



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 24, 2009
AGENDA DATE: December 3, 2009
PROJECT ADDRESS: 825 De la Vina Street (MST2007-00400)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a one-lot subdivision to create a mixed use development with two (2) three-story buildings consisting of three commercial office spaces and seven residential condominium units on a 14,750 square foot lot in the C-2 zone. The residential portion of the project would be comprised of four (4) one-bedroom and three (3) two-bedroom units between 800 and 1,800 square feet in size. Each two-bedroom unit will have a small commercial office space for a total of 686 square feet of commercial square feet. The proposal will result in 8,507 square feet of residential area and 686 square feet of commercial area for a total of 9,193 square feet. Parking is proposed within seven vertically tandem parking garages that each accommodate two vehicles. There would also be two (2) uncovered guest spaces and three (3) uncovered commercial spaces. Approximately 500 cubic feet of grading is required.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification for rear yard setback encroachment in the C-2 zone, (SBMC §28.66.060); and
2. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominiums units, three of which will have an attached commercial office space (SBMC 27.07 and 27.13).

III. RECOMMENDATION

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



Vicinity Map - 825 De la Vina Street

APPLICATION DEEMED COMPLETE: October 14, 2009
DATE ACTION REQUIRED PER MAP ACT: December 3, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Keith Rivera, Architect	Property Owner: POPP LLC c/o Jeff Ridenour
Parcel Number: 037-041-024	Lot Area: 14,750 sq. ft.
General Plan: Residential-12 units/acre & Commerical-General Commerce	Zoning: C-2
Existing Use: Parking Lot	Topography: Flat
Adjacent Land Uses: Northwest - Commercial Northeast - Commercial Southwest- Multiple Family Residential Southwest - Commercial	

B. PROJECT STATISTICS

Units	# of Bedrooms	Unit Size (net)	Private Outdoor Living Space
Commercial Unit A	N/A	250 sq. ft.	N/A
Commercial Unit B	N/A	218 sq. ft.	N/A
Commercial Unit C	N/A	218 sq. ft.	N/A
Residential Unit 1	2	1,488 sq. ft.	703 sq. ft.
Residential Unit 2	2	1,598 sq. ft.	526 sq. ft.
Residential Unit 3	2	1,752 sq. ft.	499 sq. ft.
Residential Unit 4	1	975 sq. ft.	241 sq. ft.
Residential Unit 5	1	975 sq. ft.	198 sq. ft.
Residential Unit 6	1	975 sq. ft.	132 sq. ft.
Residential Unit 7	1	797 sq. ft.	132 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
-Front	None	N/A	None for parking 20' for structure
-Interior	None	N/A	None
-Rear	10 feet or 1/2 building height (15')	N/A	10' 1 st and 2 nd story* 28' 3 rd story
Building Height	4 stories/60'	N/A	3 stories/31'-3"
Parking	Residential = 12 spaces + 1.75 Guest parking space Commercial = 3 spaces Total=17	46 space parking lot	Residential=14 spaces+ 2 Guest spaces Commercial=3 spaces Total= 19
Lot Area Required for Each Unit	1 bedrooms=1,840 sq. ft. 2 bedrooms=2,320 sq. ft.	N/A	(4) 1,840 sq. ft. (3) 2,320 sq. ft.

(Variable Density)				Req'd = 14,320 sq. ft.
10% Open Space	1,475 sq. ft.	N/A		3,056 sq. ft.
Private Outdoor Living Space	72 sq. ft. = 1 bdrms 84 sq. ft. = 2 bdrms	N/A		Unit 1 = 168 sq. ft. Unit 2 = 168 sq. ft. Unit 3 = 156 sq. ft. Unit 4 = 72 sq. ft. Unit 5 = 72 sq. ft. Unit 6 = 72 sq. ft. Unit 7 = 355 sq. ft.
Lot Coverage				
-Building	N/A	None		5,199 sq. ft. 35%
-Paving/Driveway	N/A	14,098 sq. ft.	96%	5,838 sq. ft. 40%
-Landscaping	N/A	652 sq. ft.	4%	3,713 sq. ft. 25%

*Modification requested

Lots in the C-2 Zone may use the Variable Density provisions in Section 28.21.080.F of the Zoning Ordinance to calculate maximum density allowed. For one bedroom units, 1,840 square feet of lot is required and for 2 bedroom units, 2,320 square feet of lot area is required. The lot is 14,750 square feet in size, which can accommodate the seven proposed units in accordance with the Variable Density Ordinance.

With the exception of the encroachment into the rear setback, the proposed project would meet the requirements of the C-2 Zone, with regard to parking requirements, density, open yard and private yard requirements, building height.

Inclusionary Housing Ordinance

New construction of fewer than 10 units is subject to the Inclusionary Housing Ordinance Fee of \$18,000.00 per unit (28.43.070.D). However, the amount of the in-lieu fee shall be reduced where the average Unit Size of the Market-Rate Unit is less than 1,700 square feet. The total square footage is 8,507 and the average unit size is 1,215 square feet. Therefore, the average unit size is between 1,100 square feet and 1,399 square feet and the in-lieu fee shall be reduced by 20%. Without the reduction, the in-lieu fee for the project would be \$126,000.00 (7 x \$18,000.00). A 20% reduction will result in a required in lieu fee of \$100,800.00 which shall be paid prior to recordation of the Final Subdivision Map.

VI. ISSUES

A. PHYSICAL STANDARDS FOR NEW CONDOMINIUMS

In addition to the requirements of the zone in which a project is located, physical standards are required for all new condominium projects per SBMC 27.13.060. The project would provide the required parking, and 300 cubic feet of private storage space is proposed for each unit, as well as individual laundry facilities. Each of the units would have their own utility meters, and all utilities are proposed to be underground. Also, the project would meet the minimum requirements for density, unit size and outdoor living space.

B. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on three occasions (meeting minutes are attached as Exhibit D). At the first two ABR meetings of March 18th and July 28th, 2008, the proposal consisted of eight units within significantly larger buildings. There was a central driveway centered between two (2) three-story buildings on both sides of the lot. The Board requested that the applicant restudy the site design in relation to the setbacks, adjacent building, neighborhood context, and look for additional landscape opportunities. The Board preferred a revised site plan with an alternative driveway approach rather than the center courtyard between two (2) three-story buildings.

The project returned for a third review on January 12, 2009, with a revised site design that proposed two main buildings along the northwest side of the property and a driveway along the southeast side of the property. The Board appreciated the new direction of the project and commented that the mass, bulk and scale was improved from previous design.

The project returned to the ABR on November 16, 2009 for an in-progress review of the site design and the proposed modification. The Board made positive comments on the overall concept of the project and its compatibility with the surrounding neighborhood. The Board requested some changes to the roof design and the driveway material, and requested that the applicant study additional landscape opportunities along the front of the property as well as provide more detail for the linearity of the building. The Board was supportive of the rear setback of modification understanding that rear portion of building is all residential in nature. Some board members would like to see applicant study north side of the 2nd and 3rd floors for some additional relief in the massing, as it relates to the northwest elevation.

In conclusion, the Board conducted the Compatibility Analysis pursuant to SBMC §22.68.045 and found the overall project design to be compatible with the surrounding neighborhood and felt the project was ready to proceed to the Planning Commission.

