearby creeks. Excavation and any other remediation activities necessary shall be consistent with all other mitigation measures applicable to the project (*MM 3.6-1 and -2*).

21. **Spill Prevention.** Procedures for refueling and equipment maintenance shall be developed and documented to prevent surface spills or other releases of contaminants from contaminating surface and/or groundwater. These activities shall be conducted in a controlled area where potential spills can be managed without affecting surface or groundwater quality. Fuels and oils shall be stored in appropriately sealed containers. The staging area used for the storage of these materials shall be lined and surrounded by protective dikes to provide full containment of any spilled materials (*MM 3.6-3*).
- L. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Airport shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (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, including utility undergrounding and installation of street trees.
 3. **Solid Waste Management Plan.** The Airport shall develop and implement a solid waste management plan that includes the following elements:
 - i. Provision of space and/or bins for storage of recyclable materials within the project site.
 - ii. Development of a plan for accessible collection of materials on a regular basis. This will include separated recyclable disposable containers at the Airline Terminal and a requirement that the restaurants in the Airline Terminal recycle.
 - iii. Implementation of a monitoring program to ensure participation in recycling efforts.
 - iv. Development of a source reduction plan, showing the method and amount of expected reduction.
 - v. Implementation of a program to purchase recycled materials used in association with the Airline Terminal operations.

- vi. Landscaping any new development with trees and plants that do not require excessive trimming;
- vii. A landscape recycling and compost program shall be initiated (*MM 3.20-2*).

4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

M. **Roundabout.** In its long-term master planning for the Airline Terminal, the Airport should consider incorporation of a roundabout at the intersection of William Moffett Place and James Fowler Road.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, 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.

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 construction or use 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 20th day of September, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

PLANNING COMMISSION RESOLUTION No. 039-07
500 JAMES FOWLER ROAD
SEPTEMBER 20, 2007
PAGE 22

DRAFT

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

DRAFT

City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

OCTOBER 4, 2007

CALL TO ORDER:

Chair Charmaine Jacobs called the meeting to order at 1:00 P.M.

ROLL CALL:

Present:

Chair Charmaine Jacobs

Vice-Chair George C. Myers

Commissioners Bruce Bartlett, Stella Larson, George C. Myers, Addison S. Thompson and Harwood A. White, Jr.

Absent:

John Jostes

STAFF PRESENT:

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Irma Unzueta, Project Planner

Stacey Wilson, Associate Transportation Planner

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

None.

- B. Announcements and appeals.

None.

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

Chair Jacobs opened the public hearing at 1:02 P.M.

Patricia Aoyama addressed the Commission asking to have the Staff Hearing Officer appeal to the Planning Commission for 2140 Mission Ridge Road, originally scheduled for today, heard soon and submitted a letter.

With no one else wishing to speak, the hearing was closed at 1:03 P.M.

II. CONCEPT REVIEW: ACTUAL TIME: 1:03 P.M.

Chair Jacobs stepped down from hearing the following item to avoid any perceived conflict of interest since her husband is an attorney in the same law firm as the counsel for the applicant. Commissioner Myers assumed the Chair.

APPLICATION OF CAMERON CAREY, AGENT FOR AMERICAN BAPTIST HOMES OF THE WEST (PROPERTY OWNER), 900 CALLE DE LOS AMIGOS, 049-040-050, 049-040-053, 049-040-054, 049-440-015, 049-440-016 , A-1, E-1, and E-3, SINGLE RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE & 5 UNITS/ACRE (MST2005-00742)

