



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** October 1, 2009  
**AGENDA DATE:** October 8, 2009  
**PROJECT ADDRESS:** 1712 Anacapa Street (MST2008-00435)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Kelly Brodison, Assistant Planner *KAB*

### I. PROJECT DESCRIPTION

The proposed project involves the subdivision of a 23,160 square foot parcel into three parcels. The lot is currently developed with a 2,140 square foot, two-story, single-family residence and a detached two-car garage. Proposed Parcel 1 will be 8,310 net square feet and includes remodeling the existing residence and the construction of a new two-car carport. Proposed Parcel 2 will be 7,000 net square feet and includes the demolition of the existing garage and proposed Parcel 3 would be 7,850 net square feet. No new residential development is proposed on Parcels 2 or 3 at this time. Pedestrian and vehicular access, for all three parcels, are to be provided by a new 16-foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

### II. REQUIRED APPLICATIONS

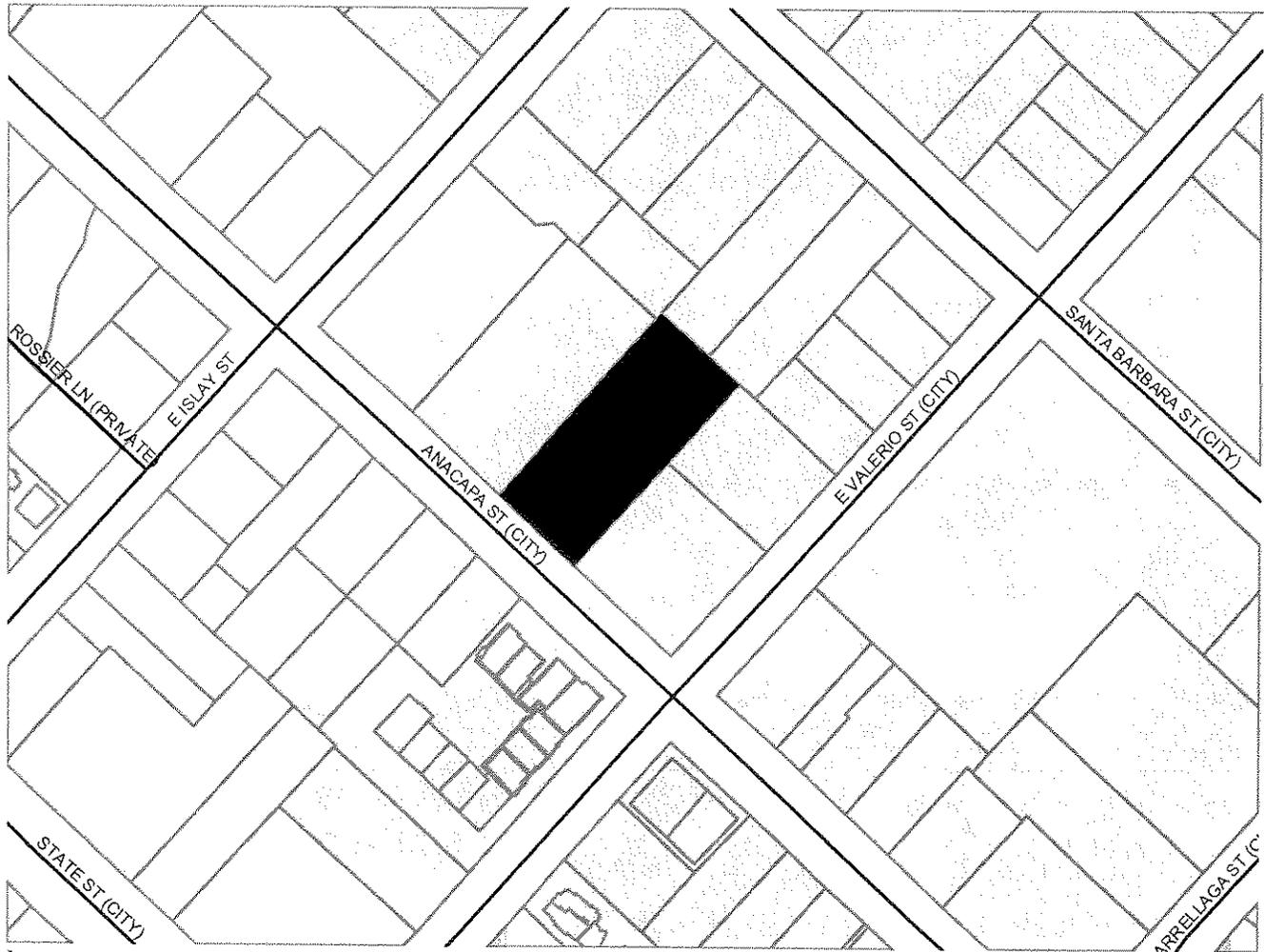
The discretionary applications required for this project are:

1. Two (2) Street Frontage Modifications to allow two of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC §28.15.080);
2. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC 22.60.300); and
3. A Tentative Subdivision Map for a subdivision of one (1) existing lot into three (3) new lots (SBMC 27.07);

### III. RECOMMENDATION

Based on the policies expressed in the General Plan text, the proximity of the project site to the residential density demarcation on the City's General Plan Map with the underlying zoning, the nature of the existing development within the vicinity of the project site, and with approval of the requested street frontage modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning

Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A



**APPLICATION DEEMED COMPLETE:** August 12, 2009  
**DATE ACTION REQUIRED PER MAP ACT:** October 23, 2009

**IV. BACKGROUND**

On June 4, 2009, the project was reviewed at Planning Commission to discuss the project's consistency with the General Plan. The reason for this discussion is that this parcel lies within an area of the City where the General Plan designation does not exactly match the underlying zoning. In this type of situation the General Plan Map, and the General Plan text should be interpreted together. The Planning Commission has the discretion to determine whether a particular project is consistent with the General Plan. At that meeting, the general feeling from the Commissioners was that the project was appropriate for this area of the City. Some Commissioners felt that the proposal is consistent with the intent of the zoning and the General Plan and the direction that the updated General Plan is going. The Staff Report and meeting minutes are attached herewith as Exhibit D and E.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Jarrett Gorin, Vanguard Planning LLC	Property Owner: Richard Untermann & Gail Elnicky
Parcel Number: 027-111-014	Lot Area: 23,160 s.f. (.532 acre)
General Plan: Residential 3 units per acre Residential 12 units per acre	Zoning: R-2
Existing Use: Residential	Topography: ~7%
Adjacent Land Uses:	
North – Single family & Multi-family residential	East – Single family residential
South – Multi family residential	West – Multi-family residential

**B. SITE STATISTICS**

Lot Area:	
<u>Existing</u>	23,160 s.f.
- Proposed Parcel 1	8,310 s.f.
- Proposed Parcel 2	7,000 s.f.
- Proposed Parcel 3	7,850 s.f.

**VI. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Lot 1 (existing house)	Lot 2	Lot 3
Lot Frontage	60'	60'	None*	None*
Building Height	30' plus solar access requirements	23'-7" (legally non-conforming to solar access requirements)	25'	21'-6"
Lot Area Required for Each Unit (Variable Density)	7,000 s.f.	8,310 s.f.	7,000 s.f.	7,850 s.f.
Open Yard	1,250 s.f.	1,250 s.f.	1,250 s.f.	1,250s.f.
Lot Coverage	N/A	1,920 s.f. 23.1%	2,205 s.f. 23.1%	2,325 s.f. 29.6%
-Building	N/A	1,800 s.f. 21.7%	1,200 s.f. 17.1%	2,999 s.f. 25.5%
-Paving/Driveway	N/A	4,590 s.f. 55.2 %	3,595 s.f. 51.4 %	3,525 s.f. 44.9%
-Landscaping				

\*Requires a modification

The proposed project would satisfy the requirements of the R-2 Zone, with the exception of the lot frontage provided for lots 2 and 3.

**A. LOT FRONTAGE MODIFICATIONS**

In the R-2 zone district, each newly created lot is required to provide 60 feet of frontage on a public street. The proposed subdivision is configured such that the two newly created lots would not have public street frontage. Because proposed Lots 2 and 3 are served by a private driveway rather than a public street, they cannot satisfy the requisite lot frontage requirement. The applicant has requested modifications for Parcels 2 and 3 to provide less than the required 60 feet of lot frontage. The proposed configuration is consistent with surrounding development. Under this proposal, access to Parcels 2 and 3 would be provided via a shared sixteen foot wide driveway from Anacapa Street. Staff is able to support this modification request because the creation of the new lots is compatible with the character and physical layout of surrounding parcels.

This project site lies in the R-2 zone. A three-lot subdivision would meet the requirements of the R-2 zone (SBMC §28.18.075), which states that every lot hereafter created in an R-2 Zone shall contain at least seven thousand (7,000) square feet and sixty feet (60') of frontage on a public street. The section also states that for lots of seven thousand (7,000) square feet or more, there shall be provided, a lot area of three thousand five hundred (3,500) square feet or more for each dwelling unit hereafter erected. The 23,160 square foot lot could allow for up to six (6) units under the R-2 zone. The project is generally consistent with the requirements of the R-2 zone, with the exception of the proposed street frontage modifications, which are necessary because of the configuration of the lots.

## **B. INCLUSIONARY HOUSING ORDINANCE**

On May 12, 2009, City Council amended the Inclusionary Housing Ordinance. The amended ordinance applies to all ownership housing projects with two or more units. These provisions apply to all qualifying projects approved subsequent to the adoption of the ordinance. The subject project would be required to pay an in-lieu fee of \$36,000.00 (\$18,000/unit x 2 units), payable prior to recordation of the Final Map.

## **VII. ISSUES**

### **A. ENVIRONMENTAL REVIEW**

Based on environmental review of the project with the City's Master Environmental Assessment and technical studies discussed below, the City's Environmental Analyst has determined that the project would not result in significant environmental impacts.

The Guidelines of the California Environmental Quality Act (CEQA) include a number of types of projects that are generally exempt from environmental review. This project is determined to be Categorically Exempt from further review per California Environmental Quality Act (CEQA) Guidelines Section 15315 [Minor Land Division] in that the proposed subdivision will result in three parcels, the average slope is less than 20 percent, the site is zoned for residential use, services and access are available, and the parcel has not been involved in a subdivision within the previous two years. This section provides for the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning. The following reports and issues were considered in reviewing the project for its environmental determination.

#### **1. Archaeological Resources Report**

According to the City's Master Environmental Assessment (MEA), the site is located within three Archaeological Resource Sensitivity Zones: the Prehistoric Watercourse, the American Period (1870 – 1900) and the Early 20<sup>th</sup> Century (1900 – 1920). Based on the proposed scope of work and the amount of ground disturbance, a Phase 1 Archaeology Report was required.

A Phase 1 Archaeological Study, prepared by Larry A. Carbone of Western Points Archaeology was reviewed and accepted by the City's Historic Landmarks Commission on January 7, 2009. The Report found that ground disturbances resulting from the proposed construction and landscaping design is not expected to affect any cultural resource deposit. In light of the proposed construction design, the pattern of prehistoric distributions in the nearby area, and observations made during the field survey, the potential for buried cultural resource remains being encountered during construction ground disturbances is considered to be very low to negligible. Per City's MEA procedures, a recommended condition of approval would provide that if any artifacts,

features or deposits of historic or prehistoric nature are encountered during any ground disturbance, work shall be halted while these cultural remains are assessed and as necessary, mitigation implemented.

## 2. Historic Structures Report

An Historic Structures Report, prepared by Ronald Nye, was prepared for the existing two-story reductive Monterey style residence and detached garage on site. The proposed project would partially demolish, rebuild and enlarge the existing residence. The Structures Report was reviewed by the Historic Landmarks Commission (HLC) on January 7, 2009, at which time it was continued for additional information. The HLC requested that the report be revised to reflect a more current project description including the proposed subdivision and to address some of the design elements for the existing structure.

An amended report was reviewed and accepted by the HLC on January 21, 2009. The report determined that the existing residence does not qualify as historically or architecturally significant under City of Santa Barbara guidelines and would not qualify as a Structure of Merit. Since the building is not a historic resource, no potential impacts will occur as a result of the proposed project. The Commission accepted the report finding that some elements on the property contribute to the neighborhood, such as the trees, sandstone walls, Monterey balcony and porch visible from Anacapa Street. The Commission requested that those elements be replicated in any future development.

There is an existing sandstone block wall bordering the sidewalk and driveway that would be salvaged and reused when the driveway is moved so as to retain the ability to contribute to the visual character of the neighborhood. The existing balcony on the south elevation or a replication of it would be incorporated in the design of the present building's alterations.

## 3. Drainage and Water Quality

A Preliminary Drainage Analysis, prepared by Flowers & Associates, Inc. dated May 11, 2009, was prepared for this project. The existing drainage generally flows across the lot from the northwest to the southeast roughly paralleling Anacapa Street. In addition, the northeastern portion of the lot drains southerly towards the middle section of the southeasterly lot line.

The proposed subdivision includes a new permeable pavement driveway which will be constructed adjacent to the northwest property line and connecting to Anacapa Street. Drainage from the new driveway and a portion of the new residences, which are designed with roof downspouts directing runoff to the permeable driveway, will be directed via a small driveway swale to Anacapa Street.

Drainage from the remainder of the three residences will be directed via rear yard sheet flow and common property line swales to the southeast property line where rear (yard) property line swales will direct it to the south corner of each new lot. A small block

retaining/garden wall along the southeast property line will prevent any drainage from crossing into the neighboring parcels. A subsurface storm drain percolation chamber and rock/gravel bed (Stormtech or similar) will be constructed at the southeasterly corner of each lot. Overflow from each chamber is proposed to flow via vegetated surface swale along the southwesterly property line. Drainage from the project will discharge into the Anacapa Street right of way via a City standard sidewalk drain.

