



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: September 25, 2008
AGENDA DATE: October 16, 2008
PROJECT ADDRESS: 15 S Hope Avenue (MST2006-00682)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Peter Lawson, Associate Planner

I. PROJECT DESCRIPTION

The project consists of the demolition of an existing 8,368 square foot single story commercial building and construction of a new three story mixed use building with underground parking. The proposed 28,005 square foot building would be comprised of sixteen residential condominiums and one 1,150 square foot commercial condominium. The height of the building would be approximately 40 feet. Two of the units would be designated as middle income affordable housing as required by the Inclusionary Housing Ordinance. While not required, an additional unit would be designated as upper middle income.

The project includes a request for two Modifications. The first Modification is to reduce the front setback by four (4) feet, in order to allow a portion of the first and second floors, a fountain, a planter and parking spaces to encroach into the front setback. A lot area Modification is also being requested to allow two middle income affordable units on the lot under the Bonus Density provision. (Note: The City Council has introduced an ordinance with revisions to the Inclusionary Housing Ordinance that would eliminate the need for the lot area modification for affordable units. Staff will advise the Planning Commission of the status of the ordinance and the need for the lot area modification at the time of the Planning Commission hearing.)

Access to the site would be provided by a driveway from Hope Avenue to a surface parking lot for the commercial use and also to a 16,600 square foot underground parking garage. A secondary driveway that connects to State Street would become an emergency access lane and a pedestrian path for the residents of the development. A total of 40 parking spaces would be provided, which includes five spaces in a surface parking lot. Additionally, six bicycle parking spaces will be provided. A four-foot wide surface easement is proposed for dedication along the front property line in order to provide additional area for a public sidewalk.

The project includes a 35 foot setback from the top-of-bank of Arroyo Burro Creek, which would also be part of the required 15% common open space. The project will include restoration of Arroyo Burro Creek, which will be consistent with the restoration plan being developed on the adjacent lot on the

east side of the bank. A 28" Eucalyptus tree would be removed and several trees would be planted, including, but not limited to two oak trees along the creek, two Eucalyptus along the front property line and several other tree species. The 30" Oak tree adjacent to Arroyo Burro Creek would remain.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow the encroachment of the building and associated development into the front setback (SBMC §28.45.007.3);
2. A Modification of the lot area requirements to allow over-density units on a lot in the C-2/SD-3 Zone (SBMC § 28.66.280); and
3. A Tentative Subdivision Map for a one-lot subdivision to create sixteen (16) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13).

III. RECOMMENDATION

With the approval of the Modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Trish Allen, Suzanne Elledge Planning and Permitting	Property Owner: Johnman Holding LLC
Parcel Number: 051-040-058	Lot Area: 35,514 s.f.
General Plan: General Commerce	Zoning: C-2/SD-2
Existing Use: Commercial/retail	Topography: 0-9%
Adjacent Land Uses: North – Mixed commercial South - Commercial East - Retail West – Shopping Mall	

B. PROJECT STATISTICS

	Existing	Proposed			
		Unit #	# of Bedrooms	Size of Unit (s.f.)	% of Req. Lot Area
Living Area	N/A	Unit 1	2	1,299 s.f.	55%
		Unit 2	2	1,372 s.f.	59%
		Unit 3	2	1,137 s.f.	48%
		Unit 4	3	1,401 s.f.	50%
		Unit 5	2	1,500 s.f.	64%
		Unit 6	1	849 s.f.	46%
		Unit 7	1	833 s.f.	45%
		Unit 8	2	1,299 s.f.	56%
		Unit 9	2	1,372 s.f.	59%
		Unit 10	2	1,167 s.f.	50%
		Unit 11	3	1,401 s.f.	50%
		Unit 12	2	1,500 s.f.	64%
		Unit 13	2	1,299 s.f.	56%
		Unit 14	2	1,372 s.f.	59%
		Unit 15	2	1,167 s.f.	50%
		Unit 16	2	1,379 s.f.	59%
				Total – 20,637 s.f	
Commercial	8,368 s.f.		N/A	1,150 s.f.	N/A
Garage/ Parking	28 uncovered	40 spaces (35 residential + 5 commercial) 3 spaces uncovered & 2 covered @ ground level, 35 spaces below grade			
Accessory	N/A	16 storage units for the residents			

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20 Foot setback (2 – 3 story buildings)	5 feet	16' – 1 st & 2 nd Floor 47' – 3 rd Floor (Note: Modification to reduce the front setback by 4' is being requested)
-Interior	No setback	North lot line – 6' South lot line – 55'	North Lot Line – 5' South Lot Line – 6'
Building Height	3 stories: - Not to exceed 45 feet - Not exceed the total floor area of a 2 story building (30 feet) which could be constructed on the lot in compliance with all applicable regulations.	15 feet	40' & complies with floor area provision'
Parking	<u>Multiple Residential Unit.</u> 1 bedroom: 1-1/2 spaces/unit. 2 or more bedrooms: 2 spaces/unit. Guest parking - 1 space/4 residential units. <u>Commercial</u> 1 space per/250 square feet of net floor area or fraction thereof.	Approximate: 28 uncovered	Residential – 31 spaces Guest Parking – 4 spaces <u>Commercial – 5 spaces</u> Total – 40 Spaces
Lot Area Required for Each Unit (Variable Density)	1 bedroom unit: -1,840 s.f./unit 2 bedroom unit: -2,320 s.f./unit 3 bedroom unit + -2,800 s. f./unit	N/A – Commercial only	2 – 1 bedroom – 3,680 s.f. 10 – 2 bedroom – 23,200 s.f. <u>2 – 3 bedroom – 5,600 s.f.</u> Total – 32,480 s.f. Net Lot Area – 34,687 s.f.
15% Open Space & 20' in any	5,203 s.f.	N/A	6,000 s.f. + 12,612 s.f. restoration area

Standard	Requirement/ Allowance	Existing	Proposed
direction. (note this will be in place of the private outdoor space.			
Lot Coverage			
-Building	N/A	8,368 s.f. 24%	11,277 s.f. 32.5%
Paving/Driveway	N/A		
-Paving	N/A	18,430 s.f. 53%	8,803 s.f. 25.5%
-Creek area		7,800 s.f. 22%	7,800 s.f. 22.5%
-Restoration		N/A	4,812 s.f. 14%
-Landscaping		90 s.f. 1%	1,267 s.f. 3.5%
-Private Patios		N/A	731 s.f. 2%

The proposed project would meet the requirements of the C-2 and S-D-2 Zones, as well as the requirements for new residential condominiums, with the exception of a Lot Area Modification for the two bonus density units and the Modification to the front setback.