The proposed project involves the construction of 35 two-bedroom independent living units on multiple parcels within the existing Valle Verde Retirement Community Campus. The Valle Verde Retirement Community is made up of five independent parcels totaling approximately 59.75 acres. Nine of the units are detached and 26 are attached, with 34 of the units proposed with attached one-car garages. Seventeen of the units are proposed on parcel 049-440-015, which is known as the "Rutherford Property". The remaining 18 units are infill and are proposed to be located throughout the existing campus. There are 219 existing residential units. This combined with the 35 units would bring the total to 254 residential units. The present Conditional Use Permit allows 254 units. The facility's Central Core (Common Area) would be upgraded, including renovations to the existing gazebos, a redeveloped Theater Multipurpose Room, expanded outside dining, a new fine dining component, a café, expanded spa services, resident's business center, and fitness center. The Central Core component of the proposed project consists of 10,888 square feet of remodel space and 12,755 square feet of new construction. Approximately 98 new parking spaces are proposed, including a new 43 space staff/guest parking lot. Grading for the project would involve 25,140 cubic yards of cut, 24,860 cubic yards of fill and 280 cubic yards of export. An existing 1,300 square foot residential unit and 17 oak trees are proposed to be removed.

The discretionary applications required for this project are:

1. Conditional Use Permit Amendment to allow expansion of the Valle Verde Retirement Community (SBMC § 28.94.030);
2. Modifications to allow less than the required distance between main buildings on the project site (SBMC § 28.15.070);
3. Modifications to allow less than the required front yard setback for some of the proposed residential units (SBMC § 28.15.060); and

4. Modifications to allow less than the required interior yard setback for some of the proposed residential units (SBMC § 28.15.060).

The purpose of the concept review is to allow the Planning Commission an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed project scope, design layout, and neighborhood compatibility. No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.

Case Planner: Irma Unzueta, Project Planner
Email: iunzueta@santabarbaraca.gov

Irma Unzueta, Project Planner, gave the staff presentation.

Staff answered Planning Commission questions about how many acres were included in the staff's recommended oak woodland preserve; explained why a Conditional Use Permit (CUP) amendment is needed when the proposal is to bring the number of units to the original CUP authorization, and the difference between the CUP maximum for number of residents and staff and the number actually onsite.

Ron Schaffer, Executive Director of Valle Verde, gave the applicant presentation and also introduced his team: Keith Nolan and Justin Van Mullem, Architects; Rick Stienfeld, Project Manager; Kirsten Ayres, Community Outreach Liaison; Cameron Carey, Land Use Planner; and Steven Amerikaner, Land Use Attorney.

Mr. Schaffer addressed Planning Commission questions about the number of people living and working on the project site; the change in bedroom count from what is present now and the number proposed; and the planning for the future of the existing skilled nursing facility; and how the master plan will be phased with consideration to the grading on the site.

Commissioner Thompson reminded all present today that the purpose of the hearing was limited to a concept review of the project and not approval.

Mr. Amerikaner answered Planning Commission questions about the potential future development of the Oak Woodland, responding that there are no plans for its development but would like to keep future options open; and explained the nexus between averaging the slopes of large areas and development on 30% slopes.

Ms. Hubbell added that there is flexibility in looking at the average slope and explained the evolution of averaging slopes as opposed to using the actual slope of individual areas.

Chair Myers opened the public hearing at 2:02 P.M.

The following people spoke in support of the project:

1. Art Christman
2. Virginia Jones
3. Donald Carey
4. Louise Carey
5. Norman J. Boyan
6. Charleen Mee
7. Jane Zonka
8. Reverend Michelle Woodhouse
9. Ragnar Thorensen
10. Henry Jones
11. Art Montgomery
12. John Mandle
13. Virginia Robinson
14. Don Wimpres
15. Dorothy Burkhart