In order to address water quality, the project proposed rain gardens near the southwesterly corner of each of the proposed lots, and by using the gravel subgrade beneath the permeable driveway. The rain gardens are proposed to be approximately .5 foot deep and be "L" shaped with a minimum width of 5' and minimum length of 50 feet. Therefore, the storage capability of each rain garden will be approximately 93.75 cubic feet totaling 281 cubic feet for all three lots. The driveway surface area is approximately 3,000 s.f., which can detain approximate 495 cubic feet of water. In addition, the conveyance of roof runoff to lawn areas and /or vegetated swales prior to entering the proposed storm water detention storage facilities shall further enhance runoff water quality.

By utilizing permeable surfacing on driveway and patio surfaces and by installing subterranean drainage detention chambers and rain gardens, the proposed project will not generate any increase in stormwater runoff.

## **B. DESIGN REVIEW**

As required per SBMC §22.68.020 this proposed subdivision was reviewed by the ABR on March 23, 2009 (meeting minutes are attached as Exhibit F). The ABR was generally supportive of the subdivision lot sizes and proposed layout, commenting that the grading could be supported as it is balanced on site and that the relocation of driveway is beneficial to the north neighbor. Development of the newly created lots with single family residences will require review by the Single Family Design Board. If either Lot 1 or 3 is developed with a duplex (See discussion in Section C.1 below), the development of the lot would require review by the Architectural Board of Review.

## **C. COMPLIANCE WITH THE GENERAL PLAN**

### **1. Land Use Element**

Before a Tentative Subdivision Map can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision can be found consistent with the plans and policies of the City of Santa Barbara.

The property is located in the Upper East neighborhood as identified in the Land Use Element of the General Plan. This neighborhood is split by two General Plan Land Use designations with 12 units per acre in the southern portion and 3 units per acre to the northern portion. Most of this neighborhood, with the exception of State Street is developed with large single-family homes. However, along the southern border of the Upper East neighborhood below Valerio

Street, apartment structures can be seen together with professional offices, churches, and schools. This type of development results from a mixture of commercial offices, hospital office, and multiple-dwelling zones, and it reflects the General Plan, which calls for a density of twelve dwelling units per acre. Because of its conveniently close proximity to downtown, further redevelopment to higher-density residential uses will probably occur in this neighborhood.

The existing lot with the R-2 zoning and the General Plan designation of 3 units per acre would result in a maximum of 5 residential units. However, if the lot is subdivided into three new lots, consistent with a General Plan designation of 12 units per acre, the result would be the same number of units. Newly created lots 1 and 3 could have a maximum of two units while still being consistent with the General Plan Designation of 12 units per acre. However, because of its proposed size, Lot 2 could only be developed with one residential unit and still be found consistent. Therefore, the total number of units would still be five regardless of the General Plan Designation. For illustration purposes, the applicant has submitted conceptual drawings depicting one house on each lot (Exhibit B), but it is noted that development would not be limited by this depiction.

Any future development on the new parcels would be subject to the provisions of the R-2 one- and two- family residential zone.

## **2. Housing Element**

The proposed project would result in two net new residential lots available for development. As explained above, two of the lots (1 and 3) could be developed with accessory dwelling units. Some primary goals of the Housing Element applicable to the subject proposal are: to ensure a full range of housing opportunities for all persons and to protect existing neighborhood character while encouraging compatible infill development. The project would implement the goals of the Housing Element because it is an infill project that creates two new lots available for construction of residences. These future new homes would be compatible in scale, size and design with the surrounding neighborhood and the project would be subject to design review by the City's Single Family Design Board. The project would be subject to in-lieu fees in accordance with the City's Inclusionary Housing Ordinance; therefore, policies of the Housing Element addressing development of low-income housing would be addressed. Staff finds the project to be consistent with the Housing Element of the General Plan.

### Neighborhood Compatibility

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed lots and associated houses would be compatible in scale, size and design with the surrounding neighborhood. Because the surrounding neighborhood is comprised of a mix of two and three family developments along Valerio to the southeast, single-family residences of varying sizes to the northwest and higher density condominium and apartment complexes across Anacapa Street, the proposal can be founding compatible with the character of the City, the surrounding neighborhood and adjacent properties.

**D. PUBLIC STREET WAIVER/STREET FRONTAGE MODIFICATIONS**

Where more than two lots are served via a private road or driveway, a public street waiver is required. Staff's past practice has been to support up to four lots with access via a private road or driveway. As designed, only one of the project's lots would front on a public street. The remaining two lots would be served by a private driveway. In order to approve the proposed Tentative Map, the Planning Commission must approve a Public Street Waiver, finding that:

- The proposed driveway would provide adequate access to the subject sites, including access for fire suppression vehicles.
- There is adequate provision for maintenance of the proposed private driveway through a recorded agreement.
- The waiver is in the best interest of the City and will improve the quality and reduce the impacts of the proposed development.

Staff believes that the proposed layout and private driveways provide adequate access to the site, and provides the benefit of a permanent buffer area between the school property and any future residential units. During the concept review for the project the Planning Commission indicated general support for this layout.

**VIII. FINDINGS**

The Planning Commission finds the following:

**A. PUBLIC STREET WAIVER (SBMC §22.60.300)**

1. The private driveway will provide adequate access to the proposed parcels. The proposed driveway has been found acceptable to the Fire Department and Public Works Department
2. The proposed driveway will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveway will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. There is adequate provision for maintenance of the proposed driveway because the owners of the proposed lots would be required to maintain the private driveways pursuant to an agreement with the subdivider, to be recorded prior to or concurrent with the recordation of the Parcel Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. The private driveway does not require expenditure of public money for maintenance.

**B. STREET FRONTAGE MODIFICATIONS (SBMC §28.15.080)**

As discussed in Section VI.A of this staff report, these modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on a lot. The proposed lot configuration is consistent with the surrounding pattern of development. The subdivision will create two additional lots

that take access from Anacapa Street through a shared private driveway. The development satisfies the minimum Fire Department access requirements and does not compromise public health or safety. The subdivision is consistent with other lots in the surrounding area.

**C. THE TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Sections VI and VII.A of this staff report. The site is physically suitable for the proposed development because the proposed lots would meet the minimum lot size specified in the R-2 zone and the density requirements of the General Land Use Designation of 12 units per acre. The site is physically suitable for the proposed development due to its generally flat topography and mid-block location. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII.A of this staff report, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with the surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems as discussed in Section VII.A of this staff report.

Exhibits:

- A. Conditions of Approval
- B. Reduced Project Plans
- C. Applicant's Letter dated September 25, 2009
- D. Planning Commission Staff Report dated June 4, 2009
- E. Planning Commission Minutes of June 4, 2009
- F. ABR Minutes, March 23, 2009

## PLANNING COMMISSION CONDITIONS OF APPROVAL

1712 ANACAPA STREET  
3-LOT SUBDIVISION  
*TENTATIVE SUBDIVISION MAP, LOT FRONTAGE MODIFICATIONS, PUBLIC STREET WAIVER*  
OCTOBER 8, 2009

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 subdivision grading is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the subdivision grading until the following Planning Commission land use conditions have been satisfied.
1. **Future Construction.** Any new residence constructed on one of the lots created by the proposed subdivision shall be subject to the review and approval of the appropriate Design Review Board; the Single Family Design Board for single family residences and the ABR for duplexes.
  2. **Design Features.** The existing sandstone block wall bordering the sidewalk and driveway wall be salvaged and reused when the driveway is moved so as to retain the ability to contribute to the visual character of the neighborhood. The existing balcony on the south elevation or a replication of it shall be incorporated in the design of the present building's alterations.
  3. **Tree Removal and Replacement.** All native or specimen trees removed or damaged, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site. Replacement trees shall be a minimum of three to one (3:1) 24" boxed or five to one (5:1) 15 gallon trees, as determined by the Design Review Board, of an appropriate species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
  4. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
    - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
    - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist report prepared by Peter Winn, Westree, dated December 8, 2008, shall be implemented.
    - c. **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 Design Review Board.

No irrigation system shall be installed under the dripline of any oak tree.

- (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) 24" boxed or five to one (5:1) 15 gallon rations, from South Coastal Santa Barbara County Stock as determined by the Design Review Board.
  5. **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.
  6. **Permeable Paving.** Incorporate a permeable paving system for the project driveways and walkway(s) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- 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 8, 2009**, is limited to 3 lots (Lot 1 will be 8,140 square feet with a maximum of 2 dwelling units, Lot 2 will be 7,000 square feet with a maximum of 1 dwelling unit and Lot 3 will be 7,850 square feet with a maximum of 2 dwelling units) for a total maximum of 5 dwelling units and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Design Review Board.
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Design Review Board. Such plan shall not be modified unless prior written approval is obtained from the Design Review Board. 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 Design Review Board, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:

5. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Subdivision Map, Tree Protection Plan and Landscape Plan shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Peter Win, Westree, dated December 8, 2008. 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 prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants (CC&R's), 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 parcels.
  - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles

owned by the residents of the property in the manner for which the garages were designed and permitted.

- c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
- d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:

- 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
- 2. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- 3. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
- 4. **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.
- 5. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants (CC&R's), reciprocal easement agreement, or similar private agreements required for the project.
- 6. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer 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.

7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
  8. **Anacapa Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Anacapa Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *saw-cut and reconstruct all cracked and/or uplifted sidewalk, construct one driveway apron modified to meet Title 24 requirements, close existing curb cut and replace with 10-12 lf of curb & gutter, access crack 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, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the MUTCD w/CA supplements during construction, trim tree in front yard setback out of the public rights-of-way under the direction of the City Arborist, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
  9. **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.
  10. **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 Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department prior to issuance of building permits for individual parcels.

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building Permit.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Design Review Board, outlined in Section A above.
  2. **Drainage and Water Quality.** The recommendations in the Preliminary Drainage Analysis, prepared by Flowers & Associates, Inc. dated May 11, 2009, shall be incorporated in the project plans.
  3. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.
  4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers,

etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

1. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction 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: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

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

4. **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.
  
5. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
  - a. Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
  - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
  - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
  - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
6. **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.
  7. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
  8. **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.
  9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
  10. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Subdivision Map, Tree Protection Plan and Landscape Plan shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Peter Win, Westree, dated December 8, 2008. 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.
    - c. Fence off all trees from construction at the critical root zone or where practical with 6' chain link or orange construction fence with metal stakes.

- d. No activities or storage of construction materials shall be allowed within the fenced areas unless approved by the project arborist.
  - e. Any root disturbance to any of the protected trees shall be done by hand and the project arborist alerted.
  - f. All roots encountered shall be cut cleanly with a sharp saw to allow for new root regeneration, backfilled immediately or kept moist to prevent drying out and dying.
  - g. Any tree affected by the construction process shall be deep-root fertilized to promote better health and vigor.
  - h. Compaction of the root zone shall be avoided by spreading 3-4" of mulch. If necessary plywood or equivalent shall be placed on top.
  - i. During hot, dry periods the foliage may need to be washed with high pressure water to remove construction dust.
  - j. Project arborist shall be notified prior to any activities within the critical root zone.
  - k. All trenching of utilities, irrigation and lighting shall not encroach within the critical root zone unless approved by the project Biologist or Arborist.
  - l. Native or Specimen trees removed or damaged shall be mitigated, utilizing the current City recommendations of 5:1 – 15 gallon or 3:1 24" boxed trees.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **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.
13. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a

Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

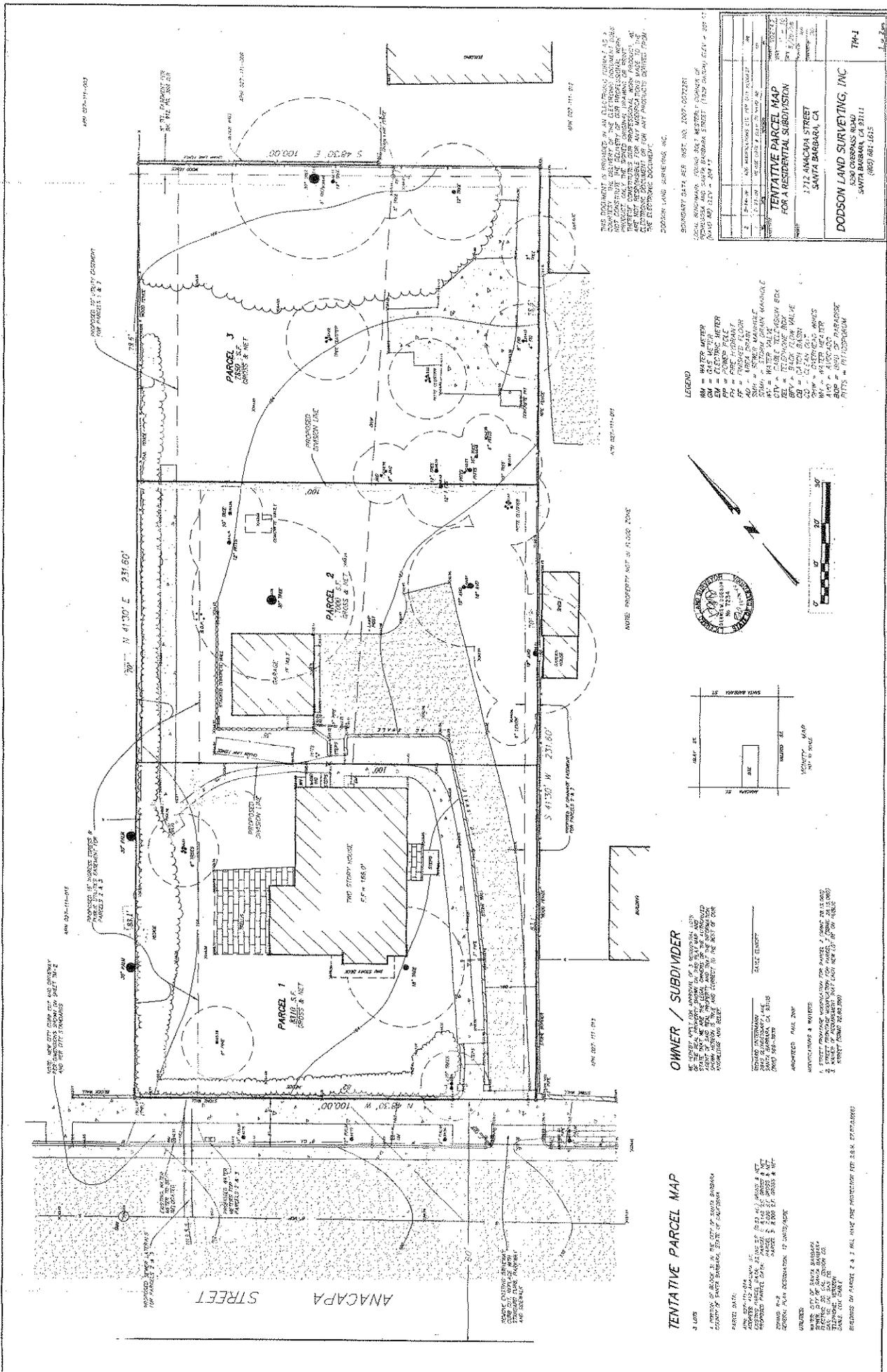
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.