Lot Area Modification: Under the Inclusionary Housing Ordinance, all projects with 10 or more dwelling units require at least 15% of the total units to be constructed and offered for sale as Inclusionary Units restricted for owner-occupancy by either Middle Income or Upper Middle Income Households. Typically, applicants who construct Inclusionary Housing units as part of the project are entitled to a density bonus for the number of Inclusionary Units to be provided onsite. This is processed through a Lot Area Modification, which can also apply to any Bonus Density units that are proposed beyond the required Inclusionary Units. However, any additional Bonus Density unit that is not required can be denied, even if the overall project is supported.

As proposed, two bonus density units would be provided, which will require consideration of a Lot Area Modification by the Planning Commission. The lot area used in the variable density calculation is 34,687 square feet, which is the remaining lot area after the four foot wide dedication to the City for sidewalk purposes is deducted. The result is that a total of 14 out of the proposed 16 residential units (using the proposed bedroom count) would be allowed under §28.21.080.G, Variable Density, of the Municipal Code. For the proposed project, two middle-income units would be required and these units would be two bedroom units, which is the average size of all of the units. The applicant is also providing a third unit as Upper Middle income affordable, but this unit will not require a Modification as it is part of the allowed base density.

Setback Modification: The project includes a request for a Modification to the front setback from the required 20 feet to 16 feet. The front yard setback is measured from the new right-of-way dedication for the additional sidewalk improvements, consistent the Pedestrian Master Plan. Included in this Modification will be the first and second floor of the building, a fountain and two uncovered parking spaces. Based upon the Upper State Street Study development

standards criteria, the Modification could be supported due to the public benefit of additional right-of-way being provided for sidewalk improvements consistent with the Pedestrian Master Plan, restoration and enhancement of Arroyo Burro Creek, an additional affordable unit, and pedestrian access to the adjacent development to the north and east of the project site. Finally, the length of the building facing Hope Avenue is 118 feet and of that length, 72 feet would encroach into the setback and the remaining 46 feet would be setback from the right-of-way line by 54 feet or more.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on two separate occasions (meeting minutes are attached as Exhibit D). On November 19, 2007 the ABR stated that they were pleased with the overall size, bulk and scale of the project. They provided direction to the applicant on architectural details, such as including better detail on the emergency access from State and to provide a stronger pedestrian access from Hope Avenue. At the July 14, 2008 hearing the Board stated that they supported the Modification to allow a fountain and a portion of the building to encroach into the setback.

B. COMPLIANCE WITH THE GENERAL PLAN

The project site is located in the Hitchcock area, which is bounded on the north by the rear of the commercial development along outer State Street; on the south by Highway 101; on the east by Las Positas Road; and on the west by Hope Avenue. Hitchcock consists of several sub-areas which are highly diverse. The General Plan recognizes this diversity by designating the major portion of Hitchcock at five dwelling units to the acre, the higher density portion at twelve dwelling units to the acre, and the area adjacent to La Cumbre Shopping Center for a mix of office and residential uses.

The project would be consistent with the office and residential use designations, and is within close proximity to public transit, a shopping center and other commercial uses. There is direct access to the freeway to the south of the site, without traveling on State Street. Consistent with the Conservation Element, the project would include restoration of the Arroyo Burro Creek. Pedestrian improvements would be provided along Hope Avenue, as well as pedestrian access to State Street for the residents via the emergency fire lane. Additionally, a stairway to the commercial uses to the east is proposed.

C. UPPER STATE STREET STUDY

The project site is within the Upper State Street Study (USSS) area. The USSS states the following overall guidance statements; (1) Maintain and enhance the unique character of Upper State Street, including the public streetscape, open space, creeks, views, site design, and building aesthetics; (2) Improve traffic, circulation, pedestrian and bicycle connectivity, and parking; and (3) Preserve longer-range future improvement opportunities.

The project would be consistent with many of the development standards that are included in the USSS. Four feet of additional right-of-way is being provided to improve the public sidewalk and parkway consistent with the Pedestrian Master Plan (PMP). Pedestrian access from the site to State Street would be provided by the fire emergency lane and access to the properties to the east would be provided by a stairway with an ADA compliant lift. The majority of the parking would be placed in an underground garage. Three of the five spaces located at the front of the building would be uncovered, but would be buffered by landscaping. Consistent with the USSS, this parking area would create a visual open area adjacent to Hope Avenue of approximately 51 feet deep, as measured from the new right-of-way line, and 52 feet wide.

The third floor of the building would be stepped back from the front lot line from 53 to 102 feet and would be a minimum of 10 feet from the northern property lines. The third floor setbacks would be consistent with both the USSS which includes standards for maintaining view corridors along public streets. Additionally, the applicant has demonstrated that a three story development could be constructed within a two story footprint, consistent with SD-2 requirements. The mountain views from Hope Avenue across the project would not change significantly due to the adjacent three story building being located at a higher elevation. The proposed project would have a maximum height of 40 feet which is three feet lower than the adjacent building. Additionally, with the proposed development sited approximately 35 feet from the top of Arroyo Burro Creek, there would be views across the adjacent parking lot south of the project site to the creek.

The project includes restoration of Arroyo Burro Creek. Currently the site is paved to the top-of-bank with a parking lot. This pavement would be removed and a setback of 35 feet from the top of bank is being proposed, and this area would be restored with native plant material. The buffer will also provide a large private open space for the residents. The landscape plan for the project outside of the restoration area includes trees along the front of the project, planters, a paseo entrance to the commercial space and the preservation of a large Oak tree adjacent to Arroyo Burro Creek.