C. REAR SETBACK MODIFICATION

Section 28.66.060 requires a greater setback for mixed-use buildings adjacent to residentially zoned properties. In the C-2 Zone, the interior setback on lots adjacent to residential zones shall not be less than 10' or ½ the building, whichever is greater. The proposed building is approximately 30' in height and therefore a 15' rear setback is required. The applicant is requesting to provide a rear setback of 10'. If this were solely a residential building the setbacks would be the same as in the R-3/R-4 zones and would be 10'. The intent of the larger setback in the rear yard is to keep commercial uses away from residential uses on adjacent properties. The portion of the building that encroaches into the setback is solely residential and the commercial spaces are located towards the middle and front of the lot, therefore the project meets the intent of the ordinance. The modification is consistent with the purposes and intent of the Ordinance because only residential portion of the building will be encroaching into the greater setback of 15', and the additional setback was intended to keep commercial uses separated from residential uses on adjacent lots. By allowing this encroachment, more floor space is provided on the first and second floor allowing the third story to be set back 28'-3" which is significantly more than required.

D. TANDEM PARKING DESIGN

Tandem parking is allowed for mixed-use development per SBMC §28.90.045.D, if each set of tandem parking spaces is assigned to a single residential unit. Per this allowance, vehicle movements necessary to move cars parking in a tandem arrangement shall not take place on any public street or alley, and guest parking spaces cannot be in a tandem configuration. The project meets these requirements by providing tandem spaces for each residential unit, where all maneuvers would take place on-site. Transportation Staff reviewed different parking lift designs with the applicant, and supports the proposed model, which allows adequate area for vehicular maneuvering, as well as pedestrian maneuvering area within the garage (getting in and out of the vehicle). A condition of approval is included, which requires the parking lifts be kept in good operating condition, and be available for the parking of vehicles owned by the residents of the property.

E. COMPLIANCE WITH THE GENERAL PLAN AND ZONING ORDINANCE

Land Use Element

The project site is located in the West Downtown Neighborhood and has a General Plan designation of Residential 12 units per acre and General Commerce and is zoned C-2, Commercial. The West Downtown Neighborhood is an area containing extensive commercial as well as residential use. It is one of the oldest residential neighborhoods in the City, and contains some of Santa Barbara's architecturally important residential structures. Many of these homes have been converted into relatively low-density apartments. In addition, new apartment complexes are replacing older single-family houses as West Downtown continues in transition to a higher-density residential and commercial uses. Increased commercial activity has occurred in the eastern portions of the area, primarily on Chapala and Carrillo Streets. The vicinity of Carrillo Street and west of De la Vina Street has become one of the most traveled arterials in the City circulation system and consequently carries traffic to and from the Highway 101. The Land Use Element of the General Plan states that commercial uses are appropriate if they are of a low intensity and are suited to this transition area. This neighborhood is in close proximity to the downtown business and shopping area and is therefore, considered to be appropriate for apartment development, and allows twelve-dwelling units to the acre as well as being zoned for commercial and multi-unit development.

Because this is a mixed-use project, the residential portion of the development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. However, the General Plan Land Use and Housing Elements recognize that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. The proposed project would result in a density of approximately 20 units per acre, which, based on the above discussion would be consistent with the Land Use and Housing elements of the General Plan.

This proposal consists of seven condominium units, three of which would have a small, attached, commercial office space. These units would be in close proximity to the down town commercial area, Highway 101 and the beach. Each of the office spaces will be part of a

residential unit and are intended to be a low intensity office use, therefore this project can be found consistent with the Land Use Element of the General Plan.

Housing Element

Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. A goal of the Housing Element is to encourage construction of a wide range of housing types to meet the needs of various household types and to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The development would provide for homeowner opportunities in a neighborhood with close proximity to the downtown, shopping, parks the beach front and Highway 101 and therefore meets the goals outlined in the City's Housing Element. Therefore, the project would be consistent with the Housing Element as it will contribute seven new residential units to the City's existing housing stock.

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 building would be compatible in scale, size and design with the surrounding neighborhood. The surrounding neighborhood is comprised of a mix of office, residential and commercial buildings, with a wide range of heights. Along De la Vina Street, the uses are a mixture of offices and commercial uses and there is multiple residential along the rear of the lot on Bath Street. The rear adjacent lot, facing Bath, street, is zoned for residential and the proposed mixed-use project keeps commercial spaces towards the front half of the lot on De la Vina thereby separating the commercial uses from the residential.

The Architectural Board of Review has reviewed the project and found that the project complies with the City Charter and Municipal Code requirements; the project design is compatible with the desirable architectural qualities and characteristics distinctive to the City of Santa Barbara; there are no designated National, State, or City Landmarks, nor designated structures of merit, adjacent to the project site; the size, mass, bulk, height, and scale of the project is appropriate for its location; the building will not affect public views of the ocean or mountains and the project provides the appropriate amount of open space and landscaping on site. Therefore, this project can be found to be compatible with the prevailing character of the surrounding neighborhood and thus consistent with Housing Element of the General Plan.

Conservation Element:

One of the policies of the Conservation Element is that new development shall not obstruct scenic view corridors, including those of the ocean. The proposed project would not obstruct scenic corridors or existing public views of the ocean and would be consistent with the scale of neighboring residential development. The project can be found to be consistent with the Conservation Element of the General Plan. See further discussion under Environmental Review.

VII. ENVIRONMENTAL REVIEW

Archaeological Resources: The project site is located within several Archaeological Resource Sensitivity zones including the Spanish/Mexican Period, the Hispanic-American Transition Period, (1850-1870), American Period, (1870-1900), and the Early 20th Century, (1900-1920) Cultural Resource Sensitivity Zones. Per the requirements of the City's Master Environmental Assessment, a Phase 1 Archaeological Resources Report was prepared by David Stone of Stone Archaeological Consulting. This Report was reviewed and accepted by the Historic Landmarks Commission on October 14, 2009. The report determined that because the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources, no mitigation measures are required. The standard condition of approval related to unanticipated archaeological resources has been included

Water Quality: A Preliminary Drainage Analysis was prepared for this project by Flowers & Associates, Inc. dated March 13, 2009, and revised per Staff's recommendations on August 4, 2009. The report concluded that the project, with the reduction of impermeable surface area, will result in a net decrease in the amount of storm water runoff. The drainage pattern will be modified to prevent drainage from crossing the common southeast property line and entering the existing lot to the southeast by directing the drainage northeast to De la Vina Street via the new driveway and sidewalk drain.

Infill Exemption (CEQA Section 15332)

Staff and the Environmental Analyst have determined that the project qualifies for an exemption per CEQA Section 15332 which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects as identified by the following criteria:

General Plan & Zoning Consistency – The project is consistent with the C-2 Zone District and the General Plan policies as discussed in the staff report. The Zoning Ordinance allows for modifications, and the applicant has demonstrated to staff that the interior setback modification at the rear lot line is consistent with the purposes and intent of the Ordinance, because the mixed-use development separates the commercial uses from the adjacent residentially zoned lot on the adjacent property to the rear on Bath Street.

Site Location and Size – The project site 14,750 square feet and is within the city limits on a project site of no more than five acres. The area is urban and developed with a mix of commercial, office, and residential uses, and the site is surrounded by urban uses in all directions.

Habitat Value – The project site is currently developed as a parking lot, and has no value as habitat for endangered rare or threatened species.

Significant Effects – The proposed project would not result in a significant increase in traffic, and parking will be accommodated on site. Use of the site would be consistent with the zone district and not cause or be affected by any significant noise impacts. The project site is not located within an area exceeding the noise level requirements and the project can comply with the exterior noise guidelines. Standard dust control measures would address short term air

quality impacts during construction activities, and given the allowed uses of the zone district, long term impacts would be minimal. Standard measures for water quality, consistent with the Storm Water Management Program, are included as conditions of approval. The proposed project would not result in hazards from flooding by Mission Creek.

Utility Service – All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant demand for public services, including police, fire protection, electrical power, natural gas and water distribution and treatment.