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

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

**NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:**

The Planning Commission's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.



**TENTATIVE PARCEL MAP**

J. L. LEE  
 A. L. LEE  
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA  
 PREPARED FOR: J. L. LEE & A. L. LEE  
 PROJECT: PARCEL MAP, PARCELS 1, 2 & 3, 10000 S. ANACAPA STREET, SANTA BARBARA, CALIFORNIA  
 SHEET NO. 1 OF 1  
 DATE: 11/11/11

**OWNER / SUBDIVIDER**

THE PROPERTY MAPS FOR PARCELS 1, 2 & 3, 10000 S. ANACAPA STREET, SANTA BARBARA, CALIFORNIA, ARE HEREBY SUBMITTED TO THE PUBLIC FOR REVIEW AND COMMENT. THE PROPERTY MAPS ARE PREPARED BY THE SUBDIVIDER AND THE SUBDIVIDER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE SUBDIVIDER IS NOT PROVIDING ANY WARRANTY OR REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE SUBDIVIDER IS NOT PROVIDING ANY WARRANTY OR REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

**LEGEND**

- WM = WATER METER
- GM = GAS METER
- EM = ELECTRIC METER
- PM = PUBLIC METER
- SM = SEWER METER
- AM = AERIAL METER
- SM = SEWER MANHOLE
- WM = WATER MANHOLE
- EM = ELECTRIC MANHOLE
- PM = PUBLIC MANHOLE
- SM = SEWER MANHOLE
- WM = WATER MANHOLE
- EM = ELECTRIC MANHOLE
- PM = PUBLIC MANHOLE
- SM = SEWER MANHOLE
- WM = WATER MANHOLE
- EM = ELECTRIC MANHOLE
- PM = PUBLIC MANHOLE
- SM = SEWER MANHOLE

**NOTES**

1. PROPERTY MAPS FOR PARCELS 1, 2 & 3, 10000 S. ANACAPA STREET, SANTA BARBARA, CALIFORNIA, ARE HEREBY SUBMITTED TO THE PUBLIC FOR REVIEW AND COMMENT.
2. THE PROPERTY MAPS ARE PREPARED BY THE SUBDIVIDER AND THE SUBDIVIDER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
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4. THE SUBDIVIDER IS NOT PROVIDING ANY WARRANTY OR REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

**TENTATIVE PARCEL MAP FOR A RESIDENTIAL SUBDIVISION**

313 MALIBU STREET  
 SANTA BARBARA, CA  
 DODSON LAND SURVEYING, INC.

3200 CARRASCO ROAD  
 SANTA BARBARA, CA 93111  
 (805) 661-1635

THIS DOCUMENT IS PROVIDED BY THE ELECTRONIC SUBMITTER AS A CONVEYANCE OF THE ELECTRONIC DOCUMENT. THE SUBMITTER IS NOT PROVIDING ANY WARRANTY OR REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE SUBMITTER IS NOT PROVIDING ANY WARRANTY OR REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

**EXHIBIT B**



September 25, 2009

Page 1 of 4

Planning Commissioners  
c/o Kelly Brodison  
City of Santa Barbara  
Community Development Department  
630 Garden Street  
Santa Barbara, CA 93101

RECEIVED  
SEP 28 2009

Delivered Via E-mail And 1<sup>st</sup> Class Mail

CITY OF SANTA BARBARA  
PLANNING DIVISION

RE: **1712 Anacapa Street (MST2008-00435)**

Dear Commissioners:

Vanguard Planning LLC is pleased to submit this letter on behalf of Rich Untermann and Gail Elnicky, the applicant for the above referenced project. Mr. Untermann has worked with City staff to refine and improve the design of this proposed residential subdivision since September 2008. The proposal was also before your Commission for a conceptual review on June 4, 2009.

## 1.0. Project Description

The proposed project is a three (3) lot residential subdivision of a 23,160 square foot lot within an existing residential area referred to as the "Upper East" neighborhood of downtown Santa Barbara.

The existing two-story single family residence located adjacent to Anacapa Street would be preserved as part of the project. Two additional single story single family residences would be constructed in the rear portions of the property. All three structures would be served by a single private driveway accessible from Anacapa Street. As a result, the proposed project will appear identical in setback and land use pattern to the existing pattern of single family homes on relatively large lots that occurs throughout the Upper East neighborhood. Each of the proposed residences will include two off street parking spaces located within carports or garages.

Significant vegetation within the project site will be retained and is incorporated within the proposed landscape plan. This includes the large Oak trees located approximately in the center of the project site, and on the rear lot line of proposed Lot #3. Several other large clusters of existing trees will also be preserved. The goal behind this is to include large established trees as part of the overall landscape plan, which will lead to an "old neighborhood" feel within the proposed subdivision. To ensure that these trees are protected, the project includes the following tree protection measures:

- Fence off all trees from construction at the critical root zone or where practical with 6' chain link or orange construction fence with metal stakes.
- No activities or storage of construction materials shall be allowed within the fenced areas unless approved by the project arborist.
- Any root disturbance to any of the protected trees shall be done by hand and the project arborist alerted.
- All roots encountered shall be cleanly cut with a sharp saw to allow for new root regeneration, backfilled immediately or kept moist to prevent drying out and dying.
- Any tree affected by the construction process shall be deep-root fertilized to promote better health and vigor.
- Compaction of the root zone shall be avoided by spreading 3-4" of mulch. If necessary plywood or equivalent shall be placed on top.

- During hot dry periods the foliage may need to be washed with high pressure water to remove construction dust.
- Project arborist shall be notified prior to any activities within the critical root zone.
- All trenching of utilities, irrigation and lighting shall not encroach within the critical root zone unless approved by the project Biologist or Arborist.
- Native or Specimen trees removed or damaged shall be mitigated, utilizing the current County or City recommendations of either 10:1-1 gallon, or 5:1-15 gallon, or 3:1 24" boxed trees.

In order to ensure that any tree removal that occurs in association with development of the proposed project does not impact nesting birds that may be utilizing the trees onsite, project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season, a qualified biologist shall conduct a survey prior to construction to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist.

A 7,321 s.f. area of existing impermeable pavement and surfaces will be removed as part of this project. The proposed access driveway will be constructed from permeable materials and will serve as a component of the overall Stormwater Management system for the project. This system also includes a series of "rain garden" features located along the Southeast property line. These features include above ground vegetation components that serve to slow down and pre-treat stormwater runoff before it leaves the property, and sub-surface infiltration features that substantially reduce the overall volume of runoff by detaining flows and allowing water to infiltrate back into the soil. The combination of stormwater management features included in the project will result in a treatment volume of 998 cubic feet, which represents 160% of the volume requirement specified by the City's current best management practices.

## **2.0 Benefits Of The Project**

The proposed subdivision will allow for development of new residential units on an infill site that is located within the existing developed area of Santa Barbara, and is currently served by all required utilities and infrastructure. The proposed project would be consistent with all surrounding land uses and does not have the potential to result in any significant environmental impacts. The project also provides residential units within walking distance to existing commercial and recreational uses, and is located close to major transit corridors. This provides opportunities for future residents of the site to access community services without having to depend on automobiles. Finally, the proposed site plan allows for the development of additional units on the subject property without altering the appearance of the property as viewed from public streets in any significant way.

We believe the project will be a good addition to the Upper East neighborhood, and will allow for new residential uses on land that is currently unused, and in a manner that is compatible with existing land uses on adjacent properties and throughout the surrounding area.

## **3.0 General Plan Consistency**

This project includes buildout of an existing infill property within the Upper East neighborhood in downtown Santa Barbara. The "Neighborhood Profile" of this area (from the City's original General Plan) is as follows:

*"With the exception of the State Street frontage below Mission Street where motels and offices are found, Upper East is a district of large, prestigious homes. Most structures are spacious, single-family houses set back from the street on large lots. The presence of these large, older, single-family houses has generated occasional pressure for their conversion to apartment use. This pressure has been successfully resisted, however, by the Upper Eastside Improvement Association*

*and by the City. As a result, some of these homes have been restored and are continuing in use as single-family dwellings, while others have been demolished so that new homes could be built in their place. The adherence to single-family zoning has provided protection for the considerable investments made by residents who wish to live in this attractive residential area. Since this is the only area of its type with advantages of a close-in location, the General Plan recommends that it be preserved with an overall density of three dwelling units to the acre.*

*Along the southern border of the Upper East neighborhood below approximately Valerio Street, apartment structures can be seen together with professional offices, churches, and schools. This type of development results from a mixture of commercial offices, hospital office, and multiple-dwelling zones, and it reflects the General Plan, which calls for a density of twelve dwelling units to the acre. Because of its conveniently close proximity to downtown, further redevelopment to higher-density residential uses will probably occur in this section."*

The proposed subdivision is located in the southern portion of the Upper East neighborhood, which is accurately described above as having a mix of land uses, including high-density residential and non-residential uses. The property immediately adjacent to the subject site (to the southeast) is developed with professional offices. The properties directly across Anacapa Street are developed with apartments and condominiums. Finally, the properties to the northwest and northeast are developed with single family homes.

The proposed subdivision, which would result in the development of three single family residences on lots of approximately 7,000 square feet each, provides an appropriate transition between existing high density residential and non-residential uses in the immediate area, and the existing single family residential land uses to the northeast and northwest.

The City's existing General Plan Map does not include a clear designation for the subject property. The site lies on a line in between areas designated 3.0 units per acre and 12.0 units per acre. This alone does not generate inconsistency with the General Plan, or the need for a General Plan amendment, because the General Plan Map is just one component of the City's General Plan, which also includes wide ranging goals and policies that the Planning Commission must rely upon when considering consistency of development proposals. Staff has determined that the proposed subdivision is consistent with all applicable policies of the General Plan and that the Planning Commission may determine the project consistent with the General Plan even though the existing General Plan Map depicts the subject property as being located along the boundary of two different designated densities. A project may be found consistent with the General Plan if all aspects of that project will implement the goals and policies of the General Plan, and will not prevent attainment of such goals or implementation of policies. The proposed project meets these criteria.

Furthermore, the City regularly approves development proposals that are consistent with the General Plan, but include densities that do not correspond to the densities indicted on the General Plan Map. For example, on a one acre R-3 zoned property located in an area that the General Plan Map designates 12.0 units/acre, an applicant may develop any of the following:

- fifteen (15) three-bedroom or greater units; or,
- eighteen (18) two-bedroom units; or,
- twenty-three (23) one bedroom units; or,
- twenty-seven (27) studio units; or,
- a combination of the above

Any of these projects may be determined consistent with the General Plan even though all of them exceed the density shown on the General Plan Map, as long as they may be found to further the goals and policies of the General Plan. There are numerous examples throughout the City where this finding has been made under exactly these circumstances. None of these types of approvals require a General Plan Amendment.

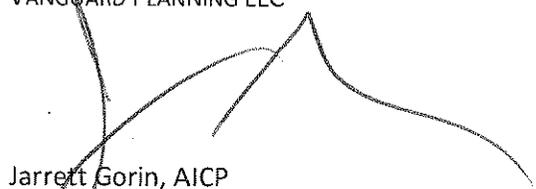
The subject property is zoned R-2. Like the R-3 zone district, this zoning allows for buildout at densities that may potentially exceed the densities of a site's corresponding General Plan Map designation. The minimum lot size for newly created lots within the R-2 zone district is 7,000 square feet. This corresponds to a density of six units per acre. The proposed subdivision is also six units per acre, which is slightly higher than the 3.0 units/acre designation on the General Plan Map, and only half the density of the 12.0 units/acre designation on the General Plan Map. Although, as discussed above, it is not required that the project site be developed at a density that matches the density shown on the General Plan Map, and the City frequently approves subdivisions that exceed the General Plan Map designations for their sites, it is important to note that the proposed project density is less than the average of the two densities that border the subject property on the the General Plan Map. This is another reason that we believe the proposal represents an appropriate transition between these areas.

On May 5, 2009, the Assistant City Attorney provided us with a letter which was highly informative, and which helped us to understand the relationship between the General Plan Map and the Goals and Policies of the General Plan. This letter is attached for your review.

We look forward to presenting this proposal to your Commission this Fall. Planning Division staff required that we submit this "Applicant Letter" as a condition of determining the applications for this proposal complete for processing. At this time, we have not had an opportunity to review the CEQA compliance documents or the Staff Report that will ultimately be completed as part of the discretionary review of this proposal. Therefore, we may submit supplemental correspondence prior to our Planning Commission hearing if required.

Sincerely,

VANGUARD PLANNING LLC



Jarrett Gorin, AICP  
Principal

**ATTACHMENTS**

- A. Letter From Office of the City Attorney dated May 5, 2009

cc: Rich Untermann



# City of Santa Barbara

Office of the City Attorney

[www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)

Stephen P. Wiley • City Attorney • Tel: 805.564.5326 • Fax 805.897.2532

Street Address: 740 State Street, Suite #201 Santa Barbara, California 93101

Mailing Address: Post Office Box 1990 Santa Barbara, California 93102

May 5, 2009

Mr. Rich Untermann  
2845 Glendessary Lane  
Santa Barbara, California 93105

Re: General Plan Consistency Analysis, 1712 Anacapa Street

Dear Mr. Untermann:

Last Thursday morning, we discussed the City's review of your proposed project at 1712 Anacapa Street. During this conversation, you requested a copy of a legal opinion that this office prepared for the Community Development Department. While it has been determined that it would not be appropriate to provide you with a copy of an internal City Attorney legal memorandum, I can provide the following summary of general plan consistency analysis in response to your questions concerning the City's approach to the analysis of your project.