D. PEDESTRIAN MASTER PLAN

The applicant is providing four feet of additional public surface right-of-way, which will allow development of a four foot wide parkway and a six foot wide sidewalk, consistent with the provisions of the Pedestrian Master Plan. The additional four feet of right-of-way shall only encompass an area sufficient to develop a sidewalk, to a depth of approximately 12 inches. The area below the sidewalk will continue to be private property held by the owner. This will allow the development of the underground parking lot beneath the sidewalk, without having an encroachment permit. Finally, with the additional right-of-way being provided, the setback as required under the S-D-2 section of the Ordinance would be measured from the new right-of-way line.

E. ENVIRONMENTAL REVIEW

The project was found exempt from further environmental review under CEQA Section 15332, Infill Projects, for the development of a mixed use condominium. The proposed project is located in a developed neighborhood of commercial development, with one neighboring building being comprised of mixed use commercial and residential. The project would be consistent with the General Plan and Zoning Ordinance; the site is less than 5 acres and it can be adequately served by all utilities. Impacts would be minimal, as the project site is fully developed with an 8,000 square foot commercial building and associated surface parking lot. The existing parking lot is paved to the edge of the creek and, as proposed, the paving would be removed, and an area within 35 feet from the top of bank would be mostly restored to a natural state. Pedestrian access to the adjacent private properties would be provided through this restoration area and there would be minor encroachments of private open space. Less than five peak hour trips would be distributed to the intersection of Hope Avenue and State Street.

Due to the excavation of the site for an underground parking garage, there would be construction trips; however, as conditioned, these trips would occur outside the peak hour time frame. Parking would be provided on the project site and the majority of the parking would be located below the building, minimizing the visual impacts. A noise study was prepared that determined there would be impacts from the west and south of the project site. The study concluded that the noise impact from Hope Avenue would be approximately 62 dBA. The noise study includes construction recommendations to reduce both the outdoor and indoor noise levels to 60 and 40 dBA, respectively. The study included recommendations on addressing any noise issues and will be incorporated into the conditions of approval. Finally, a Phase I Archeological study has concluded that there are not significant resources on the project site. A standard condition of approval is included with the project that would require all work to be redirected should any resources be discovered.

VII. FINDINGS

The Planning Commission finds the following:

A. MODIFICATION (§28.45.009) – SETBACK

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to secure an appropriate improvement on a lot.

The Modification to the setback would allow a greater setback from the Arroyo Burro Creek and the applicant is providing additional right-of-way for sidewalk improvements. The building would be setback further than the adjacent building to the north and the existing building on the project site. Therefore, this Modification can be supported.

B. MODIFICATION (§28.45.009) – LOT AREA MODIFICATION

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to construct a

housing development which is affordable to very low-, low-, moderate- or middle-income households.

The Modification of the lot area requirement to allow two (2) bonus density units is consistent with the purposes and intent of the Zoning Ordinance to construct housing units which are affordable to middle-income households and is necessary to secure an appropriate improvement on a lot and to meet the requirements of the Inclusionary Housing Ordinance.

C. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

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

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

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

The project is 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.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill 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.

D. 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.



Planning Commission:

George C. Myers, Chair
Stella Larson, Vice-Chair
Bruce Bartlett
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Transportation and Circulation Committee:

David Tabor, Chair
David Pritchett, Vice-Chair
Bill Boyd
Mark Bradley
Keith Coffman-Grey
Michael Cooper
Steve Maas

City Council Liaisons:

Roger Horton, Council Liaison to Transportation and Circulation Committee
Iya Falcone, Council Liaison to Planning Commission

**SPECIAL JOINT MEETING OF THE PLANNING COMMISSION
AND TRANSPORTATION AND CIRCULATION COMMITTEE
AGENDA**

**DAVID GEBHARD PUBLIC MEETING ROOM
630 GARDEN STREET
THURSDAY, AUGUST 28, 2008
6:00 P.M.**

Website: www.SantaBarbaraCa.gov

I. NOTICES:

- A. This special joint meeting of the Planning Commission will be broadcast live and rebroadcast in its entirety on Friday at 6:00 P.M., Saturday at 10:00 P.M., and again on Tuesday at Noon on Channel 18.
- B. **AMERICAN WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Office at (805) 564-5470. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.

II. CALL TO ORDER

Planning Commission Staff Report
15 S Hope Avenue (MST2006-00682)
October 16, 2008
Page 11

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated September 30, 2008
- D. ABR Minutes dated November 19, 2007 & July 14, 2008

PLANNING COMMISSION CONDITIONS OF APPROVAL

15 S. HOPE AVENUE

TENTATIVE SUBDIVISION MAP, LOT AREA MODIFICATION & FRONT YARD SETBACK MODIFICATION

OCTOBER 16, 2008

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

- A. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees to be removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 2. **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measures:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - (1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
 3. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 4. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided in the emergency access lane from State Street to the rear of the property. Additionally a stair way with an ADA compliant lift shall provide access to the lots along the northern and eastern property line.
 5. **Minimize Visual Effect of Paving.** Where feasible, textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 6. **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.

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

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 16, 2008 is limited to approximately 28,000 square feet of floor area, comprised of 16 residential condominium units, two of which would be middle income units and one would be upper middle income and one commercial condominium unit of approximately 1,150 square feet of floor area and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
5. **Oak Tree Protection.** The existing 30' oak tree shown on the (Tentative Subdivision Map shall be preserved, protected, and maintained in accordance with the recommendations contained in the habitat restoration report prepared by Watershed Environmental, dated September 3, 2007. A copy of this report shall be attached to the recorded conditions as an exhibit. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s). 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.
6. **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.