VIII. FINDINGS

The Planning Commission finds the following:

A. REAR SETBACK MODIFICATION (SBMC §28.66.060)

The Planning Commission finds that the requested rear setback modification is consistent with purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. Because this is a mixed-use building on a lot adjacent to a residential zone, the setback shall be 10 feet or ½ the building height, whichever is greater. The proposed building is approximately 30' in height and therefore a 15' rear setback is required. The applicant is requesting to provide a rear setback of 10'. If this were solely a residential building the setback would be 10'. The modification is consistent with the purposes and intent of the Ordinance because only residential portion of the building we will be encroaching and the additional setback was intended to keep commercial uses separated from residential uses on adjacent lots. By allowing this encroachment more floor space is provided on the first and second floor allowing the third story to be setback 28'-3" which is significantly more than required.

B. 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-3/R-4 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.

C. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
The project complies with density requirements and each unit includes adequate parking, with storage, laundry facilities, separate utility metering, adequate unit size and the required outdoor living space.
2. The proposed development is consistent with the General Plan of the city of Santa Barbara.
The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood. The project is an infill mixed-use project proposed in an area where commercial and residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's ABR, which found the architecture and site design appropriate.
3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
The project is an infill mixed-use project proposed in an area where residential and commercial developments are permitted uses. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. Adequate public facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire and schools. The ABR was able to make the compatibility analysis per SBMC 28.68.045 and found the project to be compatible with the surrounding neighborhood.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated August 20, 2009
- D. ABR Minutes

PLANNING COMMISSION OF APPROVAL

825 DE LA VINA STREET
TENTATIVE SUBDIVISION MAP, MODIFICATION
DECEMBER 3, 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 project is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the parking area from the public Right of Way.
2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
3. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
4. **Screened Check Valve/Backflow.** The check valve backflow device 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.
5. **Permeable Paving.** Incorporate a permeable paving system for the project driveway 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.
6. **Drainage and Water Quality.** The project is required to comply with the Preliminary Drainage Analysis prepared by Flowers & Associates, Inc. dated March 13, 2009 and revised August 4, 2009.

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 December 3, 2009, is limited to a one lot subdivision to create a mixed use development with two (2) three-story buildings consisting of seven residential condominium units, three of which will have an associated commercial office space, 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 Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
5. **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.
6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Parking Lifts.** The seven parking lifts shall be maintained in good operating condition and remain available for the parking of vehicles owned by the residents of the property in the manner for which the parking lifts were designed and permitted.
 - e. **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.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
- 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 - 3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 - 4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new

development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

5. **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 Parks 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.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

6. **De La Vina Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on De La Vina Street. As determined by the Public Works Department, the improvements shall include the following: *new sidewalk for entire frontage, and new parkway to match existing, commercial thickness driveway apron modified to meet Title 24 requirements, saw-cut and grind top of curb where uplifted, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations curb drain outlet, supply and install one City standard residential Dome Style street light on opposite side of street from project site with final placement per City Facilities Manager, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, new street trees as determined by the Parks Commission and the City Arborist* and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **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.

8. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 9. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The inclusionary fee for this project will be \$100,800.00.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building Permit.
- 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 Architectural Board of Review, outlined in Section A above.
 2. **Drainage and Water Quality.** The project is required to comply with the Preliminary Drainage Analysis prepared by Flowers & Associates, Inc. dated March 13, 2009 and revised August 4, 2009.
 3. **Hazardous Substances.** Work shall stop immediately if visual contamination or chemical odors are detected during site work. Immediately contact the County fire Department, Hazardous Materials Unit (HMU) at 805-686-8170. Resumption of work requires approval of the HMU.
 4. **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.

5. **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 A, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
6. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
7. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

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. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Existing sandstone curb (if any) in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
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.

5. **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.

6. **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.
7. **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.
8. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
9. **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.
10. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
11. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
12. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
13. **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.
14. **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. **Evidence of Private Covenants Conditions & Restrictions (CC&Rs) Recordation.** Evidence shall be provided that the private CC&Rs required in Section D have been recorded.
 2. **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.
 3. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
 4. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
- 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

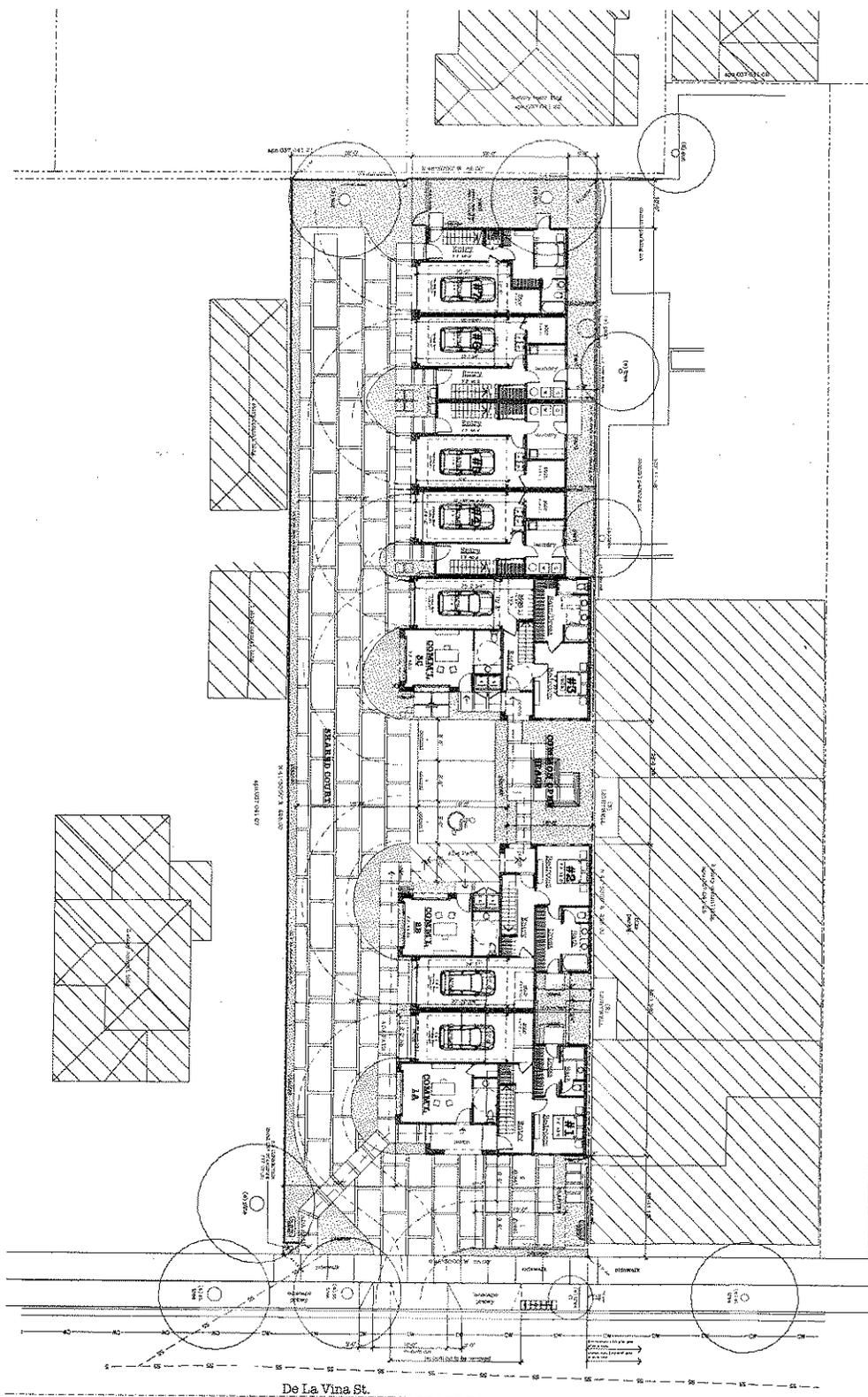
the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality 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.