A city's general plan is intended to be an integrated, internally consistent and compatible statement of policies for the adopting agency. See, Government Code § 65300.5. General plan diagrams and maps are expected to be consistent with the written policies and text of the various elements. Conflicting standards cannot be reconciled by a subordination clause or provision. *Sierra Club v Board of Supervisors* (1981) 126 Cal.App.3d at 708 [county general plan could not provide for one general plan element to trump another]. The general plan map and written text should be interpreted together and one portion of the general plan should not be given precedence over another.

State law does not require an exact match between a proposed subdivision and the applicable general plan. *Friends of Lagoon Valley v City of Vacaville* (2007) 154 Cal.App.4<sup>th</sup> 807, 817; *Sequoiah Hills Homeowners Association v City of Oakland* (1993) 23 Cal.App.4<sup>th</sup> 704; *Greenbaum v City of Los Angeles* (1984) 153 Cal.App.3d 391. An action, program, or project may be found consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. "Because it is necessary to judge proposals in relation to stated policies of the General Plan in addition to the policy map itself, a proposal may be consistent even if not literally supported by the map." *Las Virgenes Homeowners Federation v County of Los Angeles* (1986) 177 Cal.App.3d 300, 310.

Mr. Rich Untermann  
May 5, 2009  
Page 2

Determining a project's consistency with the general plan is a "judgment call" for the appointed or elected officials. When presented with conflicting evidence, the Planning Commission or City Council may weigh the preponderance of the conflicting evidence. The Planning Commission and City Council have the discretion to make the decision that they feel is best for the neighborhood and that furthers the objectives and policies of the general plan.

Also, you asked about the meaning of the following statement found on second page of your DART letter dated April 1, 2009, "Staff is able to support the determination that the project is consistent with the General Plan, because we believe that the General Plan Designation should be consistent with the current zoning, and not vice-versa." I have discussed this statement with Kelly Brodison, the author of the letter. Ms. Brodison further explained the statement in this manner, "Staff is prepared to recommend that the Planning Commission find the project to be consistent with the general plan based on the policies expressed in the general plan text, the proximity of the project site to the residential density demarcation on the City's general plan map, the underlying zoning, and the nature of the existing development within the vicinity of the project site."

I hope you find this information responsive to your inquiry.

Very truly yours,



N. Scott Vincent  
Assistant City Attorney

NSV/ces

cc: Danny Kato, Senior Planner  
Kelly Brodison, Associate Planner



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** May 28, 2009  
**AGENDA DATE:** June 4, 2009  
**PROJECT ADDRESS:** 1712 Anacapa Street (MST2008-00435)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner *AKD for DMC*  
Kelly Brodison, Assistant Planner *KAB*

### I. CONCEPT PROJECT REVIEW

The project site is located at 1712 Anacapa Street between Valerio Street and Islay Street. The project includes a proposal to subdivide the existing 23,160 square foot lot into three lots that would have one single-family residence on each proposed lot. Parcel 1 would be 8,140 square feet, and would include a new two-story 2,650 square foot single-family residence with a new two-car garage. Parcel 2 would be 7,020 square feet, with a new two-story 2,440 square foot square foot single-family residence with a new two-car garage. Parcel 3 would be 8,000 square feet, and would be the site for a new two-story 2,720 square foot single-family residence with a new two-car garage. Pedestrian and vehicular access for all three units would be provided by a new 16 foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a subdivision of one (1) existing lot into three (3) new lots (SBMC 27.07);
2. Two (2) Street Frontage Modifications to allow two of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC §28.15.080);
3. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC 22.60.300); and

### III. RECOMMENDATION

Staff recommends that the Planning Commission conceptually review the proposed project, and comment on the project's consistency with the General Plan, based on the policies expressed in the General Plan text, the proximity of the project site to the residential density demarcation on the City's

General Plan map, the underlying zoning, and the nature of the existing development within the vicinity of the project site, and comment on the proposed discretionary applications. No formal action may be taken on the project at this hearing.



1712 Anacapa Street Vicinity Map

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Richard Untermann	Architect:	Paul Zink
Parcel Number:	027-111-014	Lot Area:	23,160 sq. ft.
General Plan:	Residential 3 units/acre	Zoning:	R-2
Existing Use:	Residential	Topography:	~7%
Adjacent Land Uses:			
North – Single family & Multi-residential		East – Single family residential	
South – Multi-residential		West – Multi-residential	

**V. DISCUSSION**

**A. NEIGHBORHOOD COMPATIBILITY**

The 23,160 square foot project site lies in the R-2 zone (Exhibit C), and is developed with a two-story single family residence and detached garage. Along Valerio Street to the south east, the lots are developed with two and three family developments. Parcels immediately adjacent to the northwest are zoned E-1 and are mostly developed with single family residences of varying sizes. The parcels across the street are zoned R-3 and are developed with a thirty (30) unit condominium complex, a five (5) unit apartment complex and a four (4) unit residential development. State Street, zoned C-2 (Commercial) is one block to the southwest and Alice Keck Park Memorial Garden, zoned R-O (Restricted Office), is one block to the southeast.

**B. PROJECT STATISTICS**

	Lot 1	Lot 2	Lot 3
Lot Size	8,140 sq. ft.	7,020 sq. ft.	8,000 sq. ft.
Living Area	2,650 sq. ft.	2,440 sq. ft.	2,700 sq. ft.
Garage	400 sq. ft.	500 sq. ft.	480 sq. ft.
Total	3,050 sq. ft.	2,940 sq. ft.	3,200 sq. ft.

**C. ZONING AND GENERAL PLAN GENERAL PLAN CONSISTENCY**

This project site lies in the R-2 zone (Exhibit C). A three-lot subdivision would meet the requirements of the R-2 zone, which state that “for lots of seven thousand (7,000) square feet or more, there shall be provided a lot area of three thousand five hundred (3,500) square feet or more for each dwelling unit hereafter erected”. The 23,160 square foot lot would allow for up to six (6) units. The project is generally consistent with the requirements of the R-2 zone, with the exception of the proposed street frontage modifications, which are necessary because of the configuration of the lot.

The General Plan Map shows the project site located just to the north of the line that divides the General Plan designations of Residential, 3 Units/acre (north of the line), and Residential, 12 Units/acre (south of the line, see Exhibit D). The line that divides the two General Plan Designations is located approximately 100' northwest of Valerio Street. The subject site is approximately 125' northwest of Valerio.

If the lines that delineate General Plan Designations were precise, the site's General Plan Designation would be Residential, 3 Units/acre (which does not match the R-2 zoning), and the project would not be consistent with the General Plan. In this case, the project could not be approved, because the City cannot approve a tentative map for a subdivision without finding that the proposed subdivision is consistent with the General Plan. SBMC 27.07.100, clearly states that approval shall be denied to any map which is not consistent with the General Plan or a specific plan adopted there under, or which depicts a land division or land use which is not compatible with the objectives, policies, general land uses and programs specified in the General Plan.

There are many areas within the City limits where the General Plan designation does not exactly match the underlying zoning. This is allowable for the City of Santa Barbara under state law because Santa Barbara is a charter city; however, one of the goals of the General Plan update is to correct these discrepancies.

When a parcel is on or very near the boundary between land use designations on the General Plan Map, the General Plan text should be interpreted together with the map as an integrated and internally consistent document. The city's General Plan is intended to be a compatible statement of policies for the adopting agency. Although General Plan diagrams and maps are expected to be consistent with the written policies and text of the various elements, conflicting standards cannot be reconciled by a subordination clause or provision.

State law does not require an exact match between a proposed subdivision and the applicable General Plan. A project may be found consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment. Because it is necessary to judge proposals in relation to stated policies of the General Plan in addition to the policy map itself, a proposal may be consistent even if not literally supported by the map. In this sense, the concept of consistency is very much a subjective determination for the appointed and elected officials of the City. Therefore, the question of a project's consistency is answered by the Planning Commission and the City Council.

The Planning Commission should consider both the General Plan map and the written text of the General Plan in order to determine whether the proposed project is consistent with the General Plan. The General Plan map and written text should be read as an integrated and consistent document. The Planning Commission has the discretion to determine whether a particular project is consistent with the General Plan.

There are many statements within the land use element of the General Plan that explain that the General Plan is a general document, that it is flexible, and that it serves as a guide for the adoption of more specific planning laws (Exhibit E). The description of the Upper East

neighborhood in the Land Use Element states that the neighborhood should be preserved with an overall density of three dwelling units to the acre. The next paragraph of the neighborhood description states, "Along the southern border of the Upper East neighborhood below approximately Valerio Street, apartment structures can be seen together with professional offices, churches, and schools. This type of development results from a mixture of commercial offices, hospital office, and multiple-dwelling zones, and it reflects the General Plan, which calls for a density of twelve dwelling units to the acre. Because of its conveniently close proximity to downtown, further redevelopment to a higher-density residential uses will probably occur in this section" (Exhibit F).

It is Staff's opinion that the General Plan Designation boundaries are not precise. They are broad-brush representations, which is unlike the Zoning Map, wherein zoning lines are drawn precisely, either following parcel lines or drawn at fixed distances from streets. In this case, Staff believes the project to be consistent with the general plan based on the policies expressed in the general plan text, the proximity of the project site to the residential density demarcation on the City's General Plan map, the underlying zoning, and the nature of the existing development within the vicinity of the project site.

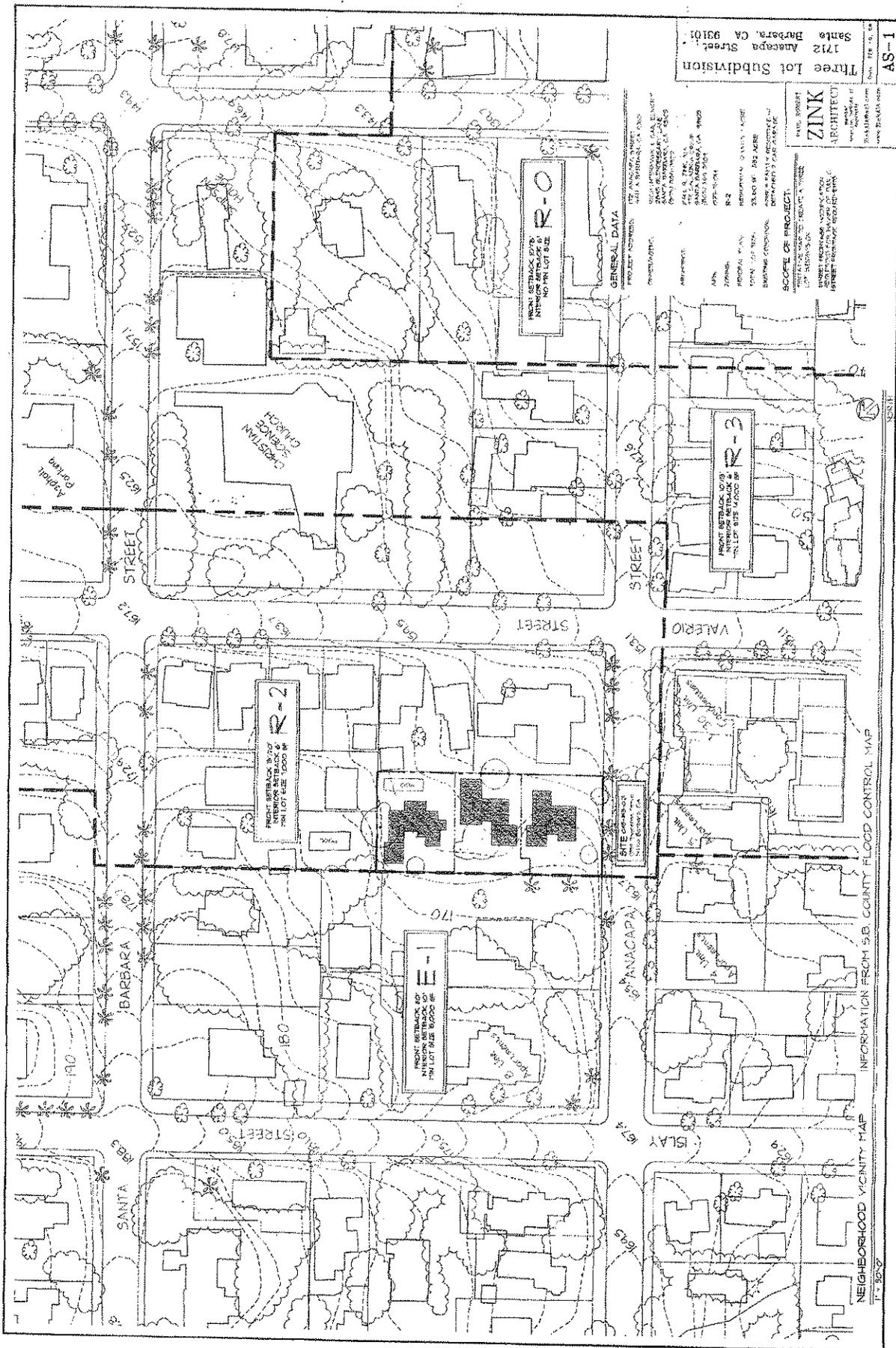
#### **B. ENVIRONMENTAL REVIEW**

Comments on General Plan consistency are necessary at this point because the appropriate environmental document depends on these comments. In a location where the project's zoning and General Plan designations match, the proposed project would most likely qualify for a Categorical Exemption from CEQA. However CEQA states that a project does not qualify for a Categorical Exemption unless it is found to be consistent with the General Plan Designation.