7. **Middle Income Ownership Unit Affordability Restrictions.** The dwelling units designated as units number 5 and 8 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to and occupied only by households who qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Units No. 5, & 8 (2-bedroom units) = \$249,900

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

8. **Upper Middle Income Ownership Unit Affordability Restrictions.** The dwelling unit designated as unit number 12 on the Tentative Subdivision Map shall be designated as Affordable Upper Middle Income Units and sold only to and occupied only by households who qualify as Upper Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Unit No. 12 (2-bedroom units) = \$350,100

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

9. **Development Rights Restrictions.** The Owner shall not make any use of the area (other than passive use, e.g. walking through the area, use of the stairway, and/or the patios associated with the individual residential units) within 30 [35?] feet from

the top-of-bank from Arroyo Burro Creek of the Real Property as designated on the approved Tentative Subdivision Map, in order that those portions of the Real Property remain in their natural state.[How does the property remain in a natural state if there are stairs and patios?] These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the Final Map. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

10. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&R's stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

11. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the 35 foot setback area, which drains directly into Arroyo Burro Creek.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. A four foot (4') wide surface easement for Public Sidewalk Purposes along the portion of the Real Property fronting Hope Avenue. Owner may reserve the right to develop the area beneath the surface for an underground parking garage or other sub-surface structures as long as such sub-surface structures do not interfere with the development and use of the surface easement for sidewalk purposes.
 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 B.10 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 storm water 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, storm water treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-

related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (such as parking lot and driveway runoff), 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. **Hope Avenue Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Hope Avenue. As determined by the Public Works Department, the improvements shall include the following: 6 -ft wide sidewalk, 5-ft wide parkway, driveway apron modified to meet Title 24 requirements, saw-cut and replace curb and, gutter where damaged, crack seal and slurry seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of drainage improvements, preserve and/or reset survey monuments and contractor stamps, new 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.
 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.
- D. Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Solid Waste Management Plan.** Owner shall submit a solid waste management plan that identifies feasible measures to address the construction and operation of the parking lot, bicycle station and office uses which may include, but are not limited to, the following:
 - a. Provision of space and/or bins for storage of recyclable materials within the project site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements.

- b. Development and implementation of a plan for collection of recyclable materials on a regular basis.
 - c. Development of source reduction measures, indicating the method and amount of expected reduction.
 - d. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.
 - e. Implementation of a monitoring program (quarterly, bi-annually) to attain and maintain a 35-50% minimum participation in recycling efforts.
 - f. Implementation of a composting landscape waste reduction program.
4. **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 Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.
- 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. **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 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 2. **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.
 3. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of

their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 30 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

4. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, signed by the City and Owner, and recorded against the property in the Office of the County Recorder, which includes the following:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as units number 5 and 8 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to and occupied only by households who qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The dwelling units designated as units number 12 on the Tentative Subdivision Map shall be designated as Affordable Upper-Middle Income Units and sold only to and occupied only by households who qualify as Upper-Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Units No. 5 & 8 (2-bedroom units) – \$249,900
Unit 12 (2-bedroom unit) = \$350,100
 - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.
7. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to

disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Agent, the Architect, the Contractor and each subcontractor.

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

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion

Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
6. **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.
7. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, six (6) bicycle parking spaces shall be provided.
8. **Guest Parking.** Four (4) guest parking space(s) shall be provided. The size and location shall be determined by the Public Works Director.
9. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
10. **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.
11. **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.

1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Agent, Architect, Contractor and each Subcontractor.
2. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.

7. **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.

8. **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.
9. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished during site grading and transportation of fill

materials using recycled water whenever the Public Works Director determines that it is reasonably available:

- a. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - b. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - c. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - d. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
10. **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.
 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(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six feet if in a single family zone.
 15. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
 - a. **Grading Plan Notes.** Notes on the grading plan that specify the following:

- (1) No grading shall occur within three feet of the driplines of the existing tree(s).
 - (2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.
 - (3) All excavation within the dripline of the tree(s) shall be done with hand tools.
 - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - (6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (7) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
- (1) 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.
 - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for removal of the existing parking lot. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (5) 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 transplanted is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

16. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
17. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
18. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
19. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- H. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (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 under-grounding and installation of street trees.
 3. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
 4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade if applicable.
 5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
 6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
 7. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions ("Affordable Units") obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial purchasers; and (d) for each Affordable Unit, the recorded affordability control covenant signed by the City, the Owner (seller) and the initial purchasers of such Affordable Unit which assures continued compliance with the affordability conditions for a period of at least 90 years.
 8. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.
- Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within

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

NOTICE OF APPROVAL TIME LIMITS:

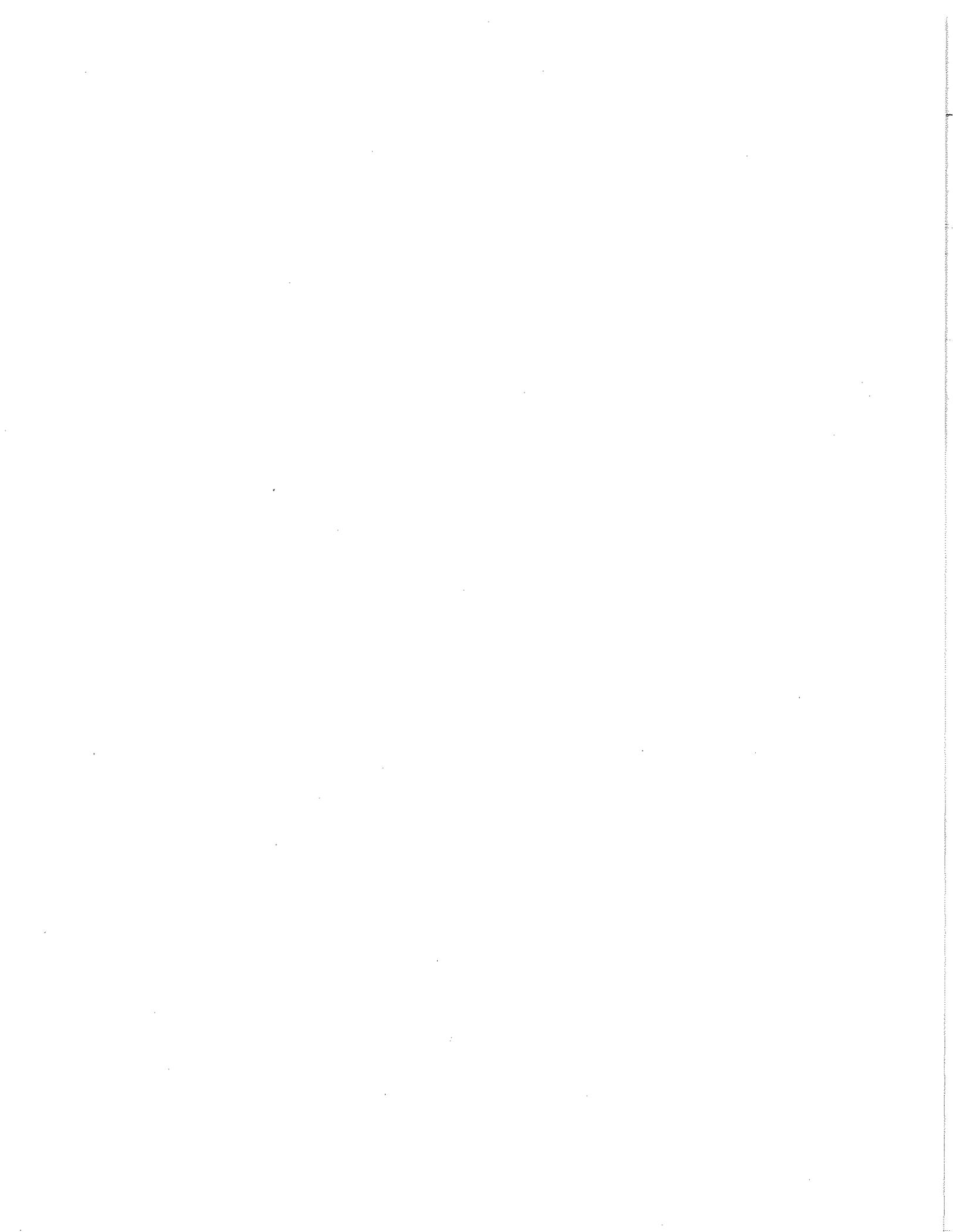
The Planning Commission's action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