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

1. John Horton: See letter
2. Tom Burgher: See letter.
3. Judy Orias: Traffic (Torino Drive, Modoc and Calle de los Amigos, Las Positas and Modoc), pedestrian safety, adequate employee parking, drainage to Arroyo Burro Creek.
4. James Venturino, on behalf of Germaine Chastain: maintain the two roles of the Rutherford Parcel: 1) physical buffer between incompatible uses, suggesting no more units allowed on the Rutherford parcel than would be allowed by slope density calculations, and 2) ecological buffer – project would destroy edge of oak woodland; too much grading, leading to drainage problems.
5. Heike Kilian: Opposes construction of units 1-5; concerned with density proposed for the Rutherford parcel; keep trail and wildlife corridor on Rutherford parcel; concerned with proposed street; raising administration parking; construction traffic and safety on Torino Drive.
6. Ruth Georgi: Rutherford Parcel will have too many buildings too close together on the parcel; maintain the buffer between Valle Verde and Hidden Oaks Estates, eliminate the five units closest to neighboring homes and reduce the size of the rest; 20' high homes would impact views
7. Bob Hull: Traffic
8. Carl Mueller: Plan lacks accredited Continuing Care Facility
9. Dr. Richard Nagy: Traffic, proposed street would impact safety to children who use existing park. Endangered species impacted by development; feasibility study requested.

With no one else wishing to speak, the public hearing was closed at 3:12 P.M.

Mr. Amerikaner appreciated public comments and will study issues presented during permit process.

Mr. Schaeffer answered additional Planning Commission questions about the health care facility's availability to non-residents as an in-patient facility.

Stacey Wilson, Assistant Transportation Planner, responded to the Commission's questions about the traffic concerns raised during public comment and explained that the proposed road would meet sight distances requirements. Trips generated by the project would be low and not expected to result in traffic impacts to intersections identified. Ms. Wilson stated that Calle de los Amigos and Torino Drive intersection does not meet warrants to replace the two-way stop with a four-way stop. Additionally, Modoc Road intersections do not meet warrants for a traffic signal, nor is there a nexus to the project. Traffic calming elements are being studied by the City for many neighborhoods and can be considered in this neighborhood once they have been successfully applied to other neighborhoods. Speeds in the area have been reviewed by Staff and are not considered to be excessive. Potential traffic impacts were analyzed at a staff level and an additional report was not requested to confirm ITE numbers. Construction related impacts have not been reviewed at this time for impact on roads. A traffic control plan would need to be considered.

Ms. Hubbell stated that there are a standard set of conditions of approval that mitigate construction traffic impacts, but that additional conditions could be added as needed.

Staff answered additional Planning Commission questions about the differences in the number of oak trees being removed varying from the applicant's report; and the number of cubic yards of material exported.

Although there were many public comments on traffic, one Commissioner acknowledged that traffic was not one of the issues that was asked to be discussed at this hearing.

Commissioners' comments on topics discussed:

A. Development on the "Rutherford Property"

1. Commissioners felt that the development of Rutherford Property is too dense and should be further reduced, including relooking at the square footage compared to other units at Valle Verde.
2. Commissioners stated that the units still encroach too much on Hidden Oaks.
3. Westerly units are excessive for that part of the property. Most Commissioners did not support units 1-5 in that location. Felt there is a better area to locate these residential units.

4. One Commissioner would prefer not to see any development on the Rutherford property, but if there is to be development in this area, it should only be a few units.
5. With regard to the CUP, more concerned with square footage than number of units.
6. Too much grading proposed in order to create a flat site.

B. Development on Zone 5 Hillside

2. Too much is being cut in this area. Some Commissioners suggested either smaller units or fewer units.
3. One Commissioner was flexible with Zone 5, as long as nothing happened at the Rutherford Property.

C. Development on slopes of 30% or more

1. Commissioners worried about encroaching into the slope. Comments show that people would want to stay at one story and should not need to go into the hillside, suggested that project be pulled back.
2. Appropriate in some areas when grading is handled sensitively.
3. Several Commissioners agreed with the flexibility of averaging slopes.

D. Open Space/Oak Woodland

1. Most Commissioners felt that the woodland should be defined by actual location of where the oak woodland actually exists. Did not feel it should be defined acreage, but would like to see more than five acres preserved as open space.
2. One Commissioner felt that how much of the land is set aside is a negotiation between the City and the applicant. The acreage of Oak Woodland to be restricted should be closer to Staff's recommendation. Oak Woodland area is steep; its highest and best use is as open space.
3. One Commissioner felt that no development should ever occur in the Oak Woodland area. Expects a generous area of Oak Woodland to be preserved as open space.
4. Concerned with too much encroachment of development into open space areas.
5. Concerned with interruption of access to existing wildlife habitat in Oak Woodland by the length and height of retaining walls.