If the Planning Commission determines that the project is consistent with the General Plan, then it is likely that the project could be exempt from CEQA. However, if the Planning Commission determines that the project is not consistent with the General Plan, then a General Plan Amendment and either a Negative Declaration or an EIR would be required.

#### Exhibits:

- A. Project Plans
- B. Applicant's Letter
- C. Zoning Map
- D. General Plan Map
- E. General Plan Excerpt - Section 1 General Plans and the Planning Process
- F. General Plan Excerpt - Upper East Neighborhood Discussion



AS-1  
 Three Lot Subdivision  
 1712 Anacapa Street,  
 Santa Barbara, CA 93101

ZINK  
 ARCHITECT  
 1712 ANACAPA STREET  
 SANTA BARBARA, CA 93101  
 PHONE: 805.963.1111  
 WWW.ZINKARCHITECT.COM

GENERAL DATA  
 PROJECT ADDRESS: 1712 ANACAPA STREET, SANTA BARBARA, CA 93101  
 PROJECT NUMBER: 2008-00000000-0000  
 PROJECT DATE: 08/08/08  
 PROJECT STATUS: PRELIMINARY  
 PROJECT OWNER: ZINK ARCHITECT  
 PROJECT ARCHITECT: ZINK ARCHITECT  
 PROJECT ENGINEER: ZINK ARCHITECT  
 PROJECT LANDSCAPE ARCHITECT: ZINK ARCHITECT  
 PROJECT CIVIL ENGINEER: ZINK ARCHITECT  
 PROJECT ELECTRICAL ENGINEER: ZINK ARCHITECT  
 PROJECT MECHANICAL ENGINEER: ZINK ARCHITECT  
 PROJECT STRUCTURAL ENGINEER: ZINK ARCHITECT  
 PROJECT ENVIRONMENTAL ENGINEER: ZINK ARCHITECT  
 PROJECT HISTORIC ARCHITECTURE CONSULTANT: ZINK ARCHITECT  
 PROJECT ARCHITECTURAL RENDERING ARTIST: ZINK ARCHITECT  
 PROJECT PHOTOGRAPHER: ZINK ARCHITECT  
 PROJECT VIDEOGRAPHER: ZINK ARCHITECT  
 PROJECT MODELMAKER: ZINK ARCHITECT  
 PROJECT SIGNAGE DESIGNER: ZINK ARCHITECT  
 PROJECT FURNITURE DESIGNER: ZINK ARCHITECT  
 PROJECT LIGHTING DESIGNER: ZINK ARCHITECT  
 PROJECT PAINT COLOR CONSULTANT: ZINK ARCHITECT  
 PROJECT INTERIOR DESIGNER: ZINK ARCHITECT  
 PROJECT LANDSCAPE ARCHITECT: ZINK ARCHITECT  
 PROJECT CIVIL ENGINEER: ZINK ARCHITECT  
 PROJECT ELECTRICAL ENGINEER: ZINK ARCHITECT  
 PROJECT MECHANICAL ENGINEER: ZINK ARCHITECT  
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 PROJECT FURNITURE DESIGNER: ZINK ARCHITECT  
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 PROJECT PAINT COLOR CONSULTANT: ZINK ARCHITECT  
 PROJECT INTERIOR DESIGNER: ZINK ARCHITECT

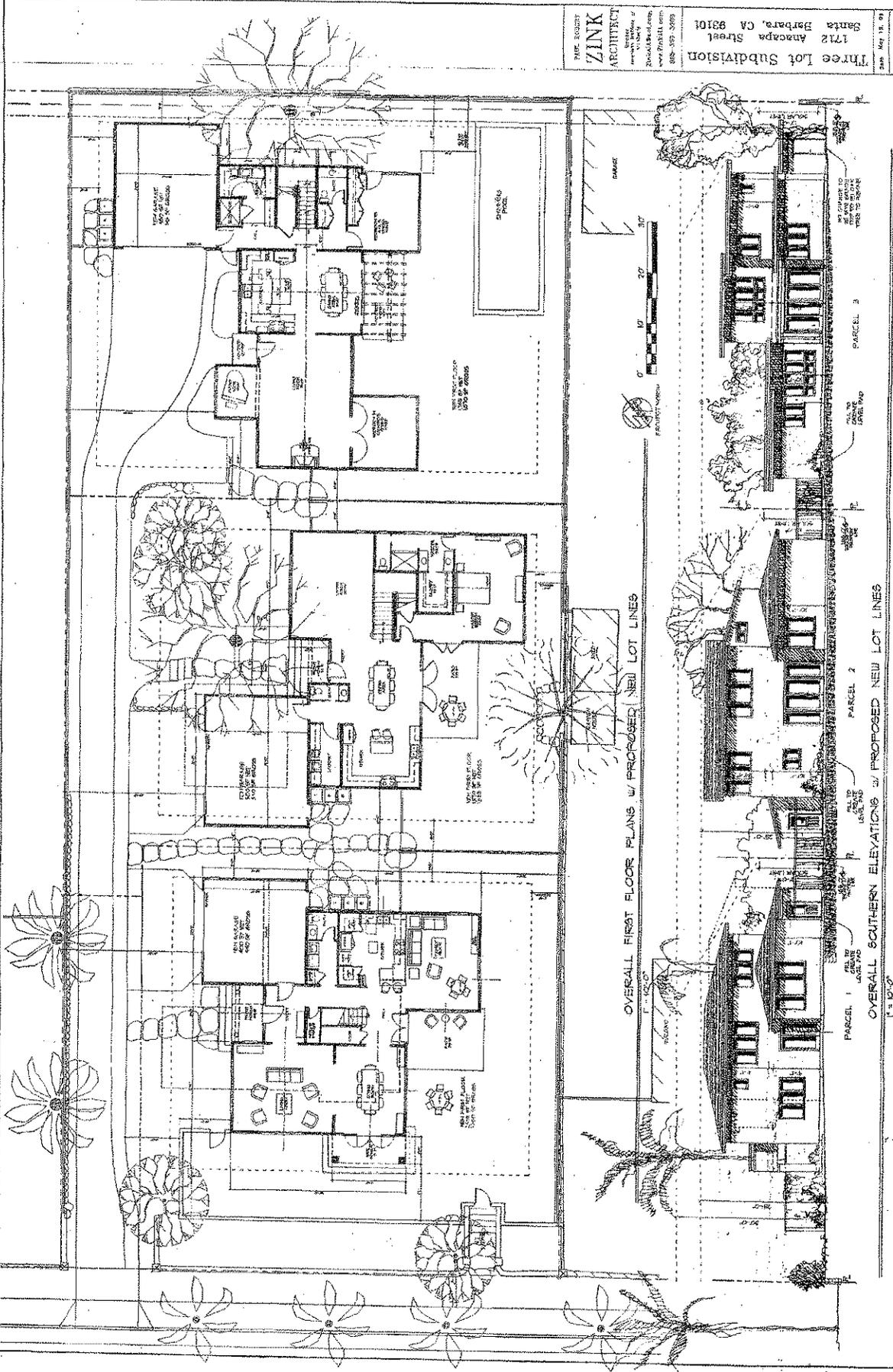
EXHIBIT A



DATE: Aug 18, 91

Three Lot Subdivision  
1712 Anacapa Street  
Santa Barbara, CA 93101

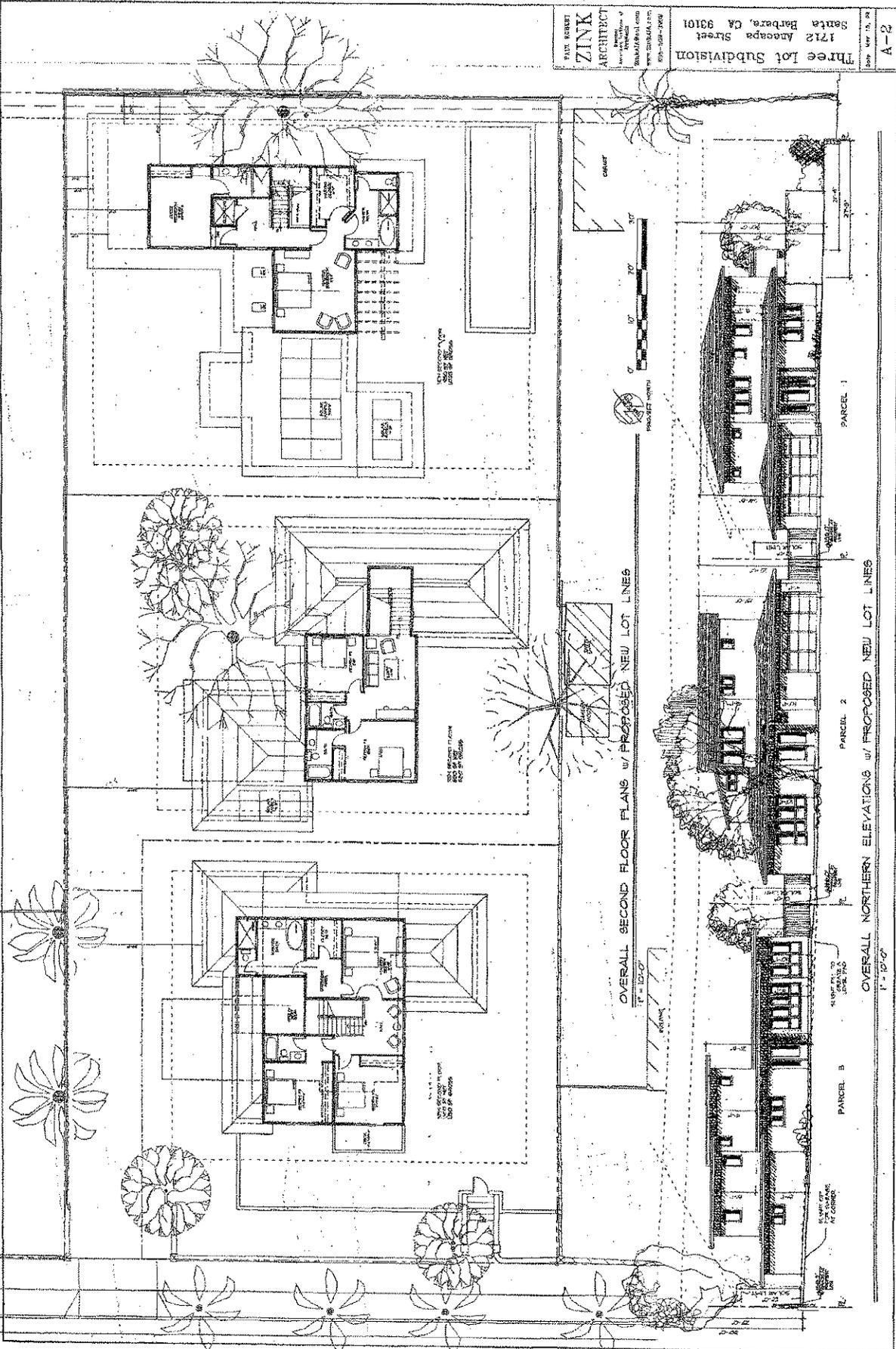
ZINK ARCHITECT  
1712 ANACAPA STREET  
SANTA BARBARA, CA 93101  
PHONE: 805-963-3000  
FAX: 805-963-3000