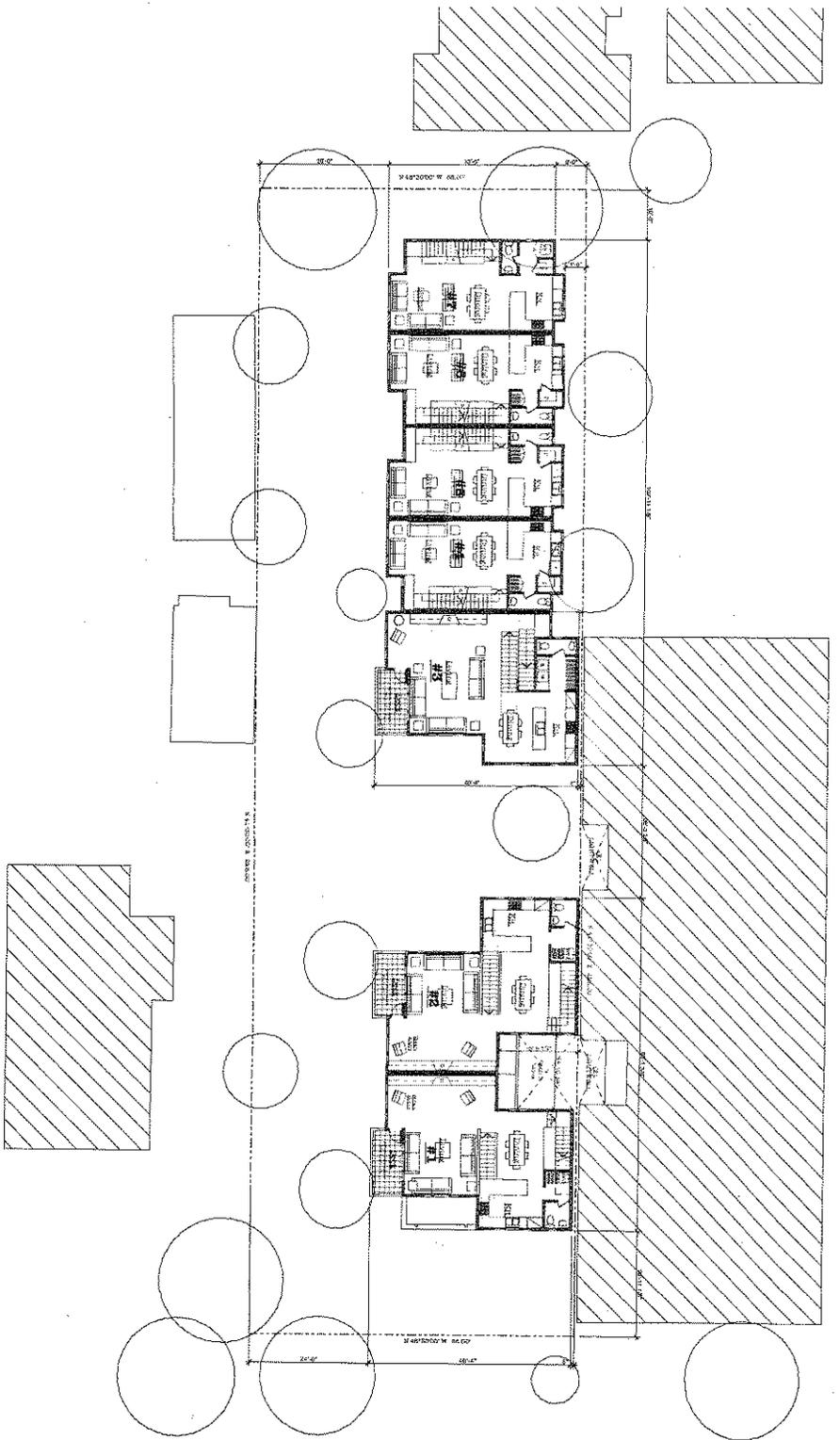
JOB NO. 97-0000
 SHEET 12 OF 17
 DATE: 12/1/97
 SCALE: AS SHOWN
 825 De La Vina
 MIXED USE
 Santa Barbara
 CALIFORNIA