E. Retaining Walls

1. Does not support retaining walls.
2. The project should not need so many retaining walls and grading.

3. Units that abut the hillside have been designed to set at the base of stacked retaining walls. These units would no longer enjoy a woodland, but be forced to face retaining walls.
4. Proposed retaining walls do not meet Single Family Residential Design Guidelines. Suggested that the project engineer read the City's guidelines – too high, too long and questionable materials.
5. Study length, materials and height of retaining walls.
6. Noted that the proposed retaining walls would run almost the full length of the boundary between the developed area and the open space, losing the connection between the project and the open space and losing all migration corridor connectivity.

F. Grading

1. Too much grading, in general, and on Rutherford property in particular; large houses with a steep footprint would have to be buried deep to keep from impacting views of adjacent neighbors, resulting in too much retaining wall requirement.
2. Commissioners requested reducing the grading and retaining walls on Zone 5, even if it means smaller units.
3. Suggested moving the zone 5 units to where the employee parking is proposed and not have all the employees drive to the back of the site.
4. Continue to work reducing overall grading and on balancing grading on-site.

G. Parking

1. Two Commissioners wondered if parking permits on street would discourage staff from parking on street.
2. One Commissioner supports some grading into the hillside in Zone 2 to allow for an adequate number of employee parking spaces.
3. Commissioners felt that employee parking should be confined to the site.
4. One Commissioner felt that employee parking should be placed under the Administration Building parking lot to reduce traffic into the Valle Verde facility.

H. Miscellaneous Comments

1. The Commission appreciated the applicant's development of a Master Plan and making use of a concept review.
2. One Commissioner felt that while the program is admirable, the proposal does not match up with the aspirations of the program for this specific site.

3. One Commissioner cautioned on the request for traffic calming devices because sometimes they cause impacts for fragile people in cars; prefers enforcement.
4. Suggested that the continuing care program, including nursing facilities, should be included in the Master Plan.
5. Most Commissioners did not support staff housing onsite.
6. One Commissioner felt that the project pushes density to the edge of project site. Suggested that density be placed in the center of the project site instead.
7. Concerned that new units are very different than the rest, therefore changing the character and look of the existing retirement facility.
8. Concerned that all residences being proposed on the project are larger than anything that currently exists at the complex. More density is being pushed to the perimeters and encroaching on the neighbors.

III. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Larson reported on the October 3, 2007 Historic Landmarks Commission (HLC) meeting and the discussion on 518 Garden Street. Two Commissioners were requested to be present at the October 17, 2007 HLC meeting. An enforcement discussion was held regarding the removal of the tree and fountain at El Paseo where the Wine Cask was located.

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

Commissioner White reported that six items that went before the SHO on September 26th.

1. Several modifications were approved; one was continued.
2. 102 E. Pueblo received a modification for a fountain in the front yard.
3. 814 Orange Avenue raised concern over unusual design.

C. Action on the review and consideration of the draft minutes and resolutions listed in I.A.2. of this Agenda.

1. Draft minutes of August 16, 2007
2. Resolution 031-07
2067 Eucalyptus Hill Road
3. Draft minutes of August 30, 2007

4. Resolution 032-07
103 South Calle Cesar Chavez
5. Resolution 033-07
20 and 25 David Love Place

MOTION: Thompson/Larson Approve the draft minutes and resolutions of August 16, as edited; and continue the draft minutes and resolutions of August 30, 2007 until October 11, 2007.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 1 (Bartlett) Absent: 2 (Jacobs, Jostes)

VII. ADJOURNMENT

Chair Jacobs adjourned the meeting at 4:03 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