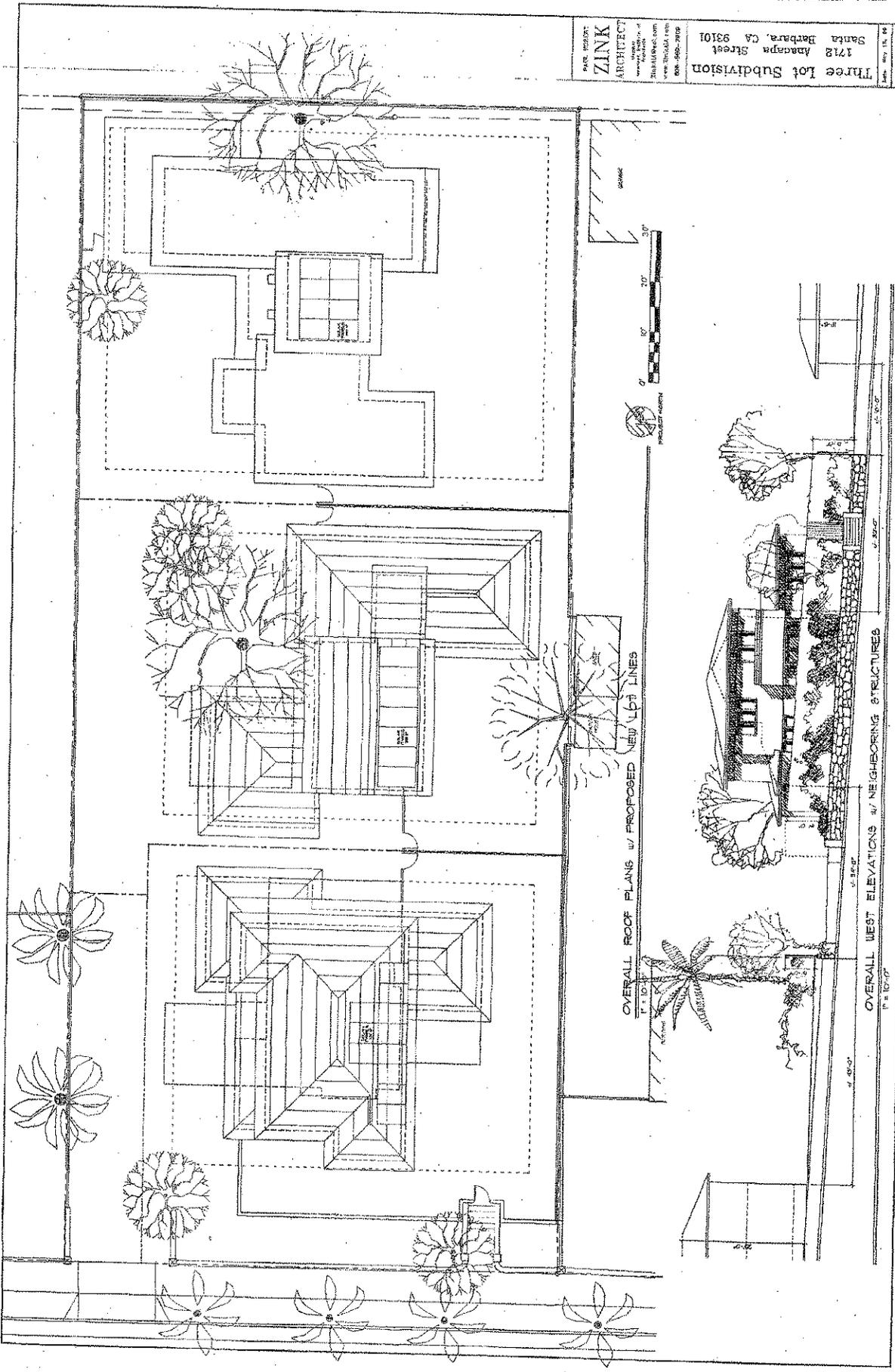


OVERALL FIRST FLOOR PLANS W/ PROPOSED NEW LOT LINES

OVERALL SOUTHERN ELEVATIONS W/ PROPOSED NEW LOT LINES

PARCEL 1  
PARCEL 2  
PARCEL 3

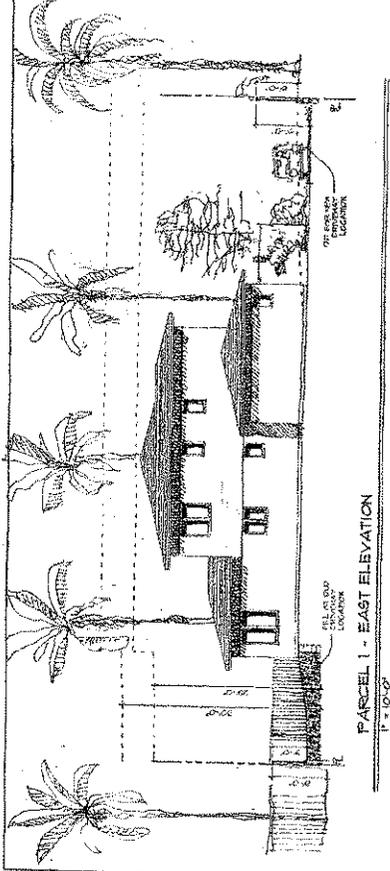




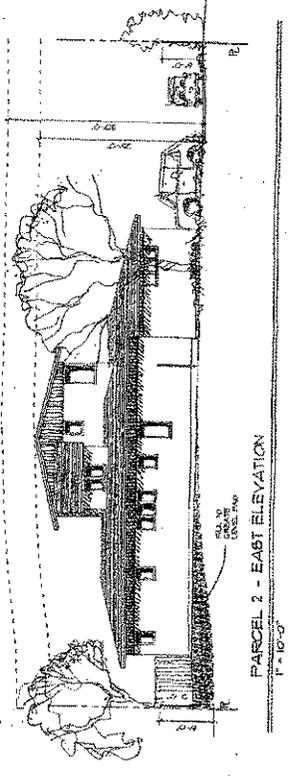
Three Lot Subdivision  
 1712 Anacapa Street  
 Santa Barbara, CA 93101

DATE REVISION  
**ZINK**  
 ARCHITECT  
 1712 Anacapa Street  
 Santa Barbara, CA 93101  
 www.zinkarch.com  
 805-963-7919

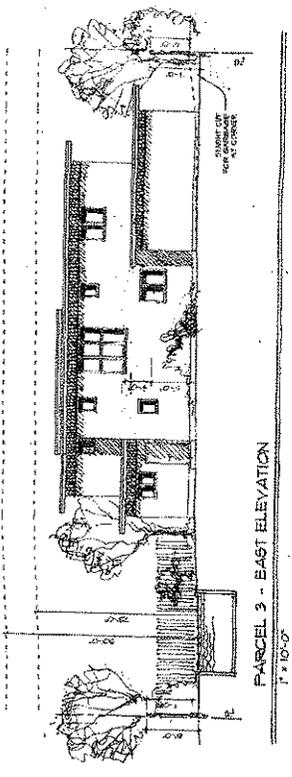
A-3



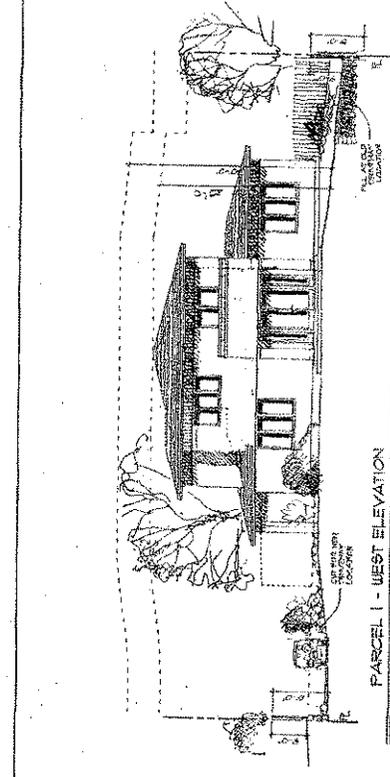
PARCEL 1 - EAST ELEVATION  
1" = 10'-0"



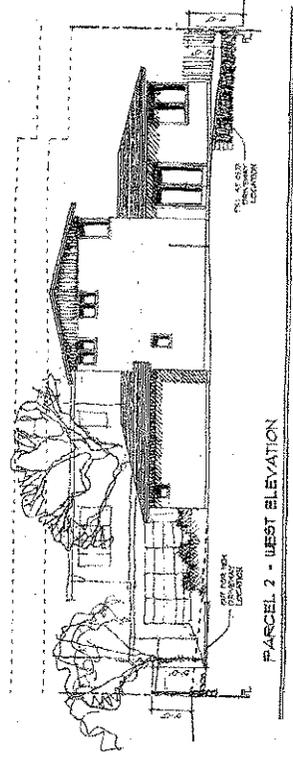
PARCEL 2 - EAST ELEVATION  
1" = 10'-0"



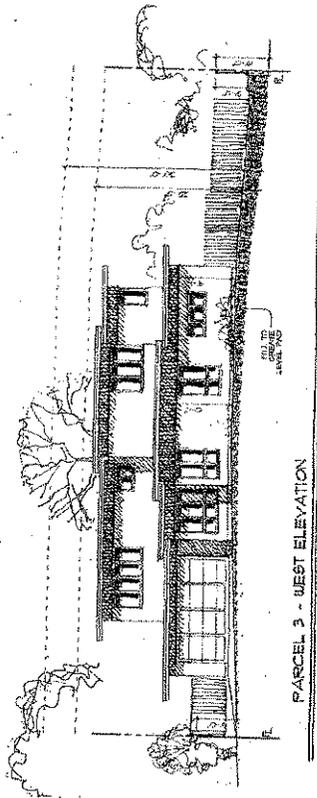
PARCEL 3 - EAST ELEVATION  
1" = 10'-0"



PARCEL 1 - WEST ELEVATION  
1" = 10'-0"



PARCEL 2 - WEST ELEVATION  
1" = 10'-0"



PARCEL 3 - WEST ELEVATION  
1" = 10'-0"



To: Santa Barbara Planning Commission  
Re: # Lot Subdivision at 1712 Anacapa Street

Feb. 19, 2009

**RECEIVED**  
FEB 23 2009

CITY OF SANTA BARBARA  
PLANNING DIVISION

Dear Planning Commission Members

My wife, Gail Elnicky and I are requesting approval of a Tentative Map to create a three-lot subdivision on a 23,160 square foot (.532 acre) R-2 lot at 1721 Anacapa Street (APN: 027-111-14). We are, plan to demolish the existing house, and construct a new residence for ourselves, and 2 other houses for friends to form a small "retirement" enclave near downtown.

The proposal requires a Street Frontage Modification that each R-2 lot have 60 feet street frontage (SBMC 28.15.080) and waiver of the requirement that each new lot be on a public street (SBMC 22.60.300). The lot is zoned R-2 (Two family Residence Zone) which allows one dwelling unit per 3500 square feet or 6 units for this 23,160 square foot lot.

**EXISTING USES** The site is occupied by a single-family residence constructed in 1939, a garage, and an overgrown volunteer garden. Two large oaks and several other trees are incorporated into the final development. The 100 by 231 foot (half acre) lot slopes at approximately 3% towards the south. The adjacent zoning and uses are mixed residential immediately across Anacapa Street, where the land is zoned R-3, and contains a high density, 30 unit condominium, a 5 unit apartment, and a 4 unit key lot development. The land to our northeast and southeast is also zoned R-2, with mostly two family homes. To the northwest is the E-1 zone, with a variety of large and small houses known as the Upper East. Anacapa Street is a busy one-way street, whose traffic has had a negative impact on the neighborhood and on this property. The lot is not located in any Special Design or Review District, Flood, or Hillside Zone.

**DESCRIPTION OF THE PROJECT:** The proposed project involves the subdivision of the lot into three parcels, creating 2 new parcels (for a total of 3). Parcel 1 would include the remodeled house, with a new, 2-car garage on 8,140 square feet of land. Parcel 2 in the middle is a 7,020 square foot lot, including the access drive. We would rebuild the existing 2-car garage, and build a new 1800-2500 square foot house. Parcel 3 at the rear is 8000 square feet, for a future house with a 2-car garage. The units have not been fully designed, but would be scaled to fit in the Upper East, between 1800-2500 square feet in size. Each unit would contain more than the required 1200 square feet of open space. There are no Solar Access issues, given grade differences and proposed setbacks along the north property lines.

**ACCESS** Pedestrian and vehicular access for all three units would be via a 16' easement along the northwest property line, and guaranteed with a reciprocal egress and maintenance agreement. The lane would vary in width to serve driveway access, be heavily landscaped, and uniquely paved to be attractive to walk or drive on. Utilities would be located within this easement.

**SIGNIFICANT VEGETATION.** There are two large oaks and several other trees that we plan to save, and some volunteer trees that will be removed during construction. Mr. Peter West a Certified Arborist of Westree conducted a tree survey and prepared a report per Municipal standards. We plan to fully landscape the property, replanting many more trees than we remove. (Both the owners are landscape architects).

DEMOLITION The building has had a Historic Structures report prepared, that deemed it not significant. The report was accepted by the city staff and Historic Landmarks Board. We plan to demolish it, to remove the existing driveway, and all walkways and patios and some rock walls (saving the stone for new walls). Several volunteer trees will be removed to facilitate construction. All this will be in accordance with the city's Best Management Practices.

PROPOSED GRADING the site is relatively level, and grading would be for foundations, pool, and reshaping the land for drainage. The quantity of grading is 189 cu yds. for foundations compaction, 340 cu yd for crawl and new drive, with 340 cu yd used for fill along the south eastern property. Approximately 100 cu yd rubble concrete and asphalt from the existing paving will be taken off site for recycling.

PROPOSED DRAINAGE We plan to accommodate the increased runoff of the 25 and 100-year event 'on site'. The site is gently sloped to the south, with some storm water flowing to the adjacent garden and the remainder across the sidewalk to Anacapa Street. Some runoff from the lots to the north and east crosses our site, and these patterns would be maintained. We plan first, to minimize paved areas, and when we pave, use permeable paving. Flowers and Associates has prepared a Hydrology study and Storm Management design, with runoff directed to planted swales, rain gardens and, and modest retention devices.

OTHER INFORMATION. The new houses would be a detached, single-family residence, conforming to the R-2 setback, height and solar requirements. They each have several gardens and patios, and be fully landscaped. As retirement houses, they would be small - 2 or 3 bedrooms, 2-3 baths, living and dining rooms, kitchen and service rooms. There may be a den, shop or computer nook - nothing out of the ordinary for the Upper East neighborhood. There would be a 2-car garage for each residence. The houses would be modern in concept, with indoor-outdoor living, patios and courtyards, room for active gardening, and conforming to solar access and other green standards.