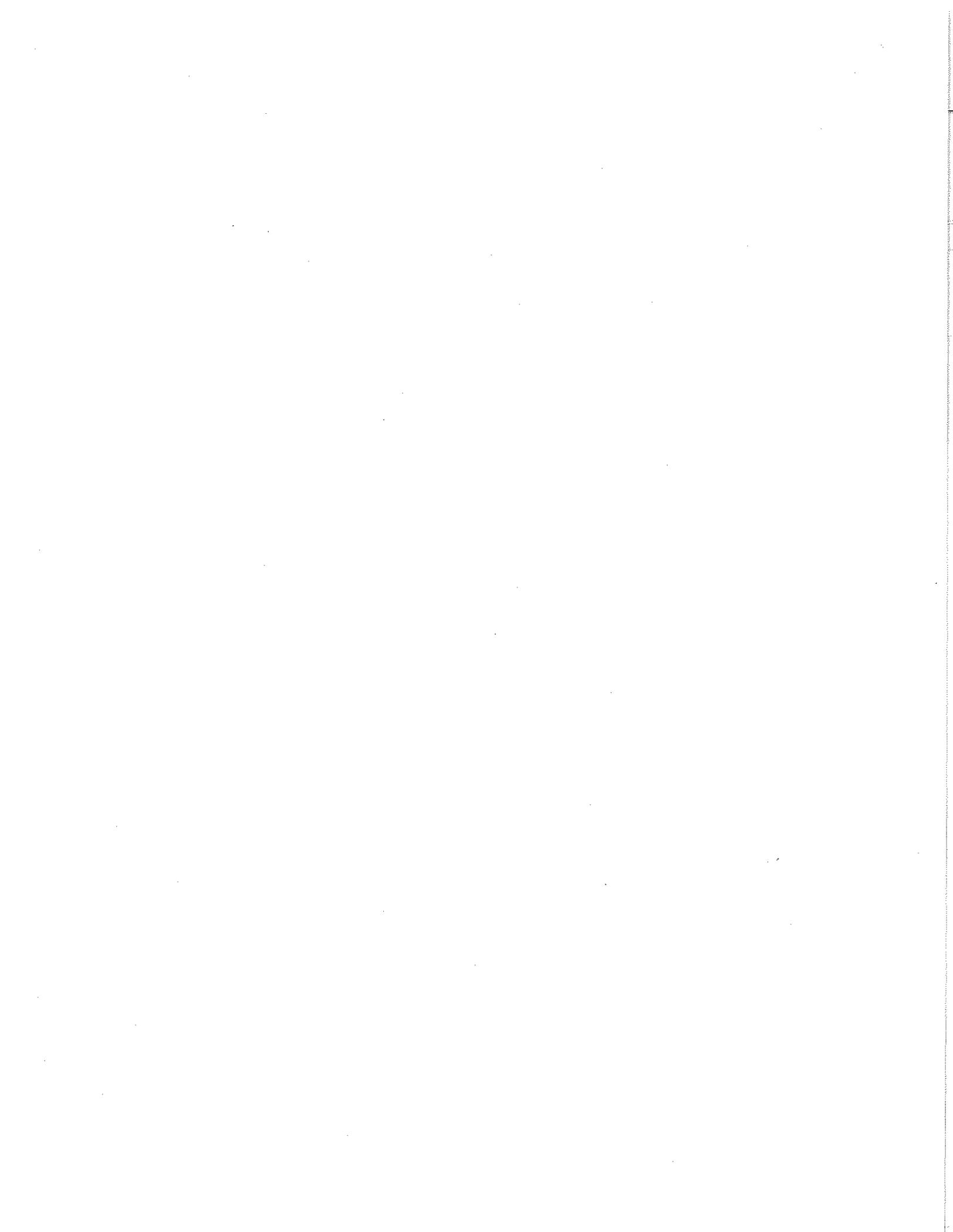
1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate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

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

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.





S U Z A N N E  E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ

30 September 2008

Planning Commission
City of Santa Barbara Planning Division
Community Development Department
630 Garden Street
Santa Barbara, CA 93101

RE: **Mixed Use Project - 15 South Hope Avenue, APN 051-040-058
(MST2006-00682)**

Dear Planning Commissioners:

On behalf of the owner, Johnman Holding, LLC, we are pleased to provide the following detailed project description for a mixed use project at 15 South Hope Street in the City of Santa Barbara.

I. Project Description

The project includes removal of an 8,368 square foot commercial building and construction of three story building to include sixteen (16) residential condominium units and 1,150 net square feet of commercial space on a 39,536 square foot site (gross). Three of the residential units are proposed to be affordable units, exceeding the minimum requirement of the City's Inclusionary Housing Ordinance. Two of the units would be affordable to middle income households (the density bonus units) and one would be affordable to upper-middle income households. The project includes an underground parking garage to accommodate 35 parking spaces for residential use, including four guest spaces. In addition to the parking provided in the underground parking structure, five parking spaces for commercial use would be provided at grade for a total of 40 parking spaces.