825 De La Vina
 SITE/FIRST FLOOR PLAN

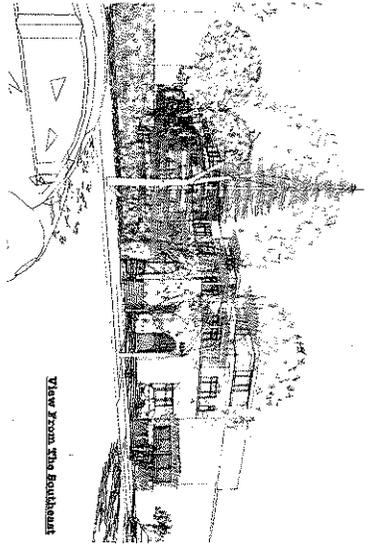
A1.1

EXHIBIT B

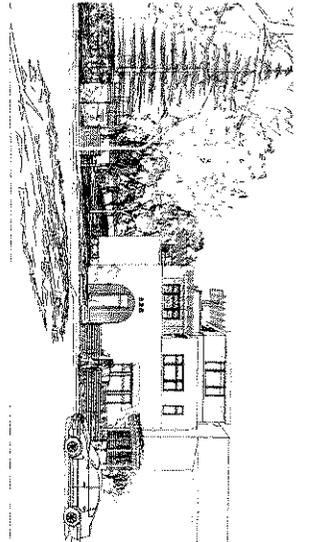


825 De La Vina
 MIXED USE
 SANTA BARBARA
 CALIFORNIA

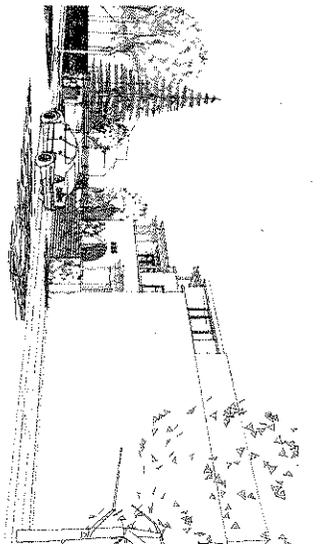
Drawing:
 SECOND FLOOR PLAN
 A2.2



VIEW FROM THE SOUTHWEST



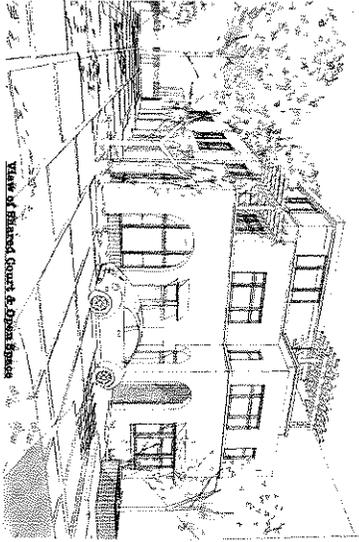
VIEW FROM ACROSS DE LA VINA STREET



VIEW FROM THE NORTH SIDE



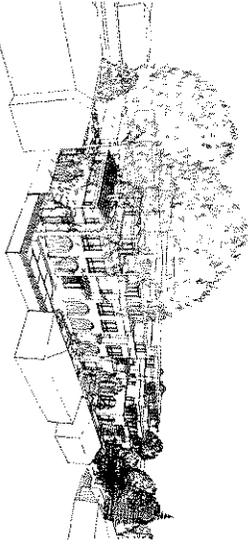
VIEW FROM THE SOUTHWEST



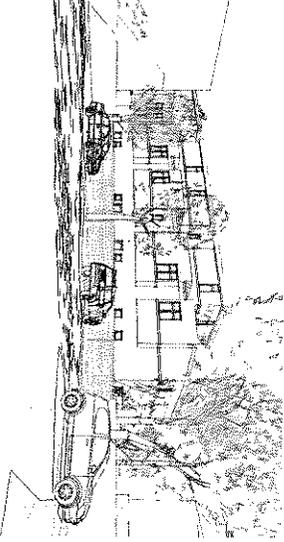
VIEW OF FRANKED COURT & OPEN STREET



VIEW FROM DE LA VINA



AERIAL VIEW FROM THE SOUTHWEST



VIEW FROM THE NORTHWEST

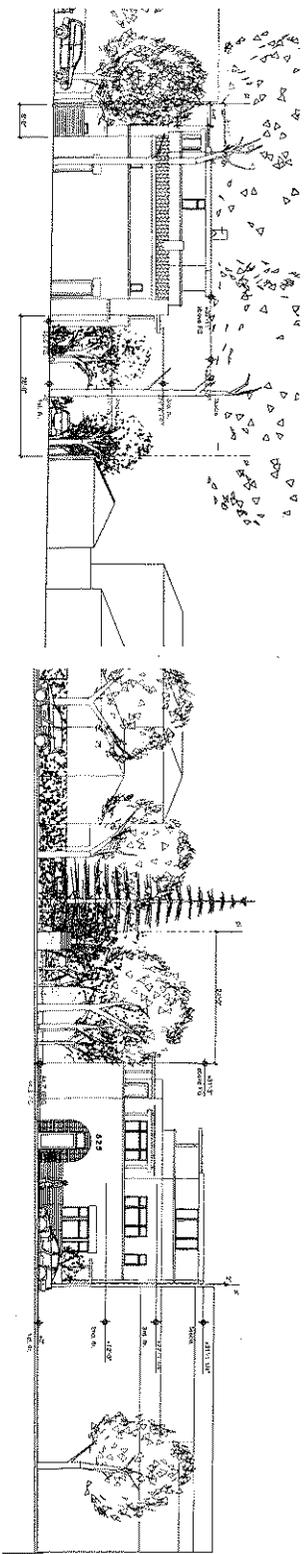


AERIAL VIEW FROM THE SOUTHWEST

Job No. 020200
 Scale: 1/8" = 1'-0"
 Date: 10/15/10
 Project: 825 De La Vina
 Client: Santa Barbara
 California

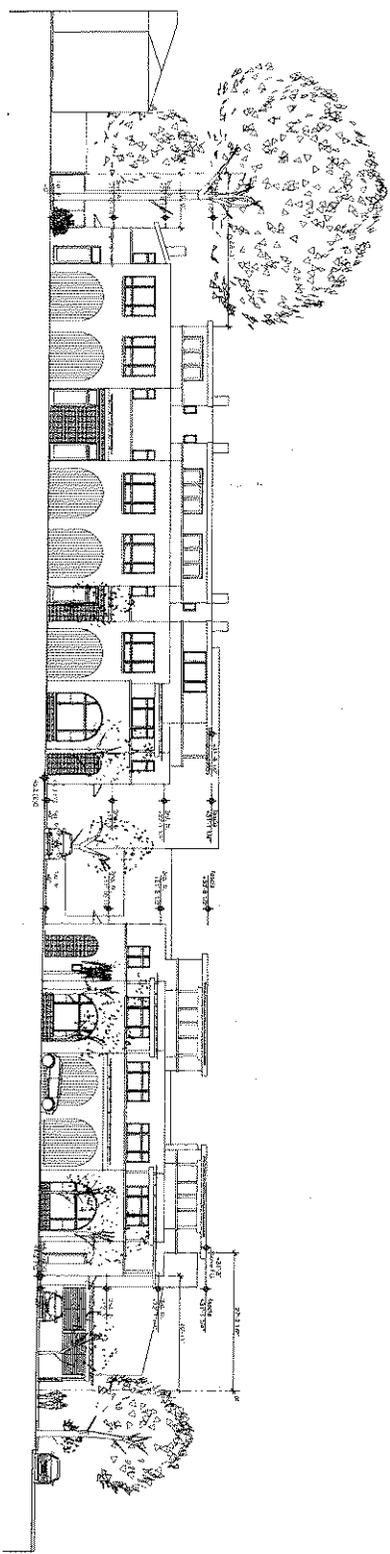


Drawing:
 EXTERIOR IMAGES

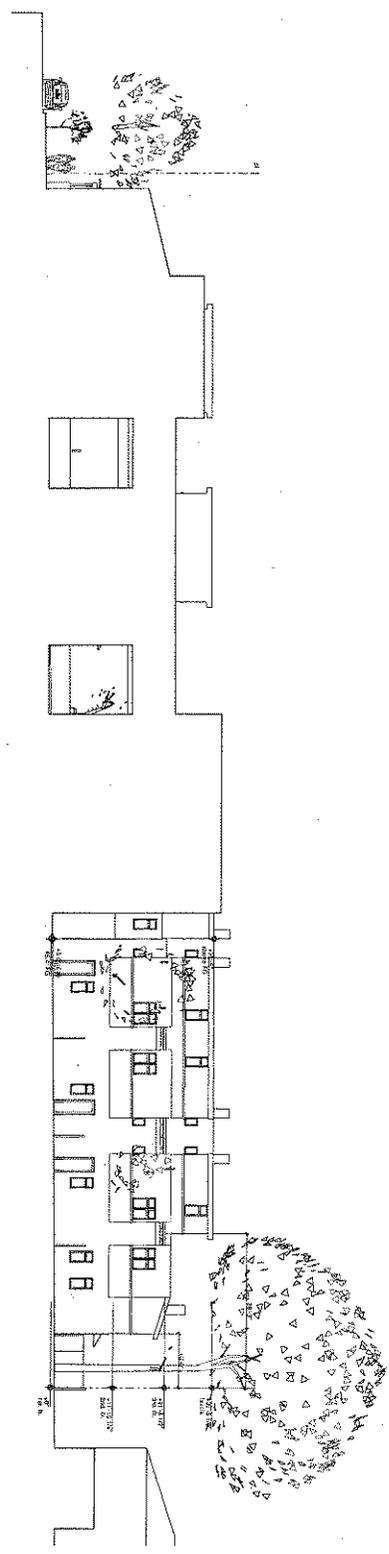


WEST ELEVATION

EAST ELEVATION (Along De La Vina)



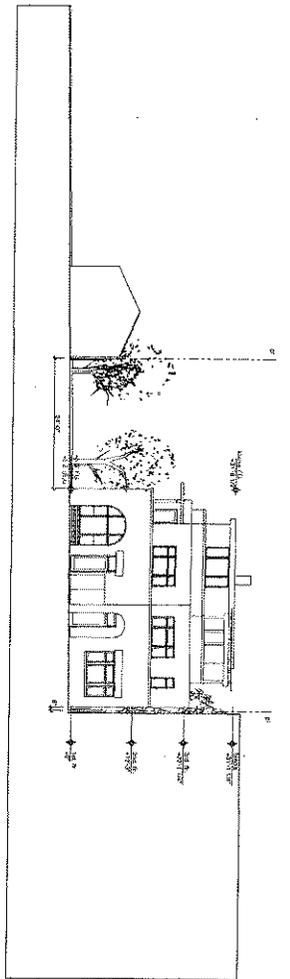
NORTH ELEVATION



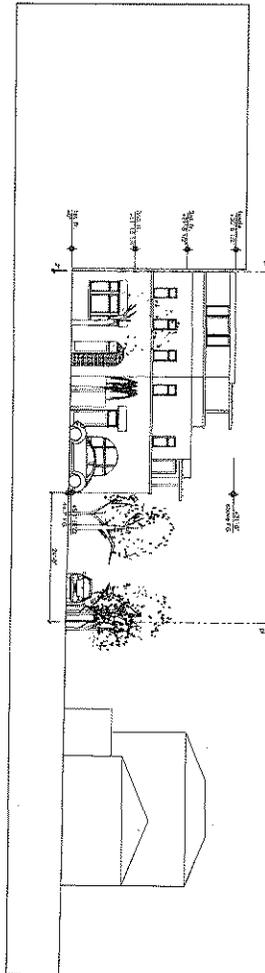
SOUTH ELEVATION

825 De La Vina
 SANTA BARBARA
 CALIFORNIA

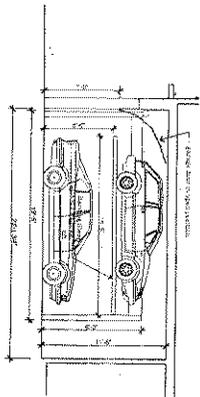
825 De La Vina
 SANTA BARBARA
 CALIFORNIA
 EXTERIOR ELEVATIONS