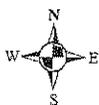
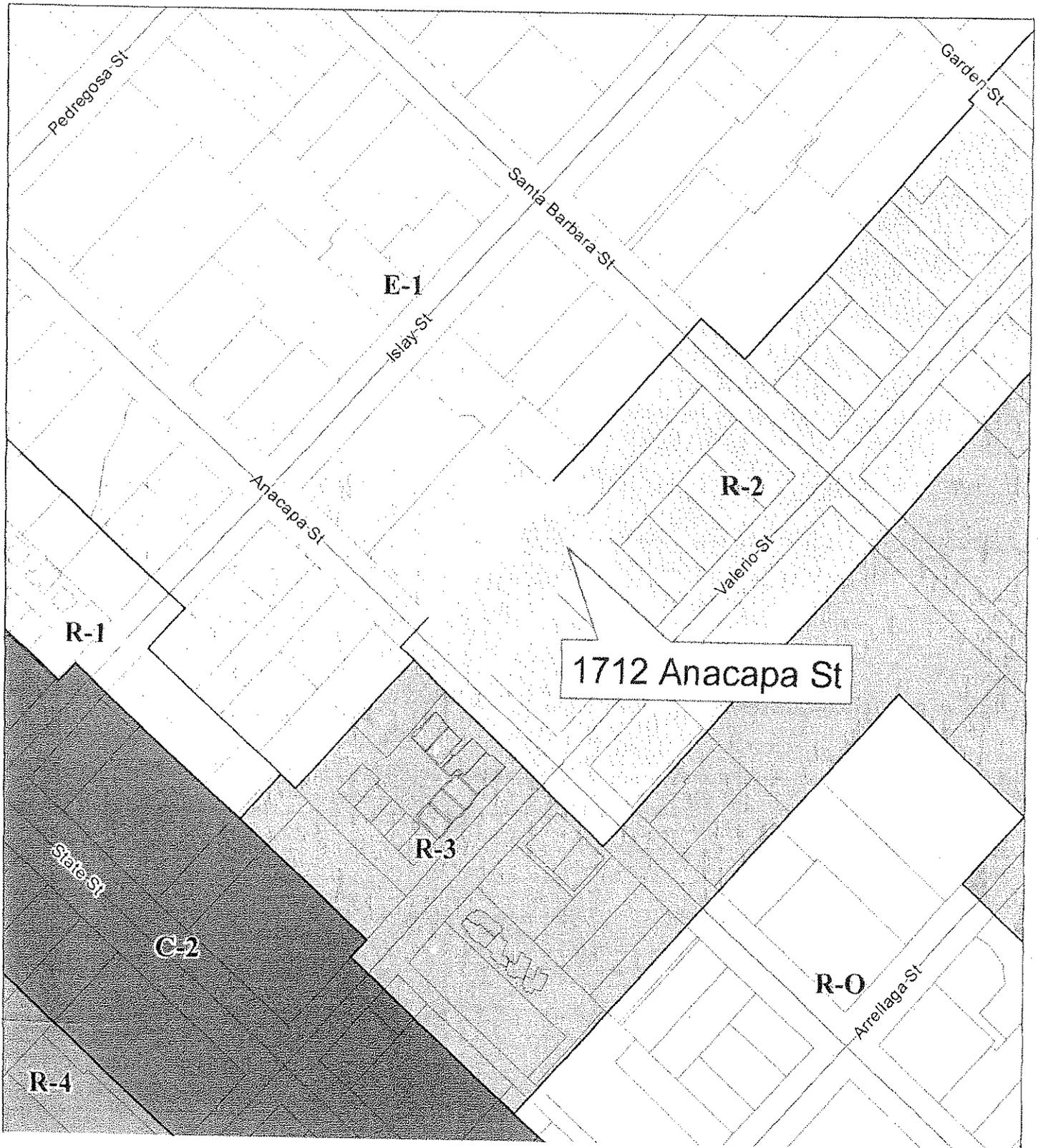
JUSTIFICATION We want to move downtown, to be in walking distance to town and to our hotel. Some of our friends also want to live downtown, and we would like to live near each other. The proposed 7000 square foot lots satisfy the standards of the Municipal Code, and the single-family nature, size and scale of proposed houses are in line with the Upper East character.

There are many key lots around town - for instance, the just across Anacapa, , four houses share a common driveway. The city recently approved a similar 3-lot subdivision adjacent at 1237-1241 East Cota, waiving the 60-foot frontage and need to be on a public street, and a similar submittal is in progress for the 400 block of Anacapa Street. Steve Epstein created a key lot subdivision off Los Olivios, three houses share a drive off Constance, and a 3 lot subdivision is under construction on the Mesa on Santa Rosa Street.

We met with Senior Staff to resolve issues about consistency with the general plan, and we also have had conversations with Autumn Malance of the Creeks Division

Kindest Regards,

  
Rich Untermann and Gail Elnicky



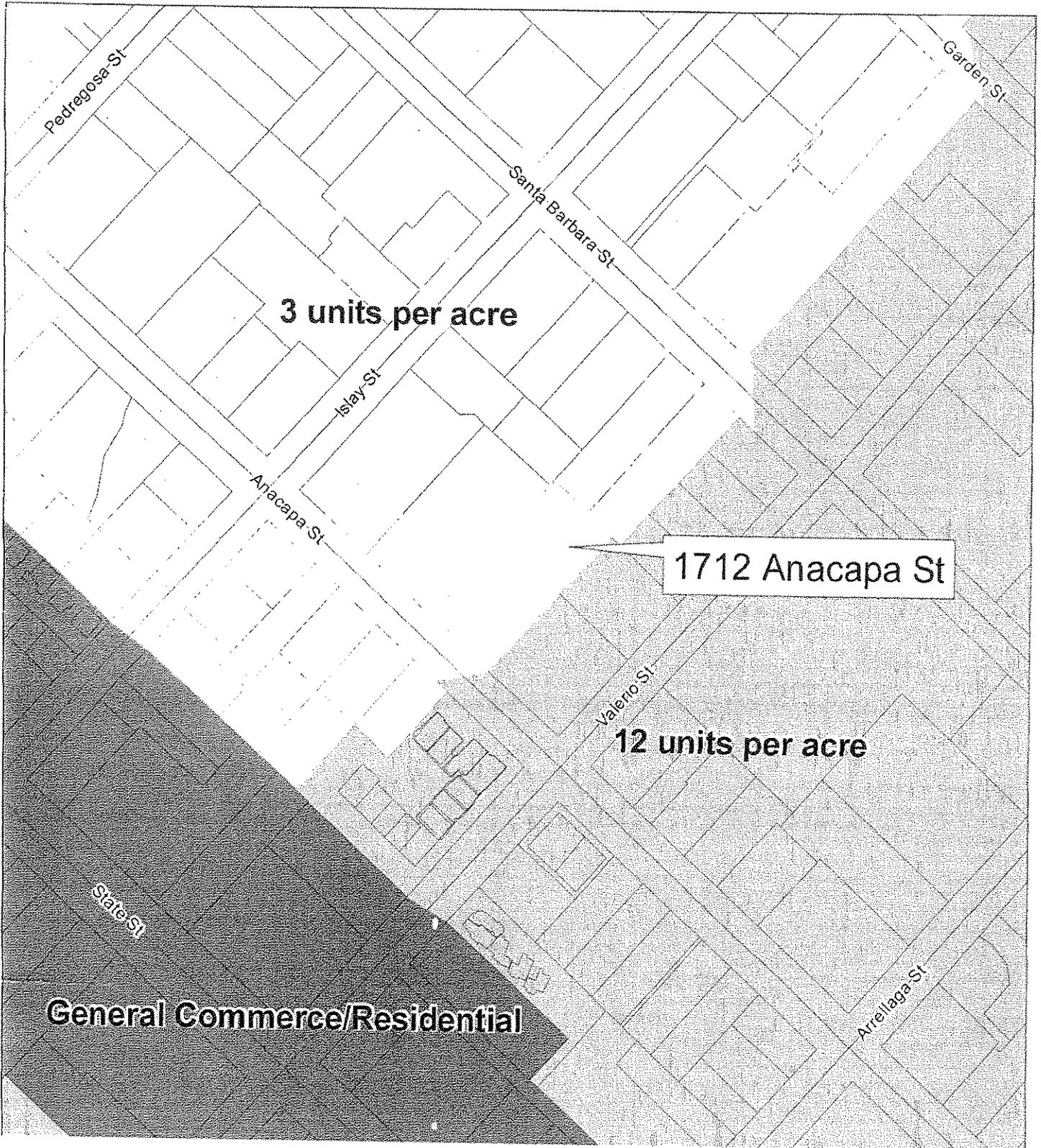
May 2009

# Zoning Overview Map

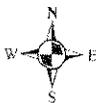
## ipa St

EXHIBIT C





May 2009



# General Plan Land Use Overview Map for 1712 A



EXHIBIT D

## SECTION I

### GENERAL PLANS AND THE PLANNING PROCESS

In view of all the activity in the planning field since the end of World War II, the new and sometimes confusing rise of the status of the planning profession, the significant growth of planning budgets through all levels of government and the accelerated demand for the creation and adoption of General Plans, it might be assumed that the concept of the General Plan is a child of the Twentieth Century. Nothing could be farther from the truth. Since the time man first gathered together with others of his kind to form tribes, he has drafted and followed plans for the establishment and expansion of his environment. He has always been concerned with the form of his urban place, to use the term loosely, so as to afford the maximum protection, comfort, and benefit of the inhabitants. His Plan was usually simple, a product more of tradition, ritual and instinct than of his intellect. But it was sufficient to his needs and within his skill. The difference today lies not in the concept, but in the complexity of the environment, and with that comes the sophistication of the General Planning Process with its comprehensive characteristics concerned with activities of a multiplicity of people and their interests. There are no new ideas under the sun, just fresh interpretation of old ideas.

#### THE GENERAL PLAN IS NOT A LAW

One of the most important aspects of the modern General Plan is that it is not a law. It contains no strict provisions for its enforcement nor does it provide for punishment of those who do not adhere to it. We can interpret the spirit of it, but not the letter. In short, it is a statement of policy and is adopted by Resolution of the governing body. As a policy, it serves as a guide to the adoption of laws necessary to carry out its intent. For example, the Zoning Ordinance is a law regulating the use of specific lands. The policy established by the General Plan is used to guide the structure of the Zoning Ordinance and map so that the law will have maximum effectiveness in bringing about an orderly coordinated development of the community. There are many other laws to which the General Plan serves as a guide, such as street widening ordinances, design control ordinances, and subdivision ordinances. These and others will be discussed more thoroughly in a later section as techniques for effectuating the Plan. It further serves as a basis for public expenditures for schools, parks, street improvements, and so forth.

#### THE GENERAL PLAN IS A COMPREHENSIVE, LONG-RANGE POLICY GUIDE

The term "General Plan" is used rather than "Master Plan" to emphasize the policy nature of its proposals. Because the Plan is a comprehensive document, covering all aspects of our physical environment, and because it takes the long-range view, it must be general. To illustrate, the Plan suggests a system of circulation based primarily on the existing street system. It does not state right-of-way widths, pavement widths, grades, or precise alignments. These more detailed matters must await precise planning in the years ahead.

The General Plan provides a preliminary outline of future growth and development, both through outward expansion and by rebuilding and modernization within. It establishes the framework on which to build. It also identifies and suggests the redesign of malfunctioning elements of the environment. It can be an effective source of fresh and dynamic ideas. By identifying goals, it can be a stimulus to finding new techniques to satisfy those ends. Its goals and objectives are for private as well as public action. Above all, it is an expression of what the people want their environment to be.

### **THE GENERAL PLAN IS A LIVING DOCUMENT**

In taking the long-range view of the future of Santa Barbara, we are not wise enough to predict exactly what will happen nor the rate at which it will happen. The forces now in effect that direct the course of our development are constantly changing. The improvements in our technology, living and educational standards, and the changes in community opinion and in our economic influences will in time outmode many of our present concepts and ideas. For example, it is obvious that ten years ago we could not have been aware that the Federal Government would activate missile facilities at Vandenberg Air Force Base, thus materially altering the labor force and economy of that area. Similarly, we cannot know now in what way this place of employment may be modified or expanded in the years to come. Again, we suspect that because of the adverse effects on our environment caused by the automobile with the air pollution, congestion, and usurpation of the land that it causes, that in time it will cease to be the primary means of transportation. Just how and when this will occur, however, we cannot say. Because of these and many other inevitable changes, the General Plan must be reviewed and modified periodically. It must always reflect current thinking. If it does not, it becomes an archaic document, unused, with only historical value.

### **THE STATE PLANNING LAWS**

There is ample evidence of the concern of the State of California for the orderly development of its cities and counties under the constant pressure of a rapidly expanding population and economy. Article 7, Chapter 3, Title 7 of the Government Code sets forth the authority for and scope of general or master plans. The urgency of the situation is demonstrated by the mandatory nature of the law. Article 7 provides, in part, that, "Each commission or planning department shall prepare and the commission shall adopt a comprehensive, long-term general plan for the physical development of the city, county, area, or region, and of any land outside its boundaries which in the commission's judgment bears relation to its planning." Further, it specifies that "the master or general plan shall consist of a map and a statement describing it and a statement covering objectives, principles, and standards used to develop it; and shall include all of the following elements: A land use element... A circulation element...; A statement of the standards of population density and building intensity recommended for the various districts...; Supporting maps, diagrams, charts, descriptive materials and reports." The law then goes on to enumerate many other elements which a general plan may contain, but are not required. Some of these are conservation, recreation, transportation, transit, public services and facilities, public buildings, and community design. Some are included in these original studies and others will be added later. Specifically, the elements of schools, parks, recreation, and transportation, and portions of public services and facilities, public buildings and community design elements have been included in this General Plan along with the required elements.

Article 9 of the above Chapter 3, sets forth procedures for the administration of the General Plan and provides, in part, that, "whenever a county or city planning commission and a county or city legislative body has adopted a master or general plan... no street, square, park, or other public ground or open space shall be acquired by dedication or otherwise, no street shall be disposed of, closed or abandoned, and no public building or structure shall be constructed or authorized in the area to which the master or general plan applies, until its location, purpose, and extent have been submitted to and reported upon by the planning commission having jurisdiction."

### **FREE ENTERPRISE FOR THE COMMON GOOD**

In the relationship between the control by government over the matter in which we, as individuals, use our property, and the basic philosophy of free enterprise, there appears to be an inherent contradiction. That is to say, if one were to be interpreted as an absolute right, either by the individual or by government, it would preclude the other. This seems a simple maxim, yet it is surprising how often one hears just such an interpretation being made from one side or the other. The basic meeting ground is, of course, the point of greatest common good. It is an elusive point, to be sure, which must be constantly reestablished and defined, instance by instance. The role of the General Plan in establishing this point is a large one. In addition to serving as a broadly based study to determine just what the common good is, it gives coherent direction and purpose to those controls which it shows necessary to obtain the common good. It does this by relating all of the uses of the land and our various activities to each other, balancing the relative amounts and locations of each to achieve the desired goals. Zoning, for example, in the absence of a General Plan often seems arbitrary. Certainly, zoning changes would be arbitrary without some overall guide, and might, in some instances, be overstepping the point of the greatest common good by granting special privilege.

Inevitably, what is economically sound for the community may not be for all individuals. Planning and governing bodies everywhere are familiar with the situation of a growing community wherein the market prices of land have largely outstripped the economic feasibility of developing it within the zoning regulations. In communities without a General Plan, the tendency is to change the zoning under the assumption that the economic forces creating the situation are more valid than the zoning. This might very well be the case, but the end result of such decisions is to create a land use pattern bearing little relation to the other factors in the community such as schools, parks, circulation, etc. However, in cases where a General Plan exists and is being followed, where the General Plan represents the ordered statement of what the community wants to be, it is reasonable to conclude that the individual finding himself in such a situation has simply paid too much for the land and would have no recourse in the rezoning process unless such a rezoning substantially complies with the General Plan. It can be just as much a guide, therefore, to private enterprise as it is to government. It also represents a sense of stability for people seeking an environment that is not subject to capricious change; thus homes, for example, will not be surrounded by encroaching industry or commerce.