The project proposes a mix of condominium units, including two (2) one-bedroom units, twelve (12) two-bedroom units and two (2), three-bedroom units. The units vary in size from 833 to 1,500 net square feet in a variety of floor plan types. Three of the two bedroom units (Units 5, 8, and 12) are proposed to be the affordable units, two of which would be provided through density bonus. The project's affordable housing units exceed the minimum requirement under the current Inclusionary Housing Ordinance to provide 15% of the total units proposed as affordable units, resulting in a project in which 20% of the total units proposed are affordable (not including the density bonus unit).

The proposed commercial space (1,150 net square feet) is located at the property frontage of off Hope Avenue. Five parking spaces are proposed to fulfill the parking requirement for the

commercial component. Please refer to Sheet A1 for a list of the unit types, sizes and additional project statistics.

At the request of both Planning Commission and staff, the project includes a pedestrian connection from the development, through the access lane to State Street. Additionally, a pedestrian connection is proposed from the site to the adjacent “Whole Foods” property via a stairway and an accessible lift.

In addition to the provision of surface parking, the project includes an enclosure for trash and recycling in accordance with the City Space Allocation guide, landscape planters to enhance the project and provide screening, and bicycle parking.

The subterranean parking structure contains 16 private lockable storage spaces (280 cubic feet each), 35 parking spaces, mechanical equipment rooms, an elevator and stairs. Please refer to the attached Sheet A2 for additional floor plan detail.

The proposed mixed use development is contained within a three story structure. At the highest point of the building ridgeline, the structure measures 40 feet above existing grade. The project proposes a 21-foot wide driveway off of Hope Avenue for residents, guests, and customers. A separate fire access lane is proposed along the 20-foot wide driveway off of State Street.

The landscaping plan consists of 14,607 (42%) square feet of open space, including common landscaped area, the creek restoration open space and private outdoor patios and planters. Driveways, parking, and sidewalks represent 8,026 square feet (23.2%) of the site. The remainder of the site includes the footprint of the building, totaling 12,315 square feet (34.6%).

II. Discretionary Action Requested

The following discretionary actions are requested for consideration by the Planning Commission:

1. A Modification of the lot area requirements to allow two (2) bonus density units on a lot in the C-2/SD-2 zone (SMBC §28.92.110.A.2).
2. A Modification to allow the structure and fountain to encroach into the required front yard setback in the C-2/SD-2 zone (SBMC §28.45.008)
3. A Tentative Subdivision Map for a one-lot subdivision to create sixteen residential condominium units and one commercial condominium (SBMC 27.07 and 27.13).

III. Environmental Review

Traffic and Circulation

Associated Transportation Engineers (ATE) has prepared a trip generation and intersection impact assessment for the project, dated October 8, 2007. The initial trip generation calculations were reviewed in coordination with City Transportation staff; based on the review, it was determined that the Furniture Store trip rates should be used for the existing use in order to provide a more conservative traffic analysis. The data show that the proposed project would generate a net increase of 100 average daily trips (ADT), seven (7) A.M. peak hour trips, and nine (9) P.M. peak hour trips. The addition of project traffic would not affect operations at the State Street/Hope Avenue or at the Hope Avenue/Calle Real intersections under existing and cumulative conditions based on City impact thresholds as the V/C ratios would not change.

Noise

A Sound Level Assessment was prepared by David Lord, PH.D, dated October 1, 2007 to analyze potential noise impacts for the future residential use. The report indicates that the primary potential noise issue is the traffic on S. Hope Avenue, west of the project site with some residual noise source from State Street traffic to the north of the project site. The LDN measured sound level at the proposed west elevation is greater than the allowable LDN = 60 dBA; therefore, noise mitigation for residential construction facing the noise source, and for habitable outdoor activity areas facing west is required in order to meet both building code and General Plan requirements. The project design includes a vertical, three foot high solid noise barrier at the proposed second floor balconies that face west. Additionally, the final construction plans will incorporate the construction specifications included in the Sound Level Assessment.

Biology

Arroyo Burro Creek is located on the eastern property boundary of the project site. Currently the site does not provide a buffer for the creek; pavement extends nearly to the top of the creek bank. The proposed project includes a 35-foot setback from the top-of-bank and a 35-foot setback around the canopy of the one large oak tree within the creek top-of-bank. The project engineer has determined the top of the bank per SBMC §28.87.250 which is depicted on the site plan. As indicated in the previously submitted biological survey, the vegetation in and around the creek is not considered high quality habitat. There are many invasive and non-native species located within the creek area. With the exception of a large coast live oak tree and a few native shrubs and bushes, the vegetation is largely non-native. The project proposes to both protect the oak tree by providing an ample buffer and revegetate the creek bank with native plants. A formal restoration plan will be incorporated into the landscape plan and coordinated with the property to the east (pending Whole Foods project).

Archaeology

A Phase I Archaeological Resources Report was prepared by David Stone, M.A., dated October 2007 in accordance with the City of Santa Barbara Cultural Resources Master Environmental Assessment. The report concludes that the proposed project is not considered to have the potential to impact intact significant or important historic or prehistoric cultural remains and does not recommend mitigation measures.

Grading and Drainage

A preliminary grading and drainage plan has been prepared for the project consistent with the City's Storm Water Quality Guidelines. The project includes an underground garage which will require approximately 5,000 cubic yards of soil export. In addition, a Revised Preliminary Hydraulic Report has been prepared to include the proposed water treatment methods for the open space and the underground parking area. Biofiltration is proposed within the landscaped areas including the planters along Hope Avenue and the creek setback area. As indicated in the revised report, parking garage storm water runoff will drain to an infiltration basin, will disperse through a perforated pipe, and percolate into the ground through the filter fabric wrapped sand layer and the aggregate filled basin. Given that the site is developed with an existing building and that the majority of the site is covered with an asphalt parking lot, the project would decrease runoff from the site.

Visual Resources

The building site at 15 S. Hope Avenue is at a lower grade than those that front State Street. The proposed development would not result in an impact of mountain views to the east as other projects proposed along State Street potentially would affect views. The roof ridge of the adjacent building at the corner of Hope Avenue and State Street would be six feet higher than the roof of the proposed project.