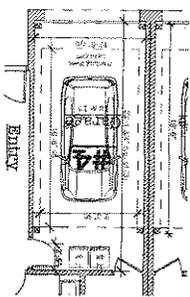
EAST ELEVATION (PROSPECT INTERIOR)



WEST ELEVATION (PROSPECT INTERIOR)



SECTION & TYP. GARAGE



PLAN DETAIL & TYP. GARAGE



825 De La Vina
 MEXICO USE
 Santa Barbara
 California

Drawn by:
 EXTERIOR ELEVATIONS

RECEIVED
AUG 24 2009

August 20, 2009

City of Santa Barbara
Community Development Department
620 Garden Street
Santa Barbara, CA 93101

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Subject: MST2007-00400
DART / Planning Commission Application for 825 De La Vina St.
(APN 037-041-024)

Dear Commissioners:

We are seeking approval for a Tentative Subdivision Map for a one lot subdivision to create a mixed use development with three commercial office spaces and seven residential condominium units and respectively request the approval of the Planning Commission. Furthermore we are requesting a modification from the required interior setback for a mixed use project adjacent to residentially zoned properties, section 28.666.060,B. As we will discuss below under the project issues we feel our layout better meets the intent of the zoning ordinance by providing appropriate two story massing and greater upper floor setbacks adjacent to our residential neighbor while also providing greater than required setbacks at the street. Through a process of working with our neighbors, staff and the ABR we feel we have created a balanced, appropriate, project which will be a benefit to all the community by providing live / work opportunities along transit and close to the downtown core in an environmental sound manner.

PRT Review

The project was previously reviewed by the Pre-Application Review Team and their review comments letter of October 12, 2007 is attached along with our commentary on how we have addressed those comments. The vast majority of the comments were handled by a wholesale change to the project design as indicated in our commentary.

We began the design of the project before you by meeting numerous times with our neighbors to obtain their input on the design and have strived to balance their concerns with those of larger neighborhood planning issues as well as the overall project goals. We have also met and conferred with city staff to discuss various aspects of the project. And the design has been before the ABR on January 16, 2009 to receive their review and comment where the mass bulk and scale were well received. All this input we feel has helped create a better, more balanced proposal

Goals

“Given limited remaining land resources, the city shall concentrate efforts to develop housing on vacant infill sites and redevelopment of opportunity sites in commercial and residential zones with priority for commercial and mixed use development” - Policy 4.3, 2003 Housing Element

The above city policy is at the core of the proposed project. This mixed use infill proposal takes a vacant commercial parcel, a barren parking lot, near downtown and creates housing and small business opportunities appropriate for the residents of our community and consistent with City policy. For example, the four proposed one bedroom town homes, being relatively modest in size and appointment, located along a public transit line and within an easy walk of the amenities of the urban core, are ideally suited for residents who work downtown. In addition, the project's three, two bedroom town homes have a separate, dedicated, commercial space that can serve as “home base” for a small business. Given the current lack of a specific live / work land use designation, and the limitations on home business activity, this arrangement works within current zoning constraints to meet the need for zero- commute, live / work opportunities for local entrepreneurs near downtown.

Furthermore, the environmental sustainability aspects of this kind of compact, infill development along public transit are well documented by such respected organizations as the United States Green Building Council, American Planning Association and Urban Land Institute. These include the utilization of existing infrastructure, lessening of regional and local automobile use and the more efficient use of material resources and energy to name just a few.

Because of this, the proposed project contributes to the environmental, social and economic sustainability of Santa Barbara.

Issues

The small proportion of commercial space may be seen as a potential issue by some. The project's three compact commercial office spaces will be sold as part of the adjacent two bedroom residences. They will not be subdivided, or allowed to be sublet, or used for any other purpose than office use by the homeowner of that unit. The three commercial parking spaces will be shared amongst the offices and not assigned. They will be designated for the commercial use only. This arrangement will allow for shared use of the accessible parking space by disabled commercial guests. Separate residential guest parking is provided and will be designated as such.

Given the current lack of a specific “live / work” land use designation, and the limitations on home occupation activity, this arrangement works within current zoning constraints to provide zero-commute, live / work opportunities for local entrepreneurs to live and have a business near downtown. In doing so this project adds to the available range of housing choices for local residents. Furthermore, this location, in an area that transitions from more intense commercial

use to the east and predominately residential uses to the west, is an ideal location for this “live/work” mixed use concept.

It should be noted that although not required, the project design complies with, or exceeds, the primary setback requirements for the more restrictive R3/R4 zone. The notable exception to this is adjacent to the neighboring three story blank property line walls to the north where such setbacks would serve no purpose. It should also be noted that the ABR was comfortable with the project’s mass, bulk and scale. The inclusion of commercial space is thus not a device to abuse the less restrictive C2 setback regulations, but a genuine attempt to provide the community with a conforming “live / work” housing option under the current ordinance and create a transition between the adjacent commercial and residential uses.

As previously indicated we are requesting a modification from the required interior setback for mixed use project adjacent to residentially zoned property to the west. The design at this property line is only two stories in height and is setback 10’ from the adjacent two story residential neighbor. This portion of the project has only residential uses. The third story is setback 28’ feet. These setbacks meet or exceed the setback requirements for structures in the R3/R4 zone. Literal compliance with the C2 zoning would narrow the available building footprint by 6’ in the east/west direction forcing all the residences in this building to be three stories in height as there would not be enough room on the lower floors for a bedroom and would result in a third story setback of only 16’ from the neighboring residential building. We feel our current layout better meets the intent of the zoning ordinance by providing more appropriate two story massing and greater third story setbacks adjacent to a residential neighbor. The ABR was comfortable with the project’s mass bulk and scale and appreciative of maintaining a two story height adjacent to the neighboring residences. Furthermore, in return we are also providing a greater than required setback at the street as a benefit to the neighborhood and to foster greater neighborhood compatibility along De La Vina.

Additional issues associated with this proposal are related to neighborhood compatibility. At an urban scale this stretch of De La Vina, though only two blocks from State Street, is a transition zone between the R-3 residential uses to the west and the more intense commercial development to the east along Chapala. Though zoned C2, any development on this parcel must strike a balance between these surrounding land uses and scales.

At the level of the immediate surroundings this transitional nature is even more apparent. Immediately to the north is a large scale three story modernist office building, built with virtually no setback to the street and with a large blank wall right on the shared property line. This wall is punctuated in two spots by small light wells that service the neighboring office uses. To the south is a traditional, multi-story wood frame house, converted to commercial use, with a generous setback from the street and two smaller out buildings toward the rear of the lot built right on the shared lot line. Toward the street this property has a large pine tree, again close to

our property line. To the west is a two story residential condo whose private opens spaces face the subject property. Finally along the de La Vina frontage is a large mature street tree with a broad canopy.

The 825 de La Vina development will have to mediate between the variation in its neighbors setbacks and scales, as well as work with the adjacent zero lot line buildings without obstructing the neighbors light wells. Furthermore, the scale and privacy of the residential neighbors to the west must be respected and the large adjacent off site tree canopies should not be crowded.