Matters such as the one above cannot be considered separate from all the other functions of a city, for the city is an organic unit. It is a complex structure of interrelated facilities and services, all interdependent, and all affected to some degree from the breakdown or malfunction of any part.

## THE THREE PHASES OF THE PLANNING PROCESS

The Planning Process is divided into three major phases. The first is research, the second is general planning, and the third is precise planning and effectuation. This report will deal primarily with the first and second phases, but will suggest some items for the third. It is important to restate that none of the phases is ever complete. The research, the gathering, updating and analysis of data, the continuing reevaluation of the community and all its parts must go on in order to provide a sound basis for the constant scrutiny of the General Plan. The General Plan itself must be amended as the times and influences change. The program of precise planning, which really begins after the adoption of the General Plan, is geared to the development of the community and must progress in harmony with it. All of this leads to effectuation and a good, economically sound city - the end result of any good plan.

The Upper East neighborhood contains one of Santa Barbara's best known features, the Old Mission. In addition, the neighborhood has a highly significant concentration of the cultural and religious institutions serving the entire city, including St. Anthony's Seminary, the Museum of Natural History and Alameda Plaza.

#### LAGUNA

Area: 330.4 acres

Existing Dwelling Units: 1,872

The Laguna neighborhood is bounded on the north by Sola, Olive, and Micheltorena Streets; on the south by Cota Street; on the east by Milpas and Canon Perdido Streets, and the eastern boundary of Santa Barbara Junior High School; and on the west by Santa Barbara Street.

Laguna is presently developed as a residential area in its eastern and northern portions with single-family dwellings, duplexes, and higher-density multiple units interspersed throughout the neighborhood. On the west, as it merges into downtown, mixed residential and commercial uses appear.

Because it is within walking distance to both the Central Core and the industrial area, which compose the City's major employment center, Laguna's conversion into duplex and multiple dwellings is appropriate. To enable such development, the General Plan calls for twelve dwelling units to the acre throughout the entire neighborhood. Since such a large amount of the multiple family (R-3) zoned area in the neighborhood is currently being used for single-family houses, the development potential of Laguna is great. As a result, the gradual reuse of the area for apartments is now in progress. A small area above Victoria Street and northeast of Olive Street, where the General Plan calls for duplex development, is zoned R-2.

One of the problems in this area is the C-2 zoning in the southern portion. Although this commercial zoning has been on the land since 1925, very few commercial developments have taken place. The General Plan proposes the development of this area for residential uses. This would be in the best interest of the City as a whole, and also in the best interests of the individual property owners in the area. The present zoning for the area works against the owners' best interests because little demand exists for commercial activities in this location, and there is danger of poor commercial facilities coming onto the land on a lot-by-lot, scattered basis.

The Presidio Springs Redevelopment Project, a major feature of the Laguna neighborhood, should help to correct this zoning problem. The redevelopment area, consisting of seven city blocks, is bounded by Canon Perdido, Quarantina, Ortega, and Garden streets. A three-block portion of this redevelopment area lies within the commercially zoned land mentioned above and will be rezoned to allow appropriate multiple-unit residential development to take place, with necessary convenience shopping.

Because Lincoln Elementary School which serves this area will ultimately be in a non-residential section, it is recommended that this school be relocated to the general vicinity of the high school. The General Plan also proposes a community level park between Cota and Ortega Streets from Santa Barbara Junior High School to Garden Street. More than half this area is now owned by the City. This community park would also serve the adjacent residential district as a neighborhood park.

Laguna contains Santa Barbara High School, Santa Barbara Junior High School, the National Guard Armory, Ortega Park, and is adjacent to Alameda Plaza. The restored Presidio will be located at the intersection of Santa Barbara and Canon Perdido streets on Laguna's western border.

#### EASTSIDE

Area: 445 acres

Existing Dwelling Units: 2,456

The Eastside is bounded on the north by Canon Perdido Street; on the south by Highway 101; on the east by the base of the Riviera; and on the west by the rear of the commercial strip along the east side of Milpas Street.

Throughout most of the Eastside, the General Plan calls for a density of twelve dwelling units to the acre. This is an area of modest homes with a scattering of duplex and apartment development. Although most of the area above approximately Carpinteria Street is zoned R-2, only marginal duplex development has taken place. In the northeast corner of the Eastside, above approximately Cota Street and east of Soledad Street, development consists entirely of single-family homes. The General Plan recognizes the small-lot, single-family development now on the land, and seeks to preserve it with a density of five dwelling units to the acre in order to provide an area for moderate-cost, single-family housing situated within walking distance to both shopping and employment areas.

Below Carpinteria Street, the General Plan also calls for twelve dwelling units to the acre, but here the current zoning is R-3. Mixed with a considerable number of single-family homes, some new multiple dwellings have been constructed in this area. To the east of Salinas Street, however, in order to insure a lower density for future development, the area is zoned R-2.

The area close to the freeway is now zoned for trailer parks and there is considerable development of this type, although much of it is substandard at present. The General Plan considers trailer parks a proper use for the area and proposes that they continue, but in a somewhat improved and different manner. The location of this area close to the freeway, and within one-fourth mile of the beach, indicates that it is an excellent site for facilities catering to the vacation and weekend traveler. A pedestrian underpass beneath Highway 101 and the railroad tracks would bring the area within a safe and easy walking distance of the ocean and would do much to stimulate the construction of vacation trailer park facilities.



ARCHITECTURAL BOARD OF REVIEW  
CASE SUMMARY

1712 ANACAPA ST

MST2008-00435

SUBDIV/MODS

Page: 1

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**Project Description:**

Proposal to subdivide an existing 23,160 square foot lot and create a three-lot subdivision to include one single-family residence on each proposed lot. Parcel 1 would be 8,140 square feet and would include a new two-story 2,650 square foot single-family residence with a new two-car garage. Parcel 2 would be 7,020 square feet with a new two-story 2,440 square foot square foot single-family residence with a new two-car garage. Parcel 3 would be 8,000 square feet and would be the site for a new two-story 2,720 square foot single-family residence with a new two-car garage. Pedestrian and vehicular access for all three units would be provided by a new 16 foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel. The project requires Planning Commission Review for a Tentative Subdivision Map and a public street waiver and a street frontage modification.

**Activities:**

3/23/2009

*ABR-Consent (New)*

*(Comments only; Project requires Environmental Assessment and Staff Hearing Officer review of a Tentative Subdivision Map.)*

*Opposition letters from Monte Fligsten, Catharina and Phil Morreale, and Paula Westbury were acknowledged.*

*Continued indefinitely to the Staff Hearing Officer (SHO) with comments:*

- 1) Supportive of grading as it is balanced on site.*
- 2) Relocation of driveway, as proposed, is beneficial to the north neighbor.*
- 3) Looks forward to seeing how the applicant treats the north property line.*

3/23/2009

*ABR-Consnt Mail Notice Prep'd*

2/17/2009

*ABR-FYI/Research*

*Need TDAO waiver and on-site posting affidavit.*

*Conceptual plans okay per Jaime. Also ok to be on Consent per Jaime. Just need grading quantities on the plans. Fees added to case.*

Activities:

2/17/2009

*ABR-Posting Sign Issued*

V. CONCEPT REVIEW:

ACTUAL TIME: 3:42 P.M.

APPLICATION OF PAUL ZINK, ARCHITECT FOR RICHARD UNTERMANN  
AND GAIL ELNICKY, 1712 ANACAPA STREET, 027-111-014 R-2 ZONE,  
GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS PER ACR  
(MST2008-00435)

The project site is located at 1712 Anacapa Street between Valerio Street and Islay Street. The project includes a proposal to subdivide the existing 23,160 square foot lot into three lots that would have one single-family residence on each proposed lot. Parcel 1 would be 8,140 square feet, and would include a new two-story 2,650 square foot single-family residence with a new two-car garage. Parcel 2 would be 7,020 square feet, with a new two-story 2,440 square foot square foot single-family residence with a new two-car garage. Parcel 3 would be 8,000 square feet, and would be the site for a new two-story 2,720 square foot single-family residence with a new two-car garage. Pedestrian and vehicular access for all three units would be provided by a new 16 foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design with an emphasis on General Plan consistency. The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create three (3) new lots (SBMC 27.07);
2. Two (2) Street Frontage Modifications to allow each of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC §28.15.080);
3. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC 22.60.300); and
4. Design Review by the Single Family Design Board (SBMC §22.69).

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

Kelly Brodison, Assistant Planner, gave the Staff presentation and noted for the record public comment letters received in opposition from Monte Fligsten, Catharine and Phil Morreale, and Paula Westbury.

Richard Untermann, owner, gave the applicant presentation.

Mr. Vincent responded to the Planning Commission's questions concerning whether the General Plan needed to be adjusted to be consistent with zoning and the variable outcomes. Regarding the deliberation for the hearing, Mr. Vincent suggested the Commission should consider the diagram and map, proximity of the project site to the border, text of the general plan regarding the flow of the neighborhood, and put all together to decide if the project is consistent or not with the goals of the General Plan.

Chair Thompson stated that the Commission would provide comments on the Concept Review, but not render a decision on whether or not the project was consistent with the General Plan.

Chair Thompson opened the public hearing at 4:10 P.M.

Monte Fligsten, a neighbor, submitted a letter summarizing his concerns, specifically with the subdivision request of an R-2 lot, as well as the density that would come from 3 units per acre.

With no one else wishing to speak, the public hearing was closed at 4:15 P.M.

Mr. Vincent noted a typographical error correcting the SBMC §28.15.080 reference in the second modification request to the correct reference of SBMC §28.18. of the Municipal Code. There is no internal conflict between the two provisions. They exist independent of each other and can operate independently of each other or in conjunction with each other.

The Commissioners made the following comments:

1. Commissioner Jostes supported a General Plan amendment to make the project compatible between the zoning ordinance and the General Plan Map. Stated that the City should have had an updated land use map by now so that the applicant would not have to go through this experience, but it is a long way from being adopted. Felt that if the Commission were to decide that the finding was close enough before a new Land Use Element and Updated General Plan were adopted, then it would set a dangerous, temporary precedent that would allow projects to proceed in areas where the General Plan Designation and the Zoning Designation are not consistent. For subdivisions, it has been general practice to have the map and the text consistent with each other. Would support an abbreviated Environmental Review presuming that a General Plan amendment is required.
2. Commissioner Jostes noted the 10' jog between the lot line between the lot closest to Anacapa Street, and the middle lot. Having it jogged like that does not make

- planning sense and suggested avoiding jagged lot lines when creating the subdivision map.
3. Commissioner White concurred with Commissioner Jostes. Could support the modifications for the street frontage. Commissioners White and Bartlett suggested the applicant consider inclusion of granny units, and tandem parking for the additional parking spaces.
  4. Many Commissioners felt that the plan is consistent with the intent of the zoning and the General Plan and the direction that the Updated General Plan is going.
  5. Commissioner Bartlett agrees that a jagged property line should be avoided. Could support the street frontage modifications. Suggested reconsidering the garage on the middle lot so that it does not encroach into setbacks or the oak tree drip lines.
  6. Commissioner Thompson agrees with Commissioner Bartlett. General plan review should be more streamlined. Project is appropriate for the area. Appreciates applicant working with neighbors and encourages continued cooperation.
  7. Commissioner Lodge added that the area is transitional and the three units are a compromise to higher zoning. Felt there is no need for a jog in the lot line. The project is a good use of the property.

Mr. Kato noticed that 3 of the Commissioners felt that the project could move forward, while 2 did not and asked the Commission for more direction. Mr. Vincent elaborated on what the Commission's position would mean for the applicant if it returned with the assumption implied with the 3/2 differential. The environmental document would more than likely not be an infill exemption and would be for a subdivision of three lots, with the underlying zoning, the underlying general plan designation, and it would be expected that the three Commissioners would be consistent in their findings.

Commissioner Jostes was concerned that the proposal would set a temporary precedent in how we interpret the zoning ordinance and the land use map between now and the time a new Land Use Element is adopted.

Commissioners felt stifled in assisting applicants before a new Land Use Element is in place, but felt that it could not hold applicants back who apply before the new element is adopted.

The Commissioners recounted a precedent that occurred on Milpas Street where the General Plan had a residential designation and the Zoning Ordinance had a commercial designation. Mr. Vincent commented on the recent Milpas Street amendment that changed a use, not from one residential density to another residential density, but from a residential use designation to a commercial retail designation

Commissioner Bartlett felt that taking no action is a decision in the wrong direction and would further delay a correction in the General Plan Update. Feels the Commission should make a decision on this application and not wait until the General Plan Update is adopted.

VI. **CONSENT ITEM:**

**ACTUAL TIME: 1:07 P.M.**

**APPLICATION OF STEVE CAMPBELL ON BEHALF OF THE GOLETA WEST SANITARY DISTRICT, 1 ADAMS ROAD, 073-045-003A-F/S-D-3, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2009-00146, CDP2009-00006) Rescheduled from May 21, 2009**

The proposed project consists of the installation of a polyvinyl chloride (PVC) conduit system connecting existing monitoring wells with a vacuum blower, two air compressors, and pumps to extract and treat gasoline contaminated soil and ground water. The purpose of this project is to facilitate the remediation of soil and groundwater contamination associated with an underground storage tank removed in 2006. The proposed project site is on Santa Barbara Airport Property under lease to the Goleta West Sanitary District. The discretionary application required for this project is a Coastal Development Permit to construct a soil and groundwater remediation conduit and filtration system in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15304.

Case Planner: Andrew Bermond, Assistant Planner  
Email: ABermond@SantaBarbaraCA.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

**MOTION: Jostes/White**

Waive the Staff Report

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson opened the public hearing at 1:07 P.M., and with no one wishing to speak, closed the hearing.

**MOTION: White/Jostes**

**Assigned Resolution No. 018-09**

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

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.