Upper State Street Study

The proposed project achieves many of the design features identified in the *Improvement Measures Summary*, Exhibit A to the *Upper State Street Study Report*. Some of the project design features are described in the list below:

- A four foot wide right-of-way easement in order to provide a wider sidewalk and planter strip along the property frontage.
- Although the State Street driveway will remain, it will only be used for Fire Department emergency access resulting in an improvement to mid-block traffic flow along State Street.
- The provision of predominately underground parking.
- Extensive creek buffer improvements including a revegetation plan, creating more open space as compared to the existing condition, and a development that is oriented toward the creek.

- Inclusion of pedestrian connection to adjacent property to promote connectivity to new commercial uses and reduce the number of vehicle trips through the intersection.
- Additional City Street Trees.

IV. General Plan and Zoning Consistency

The proposed development has been designed in a manner to avoid zoning modification requests to the extent feasible. A front yard setback modification is requested for a small portion of the structure to encroach six feet into the setback and to construct a fountain in a plaza area of the project. The project provides a mix of residential units, unit sizes, and three affordable units. The residential condominiums have been designed to meet the physical standards for new condominium development. The project meets the intent of the applicable General Plan policies and is consistent with the zoning ordinance.

V. Modification Requests

Lot Area Modification

The project includes a request to consider a Lot Area Modification to allow two density bonus units. The project site is zoned C-2/SD-2, where variable density provisions apply. Variable density allows flexibility in unit type in order to meet density standards of the base zone. The density bonus units would be market restricted at the middle-income level; this would result in a project that is consistent with the zoning ordinance relative to lot area modifications and the City's Affordable Housing Policy Guidelines. We believe that staff can recommend approval of the Lot Area Modification because it is necessary to construct a housing development which is affordable to both middle and upper middle income households.

Front Yard Setback Modification

Due to the proposed right-way-easement along the property frontage and the requirement to measure the front yard setback from the interior edge of said easement, the proposed structure will encroach into the 20-foot front yard setback. However, the appearance of the building would be consistent with the setback requirement given the provision of a wider right of way required by the Pedestrian Master Plan. Additionally, the project requests that the proposed fountain located in the entry plaza also encroach into the same front yard setback. The modification request is minor in nature and provides an amenity to enhance the pedestrian experience. Further, the fountain received positive design comments from the ABR.

VI. Project Justification

This project is important and warranted as it will provide a mix of condominium unit types, it includes three units affordable to middle and upper middle income households, and it provides a generously sized commercial space to balance the new residential units. The project has received a concept review by the Architectural Board of Review receiving favorable comments relative to mass, bulk, and scale. The project will eliminate an existing masonry building of a dated architectural style which is currently approximately six feet setback from the narrow

right-of-way and does not conform to the required 20-foot front yard setback. Ultimately, the project will be required to meet high design standards while achieving neighborhood compatibility.

The project team is confident that the requested modifications meet the intent of the Zoning Ordinance in addition to consistency with the goals set forth in the USSS Improvement Measures which states that reducing the setback may only be approved in conjunction with substantial community benefit. There are several community benefits associated with the proposed project which are summarized below:

- Demolition of a non-conforming building (the project will provide an additional visual setback of 16 feet as compared to the existing condition.)
- Substantial drainage improvements
- Increase of surface area to provide biofiltration through generous landscape and open areas resulting in water quality improvements to the creek
- Affordable housing opportunities
- Improved and enhanced pedestrian right-of-way
- Underground parking
- Substantial creek buffer, an increase from the existing condition of 25-31 feet
- Removal of non-native vegetation, installation of native vegetation

This concludes our project description application letter to the Planning Commission and to Planning Staff. Please feel free to call me or any of the project team if you have any questions or require any further information related to our submittal.

On behalf of the project team, thank you for your consideration of this project.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES



Trish Allen, AICP
Senior Planner

cc: Jerry Illouljian, Ivy Property Group
Dave Jones, Lenvik & Minor

- 2) Some Board members approve the landscaping as proposed, two Board members are concerned with the lack of trees.
- 3) Provide locations for future photovoltaic installation across the entire parking storage area.
- 4) Provide final working drawings for the freestanding solar array on Consent Calendar.

Action: Zink/Aurell, 4/2/0. Motion carried. (One Board member changed his vote, wording of motion did not change.) (Blakeley/Mosel opposed: needs parking lot trees. Manson-Hing/Sherry absent.)

*** THE BOARD RECESSED FROM 6:14 P.M. UNTIL 6:37 P.M.***

CONCEPT REVIEW - NEW ITEM

4. 15 S HOPE AVE

C-2/SD-2 Zone

Assessor's Parcel Number: 051-040-058
 Application Number: MST2006-00682
 Owner: Johnman Holding, LLC
 Agent: Trish Allen

(Proposal for the demolition of an existing 8,368 square foot retail structure and associated parking and construction of a three-story mixed-use development with underground parking. The project proposes 16 residential condominium units including three affordable units, 1,150 square feet of commercial space, 40 parking spaces, and 5,000 cubic yards of grading. The proposed units include 2 one-bedroom units, 12 two-bedroom units, and 2 three-bedroom units ranging in size from 833 to 1,500 square feet. The proposed project will result in approximately 21,787 square feet of building area on a 35,667 square foot parcel. The project also includes a creek restoration project and 13,880 square feet of open space. The project requires Planning Commission review of a Tentative Subdivision Map and modification for bonus density.)

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

(6:37)

Present: Trish Allen, Agent, Suzanne Elledge Planning and Permitting; Bob Cunningham, Architect, Arcadia Studio; David Jones, Architect, Lenvik and Minor.

Public comment opened at 6:59 p.m. As no one wished to speak, public comment was closed

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

- 1) The Board is pleased with the size, bulk, and scale, break up of massing, creek restoration, and the affordable units.
- 2) There is some concern with the trash/recycling area which appears too close to the Hope Avenue pedestrian access. Provide a more private solution.