Project Description

The lot is 14,750 square feet (0.34acre), with frontage on the west side of De La Vina Street between Cannon Perdido and de la Guerra. The virtually flat, 1% sloped site is zoned C2, as are the neighboring parcels to the east, north and south on Figueroa. The adjacent parcels to the West are zoned R-3. Consequently commercial office and parking uses surround the lot with the exception of residential condominiums at the rear, west side.

The existing parcel contains no structures and is currently a parking lot with some 96% of the site paved in asphalt. The parking spaces are leased on a month-to-month basis and are not tied to any off site parking requirements for any other property. There is a nominal planting strip along the street frontage and three mature trees at the rear; two eucalyptus and one palm tree.

The proposal would remove the existing parking lot paving, pole mounted cobra head parking lot lighting and the existing palm. The palm would be salvaged and relocated off site.

The new mixed use development would consist of seven residential condominiums, four one bedroom and three two bedroom town homes that range in size from less than 800 square feet to just over 1,700 square feet. As indicated above the two bedroom homes also have an attached, but separately accessed, C2 commercial office space of 250 square feet or less. The 9,193 square feet of new habitable space is distributed into two separate buildings of two and five units that are justified toward the north side of the lot adjacent to the neighboring blank property line wall and planned around the neighbor's light wells to keep them clear.

This allows for a generous setback at the street, providing a transition from the adjacent offices that are at the sidewalk and the deeply setback neighbor to the south and also reduces the apparent mass rather than having one continuous structure. This arrangement creates a common open space in the middle of the site adjacent to the neighbors western light well, with a courtyard adjacent to the other neighboring light well. In section the new structures step down from the large office building at the north to the smaller scale neighbors at both the south and west.

The structures are accessed by a single loaded shared court along the south which avoids crowding the neighboring mature trees or property line structures along that edge. Each

residential unit has a two parking spaces in a private garage. These spaces are in a vertical tandem arrangement made possible by a standard pre-manufactured mechanical lift designed specifically for residential use. The two required guest parking spaces and the three required commercial parking spaces are provided in screened surface areas.

Though both new structures are mixed residential and office use in a C2 zone and technically do not require setbacks we have provided R3 setbacks or greater everywhere except at the neighboring blank zero lot line walls of the offices to the North. These generous setbacks allow 25% of the lot area to be landscaped open space benefiting both the residents and neighbors.

Grading and Drainage Information

Currently the nearly flat, overwhelmingly paved site slopes from the northwest corner to the southeast corner and surface drains accordingly without benefit of any control, particularly at the southern property edge or sidewalk. The proposed project will direct all roof and surface drainage onto and across the common shared court driveway and into the landscape area bordering the southeast property line then along the landscape bio-swale to De La Vina . Drainage will be prevented from crossing the property line by a small curb wall. By utilizing the landscape strip small storm events will be allowed to permeate the ground while larger events will fill back onto the low section of courtyard driveway and exit the site via a city standard sidewalk drain.

With the reduction of impervious surface area the project will decrease the amount of storm water run off. The improvements will prevent drainage from entering the neighboring property to the south or flowing across the sidewalk, as is the existing condition. The proposed water quality facilities will satisfy the required WQDV and further reduce peak flow. Because of the removal of the existing paving and sub base which cover almost all the site the grading will consist of 500 cu yd of cut and no fill.

The project would include appropriate, shielded exterior lighting at the garage and entry doors mounted no more than eight feet above grade. The proposed uses would generate no new noise, smoke or odors, but, rather by eliminating some 39 surface parking spaces, would more than likely reduce the potential for auto exhaust and noise in the immediate area.

The project does not involve the use of hazardous materials. The Phase I did not identify any known contamination emanating from the subject property. The project would not involve the disposal of hazardous materials. Because no contaminants are known to emanate from the subject site, no site remediation is anticipated or planned as part of this project

A geotechnical investigation of the site will be done as part of the subsequent building permit application. A Phase I archeological report has been completed for the site and is attached for reference. Although it determines the site is unlikely to contain archeological resources, because

the existing paving obscures most of the natural grade the report recommends site inspection after paving demolition has occurs to be absolutely sure resources are not present.

The subject parcel is not adjacent to any creeks or bodies of water and does not contain any existing or proposed recreational trails or easements.

Demolition & Construction Information

The construction will be of standard wood frame technology that requires no unusual or intensive equipment or manpower. Construction staging and storage will occur on site along the southern open portion of the site where the shared court will be located. The project is anticipated to take 12 months to construct. The construction schedule and resources breaks down as follows:

Demolition- 1 Week, Six Workers. Backhoe, Bulldozer, Dump Truck.

Site Grading / Preparation - 4 weeks Eight workers. Backhoe, Bulldozer with Scrapper Blade, Rollers/compactors, Dump Truck.

Building Construction - 41 Weeks - Up to twenty four workers at any one time. Ready mix truck, forklifts, flat bed trucks, bobcat, portable compressors, mixers pumps, sprayers, welding equipment and compactors. Miscellaneous portable and hand held power tools

Site Construction / Landscape - 6 weeks – Twelve Workers. Flat bed trucks, Bobcat, Miscellaneous portable and hand held power tools.

As well as being a compact, urban infill development along public transit, which by its very nature is an environmentally sound practice, the project will incorporate a number of sustainable construction features. See the attached document “825 De La Vina Green Building Features” for a list of these proposed features.

We trust that the above information, along with the supporting materials, provides a detailed description of our request. Please contact me if you have any questions or need additional clarification in reference to the application. Again we believe we have created a balanced, appropriate, project which will be a benefit to all the community and we look forward to its successful completion.

Sincerely,

Keith Rivera, AIA



Cc: Jeff Ridenour, w/attachments

Attachments:

PRT Letter with responses (1 copy)

Tentative Map (10 copies)

Architectural Drawings (10 copies)

Preliminary Landscape Plan (10 copies)

Preliminary Grading, Drainage and Utility Plan (10 copies)

Preliminary Drainage Analysis (3 copies)

Phase I Archaeological Resources Report (3 copies)

Phase I Environmental Assessment Report (1 copy)

825 De La Vina Green Building Features (3 copies)





ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

825 DE LA VINA ST

MST2007-00400

M-NEW RES & COM C

Page: 1

Project Description:

Proposal for two new three-story mixed-use buildings to include a total of seven residential condominiums and three commercial condominiums on an existing 14,750 square foot lot. The proposal includes four, one-bedroom and three, two-bedroom residential units, varying in size from 777 to 1,730 square feet. The commercial units will range in size from 218 to 250 square feet. The proposal will result in 8,507 square feet of residential area and 686 square feet of commercial area for a total of 9,193 square feet. A total of 19 parking spaces will be provided on site (14 covered and five uncovered). Planning Commission approval is requested for a Tentative Subdivision Map and a Zoning Modification to encroach into the required rear yard setback.

Activities:

11/16/2009

ABR-Concept Review (Continued)

(Fourth Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission review of a Tentative Subdivision Map and a requested zoning modification for an encroachment into the rear setback.)

These are DRAFT Minutes ONLY, pending approval 11/30/09:

(4:55)

Present: Keith Rivera, Architect; Lori Romano, Landscape Architect; and Jeff Ridenour, Co-owner.

Public comment opened at 5:08 p.m.

Kellam de Forest expressed concern regarding adequate setback and adjacent neighbor's concerns, street parking density impacts, and impact of concrete pavement on neighborhood landscape.

Susan Thompson, opposition: expressed concern regarding zoning requirements, land uses and access, setback requirements for minimum and modest use, encroachment on access in and around the buildings, solar concerns and access to natural light, spatial requirements between street and sidewalk and between units, and height and density within the lot and from the adjacent neighbor.