- 3) Coordinate metering and tree locations in the parkway to allow planting as shown on the plans.
- 4) The Board is concerned and interested in alternatives for the Fire Department access link to State Street, such as landscaping.
- 5) There is concern that the pedestrian entry from Hope Avenue to the courtyard condos is weak. Study a solution that better celebrates the entry and pathway.
- 6) There is concern with some minor details, such as the half arches at the carport from Hope Avenue (at the right of the front elevation).
- 7) Some Board members are concerned with the diagonal striping at the cornice/freeze line and some other proportional elements, particularly at the north elevation of Hope Avenue. It is suggested having more playful placement of window elements on north side elevation.
- 8) The Board is in favor of the fountain at the front entry area off Hope Avenue.
- 9) The exposed rafter detailing of the eaves are appreciated.
- 10) Restudy the windows over arches at the west elevation for better proportions.
- 11) The landscaping appears appropriate at this time.
- 12) Verify whether stairway access to Whole Foods can be placed in the setback area.
- 13) The Board appreciates the applicant keeping the eucalyptus tree and the 30 inch oak tree in the creek area, and looks forward to seeing the design for the creek restoration at the eastern part of the property.

Action: Aurell/Zink, 6/0/0. Motion carried. (Manson-Hing/Sherry absent.)

CONCEPT REVIEW - NEW ITEM

5. 1405 HARBOR VIEW DR

R-2/SD-3 Zone

Assessor's Parcel Number: 015-292-005
Application Number: MST2007-00278
Owner: Carlos Villareal
Architect: Tom Jacobs

(Proposal to demolish an existing 960 square foot single-family residence and 560 square foot detached garage and construct two new two-story, single-family residences with attached two-car garages. The first unit is proposed to be 1,474 square feet and the second unit is proposed to be 1,409 square feet. Total proposed development includes 3,734 net square feet on a 7,320 square foot parcel in the non-appealable jurisdiction of the Coastal Zone. The project requires Planning Commission approval for a Coastal Development Permit and review of two zoning modifications requests.)

(COMMENTS ONLY; PROJECT REQUIRES PLANNING COMMISSION REVIEW OF A COASTAL DEVELOPMENT PERMIT AND ZONING MODIFICATIONS.)

(7:26)

Present: Tom Jacobs, Architect.

Public comment opened at 7:39 p.m. As no one wished to speak, public comment was closed.

- 7) Show the area at the east side between road and retaining wall as planting. Ensure structural material of the existing retaining wall will allow for at least one foot of planting.
- 8) Fewer but larger planting pots with trees, low height planting, and trailing planting are preferred at the front patio.
- 9) Provide planting at the east side of the driveway retaining the wall.
- 10) Paint or stucco both sides of the retaining wall at the transformer.

Action: Gross/Manson-Hing, 5/0/2. Motion carried. (Aurell/Zink abstained. Blakeley absent.)

CONCEPT REVIEW - CONTINUED ITEM

3. 15 S HOPE AVE

C-2/SD-2 Zone

Assessor's Parcel Number: 051-040-058
 Application Number: MST2006-00682
 Owner: Johnman Holding, LLC
 Agent: Trish Allen, Suzanne Elledge Planning and Permitting
 Architect: David Jones
 Landscape Architect: Bob Cunningham

(Proposal for the demolition of an existing 8,368 square foot retail structure and associated parking and construction of a three-story mixed-use development with underground parking. The project proposes 16 residential condominium units including three affordable units, 1,150 square feet of commercial space, 40 parking spaces, and 5,000 cubic yards of grading. The proposed units include 2 one-bedroom units, 12 two-bedroom units, and 2 three-bedroom units ranging in size from 833 to 1,500 square feet. The proposed project will result in approximately 21,787 square feet of building area on a 35,667 square foot parcel. The project also includes a creek restoration project and 13,880 square feet of open space. The project requires Planning Commission review of a Tentative Subdivision Map and modification for bonus density.)

(Second concept review. Comments only; Project requires environmental assessment and Planning Commission review of a Tentative Subdivision Map and bonus density.)

Time: 4:49

Present: David Jones, Architect, Lenvik and Minor; Martha Degasis, Landscape Architect, Arcadia Studio; Trish Allen, Agent, Suzanne Elledge Planning and Permitting.

Public comment opened at 5:10 p.m.

A letter in opposition from Paula Westbury was acknowledged.

Public comment closed at 5:10 p.m.

Member Mosel stated for the record that there appears to be room to lower the floor-to-floor height, further reducing the building height.

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

- 1) Overall the Board is happy with the size, bulk, and scale, and appreciates the restoration of the Arroyo Burro Creek restoration as part of the plan.

- 2) The fountain is supportable as it presents a positive amenity for the project and the neighborhood. A modification for the fountain in the setback is supportable.
- 3) The modification required for the sidewalk area into the front property line poses no negative aesthetic impact.
- 4) The Board has no comment on the request for bonus density modification request.
- 5) The trash room shall have plank or carriage style doors.
- 6) High-quality detailing consistent with the building to the north to blend with the neighborhood is expected.
- 7) The landscape Architect would prefer having four street trees along Hope Avenue to provide more of an allee.
- 8) The Board likes the setback of the building and patio, and looks for enhancements such as softening the front scape with landscape, and planting to screen cars from view. A modification for a half-wall would be supported.
- 9) Show the creek watershed retention and bioswale.
- 10) Some Board members have concern and desire to see more public pedestrian connectivity through the site from State Street.
- 11) Provide enhanced paving in the front, patio, and driveway to be more pedestrian friendly.
- 12) Study reducing the floor-to-floor height.
- 13) Removal of the opening in the west elevation wall to eliminate view of the car parking is preferred. Study the parking supports on that level to show thicker walls and smaller openings.
- 14) It is preferred that the building not be pushed away from street and into the Arroyo Burro Creek area.
- 15) Provide articulation over the garage opening, such as potted plants, vines, thicker walls, or other elements to break up the scale.
- 16) The east elevation balconies shall be opened with railings to provide a view to the open space.
- 17) Study having more landscape at the building, move fountain to center line of residential door axis.
- 18) The Board appreciates the applicant saving the Eucalyptus tree at the rear.
- 19) Maximize the landscape and minimize the hardscape at the front.

Action:

Manson-Hing/Gross, 7/0/0. Motion carried. (Blakeley absent.)

***** THE BOARD RECESSED FROM 6:10 UNTIL 6:32 P.M. *****