Don Sharpe, opposition: expressed concerns regarding proposed three-story height for compatibility within a mostly two-story neighborhood, density of proposed project, access, parking density, and solar and easterly natural light concerns.

Activities:

An opposition letter from Paula Westbury was acknowledged by the Board.

Public comment closed at 5:20 p.m.

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

- 1) Study the use of red tile roofing on the project to either introduce additional red tile or redesign the rear roof to be a flat roof to match the other roofing design.*
- 2) Study the design for the driveway, permeability, and the scale and paving pattern.*
- 3) Study opportunities to provide additional landscape amenities along the front of the property, as well as additional size and area for landscaping.*
- 4) Study the architectural starkness of the project, and provide additional detailing or information about the proposed design style.*
- 5) The proposed rear setback modification is acceptable, understanding that the rear portion of the building is all residential in nature.*
- 6) Study the north side elevation of the second and third floor for additional massing relief as it relates to the northwest elevation*
- 7) The Compatibility Analysis is as follows:*
 - a) The proposed project complies with the design guidelines and is consistent with the City Charter and applicable Municipal Code requirements.*
 - b) The project's design is compatible with the City and the architectural character of the neighborhood.*
 - c) The project's mass, size, bulk, height, and scale are appropriate for the neighborhood.*
 - d) The project's design is appropriately sensitive to adjacent City Landmarks and adjacent historic resources.*
 - e) The project's design provides acceptable amount of open space and landscaping.*

Action: Zink/Aurell, 5/0/0. Motion carried. (Rivera stepped down, Sherry/Gross absent).

11/16/2009 ABR-Mailed Notice Prepared

to be mailed out 11/5/09.

1/12/2009 ABR-Concept Review (Continued)

(Third Concept Review. Comments only; Project requires Environmental Assessment and Planning Commission review of a Tentative Subdivision Map.)

(4:13)

Present: Doug Singletary, B3 Architects.

Public comment opened at 4:30 p.m.

Jeff Ridenour, support: would like the project to move forward.

Don Elconin, support: past insensitive tree trimming and property line issues, which are currently being appreciatively worked out with Mr. Sharpe.

A support letter was submitted and read into the record by Donald G. Sharpe and acknowledged by the Board.

Activities:

An opposition letter from Paula Westbury was acknowledged.

Public comment was closed at 4:38 p.m.

Straw vote: How many of the Board like Option A or Option B? Board stated no option preference.

Motion: Continued indefinitely to Full Board with the following comments:

ARCHITECTURE:

- 1) The Board appreciates the new direction of the project and improved mass, bulk and scale. Applicant to look for other future opportunities of the proposed design.*
- 2) Maximize the lighting opportunities of the light wells to the neighbor to the north.*
- 3) Integrate the chosen design elements to work in better harmony and cohesion.*
- 4) Maximize the relief created at building openings, such as doors, windows, etc.*
- 5) Study the garage proposal for a stack garage and other opportunities allowed for an improved design.*
- 6) Board looks forward to a proposal that would bring stylistic elements together cohesively.*

LANDSCAPING:

- 1) Maximize landscaping options by reviewing (the driveway) turning radius for an improved entry and egress.*
- 2) Study the trash enclosure for an alternate location.*
- 3) Provide a landscape plan.*
- 4) Study the linearity of the south property line for bulb-out opportunities.*

Action: Sherry/Aurell, 8/0/0. Motion carried. (Rivera stepped down).

12/23/2008**ABR-Resubmittal Received**

Resubmittal for concept continued. Site plan reconfigured, increased setbacks and landscaping and new common open space, reconfigured parking, reduced commercial floor area from 1606 s.f. to 750 s.f., reconfigured unit plans and changes to architecture.

7/28/2008**ABR-Concept Review (Continued)**

(Second Concept Review. Comments only; Project requires environmental assessment and Planning Commission Review of a Tentative Subdivision Map and Development Plan Approval for new commercial square footage.)

(3:36)

Present: Bill Wolf, Architect

Public comment opened at 3:53 p.m.

The following members of the public commented on the proposed project:

- 1. Kevin Fewell, supported.*
- 2. Don Elconin, opposed: site and design planning, view corridors, garage turnaround areas and parking, tree preservation, "canyonization" style of project.*

Activities:

3. *Don Sharpe, opposed: three-story structure creates noise conduits, vehicular fumes into open space areas, palm trees, drip lines, lack of landscaped open space, private and public views, high exterior elevation.*
4. *Steve Hausz, opposed: architecture is improving, however the site remains over-developed and is out of character with neighborhood; landscaping plan lacks adequate shade trees.*

Public comment closed at 4:05 p.m.

Mr. Limon suggested the Board utilize the new compatibility review criteria and provide clear comments to the Planning Commission to specify the types of modifications to the project design plans, that may be necessary based upon the concerns on compatibility of the proposed project with the surrounding buildings.

Motion: Continued indefinitely to return to Full Board with the following comments: 1) The Board would prefer to see a revised site plan with an alternative entry approach rather than the center courtyard, which will: a) Address the adjacent environments, in particular the properties to the north (the blank wall) and south (the Italianate building); b) Demonstrate a significant amount of respect for the existing landscape environment, specifically the pine tree at the neighboring south; c) Respect the driveway approach of the garages and parking lot; and d) A significant amount of usable and functional landscape area shall be shown on the proposed plans.

Action: Zink/Sherry, 7/0/0. Motion carried. (Mosel absent.)

Board Comments: Some of the Board commented that not enough landscape areas and functional open spaces have been provided that are large enough to accommodate existing trees in the proposed project. The landscape plan should work with functional landscape spaces to accommodate existing trees, as designed, the site plan is too aggressive. Where mature landscaping already exists, buildings should not impose or intrude on trees or open space. Applicant should try to work the architecture with the existing landscaping.

7/22/2008

ABR-FYI/Research

Revised project description on 7/22/08 as a result of the resubmittal received on 7/1/08.

The project has been revised to include one three-story mixed use building (rather than two buildings); one residential condominium has been eliminated (the affordable unit) and the commercial square footage has increased.

7/1/2008

ABR-Resubmittal Received

3/18/2008

ABR-Notice Prepared-PC/SHO Req

Prepared 3/4/08

Activities:**3/18/2008*****ABR-Concept Review (New) - PH***

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

(Time: 4:24)

Present: Bill Wolf, Architect; and Kent Smith from Pacific Architects, Irma Unzueta, Project Planner for the City of Santa Barbara.

Public comment opened at 4:40 p.m.

- 1) Don Sharpe, opposed: addressed public views, and suggested pulling back the structure.*
- 2) Lani Collins, opposed: addressed blocked public views.*
- 3) Steve Hausz, opposed: addressed appropriateness of structure size to neighborhood and architecture, traffic density and fumes, lack of landscaping.*
- 4) Don Elconin, opposed: addressed inadequate parking; zoning, appropriateness of structure size to neighborhood.*
- 5) Norm Polp, opposed: addressed concerns of appropriateness of structure size to neighborhood.*
- 6) A letter from Paula Westbury was read into the record.*

Public comment closed at 4:59 p.m.

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

- 1) Applicant to continue to work with planning and transportation staff to further develop the constraints for the zoning element as they see them before returning. The Board is concerned that the applicant is missing site opportunities for this particular site and would like to see the applicant return with another option which addresses the parameters of the neighboring properties in a better way or format.*
- 2) Some trees are not shown on the site plan, and the plan does not respect the significant specimen trees and neighboring trees; include trees in the parkway.*
- 3) The street elevation will accurately show both buildings on the right and left of the project site.*

Action: Wienke/Mudge, 7/0/0. Motion carried. (Blakeley absent.)

2/5/2008***ABR-Resubmittal Received***

Initial design review submittal. Three sets of plans and set of photos for ABR.