

**DRAFT**

## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

November 05, 2015

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

Chair Thompson called the meeting to order at 1:03 P.M.

#### **I. ROLL CALL**

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, June Pujo, and Deborah L. Schwartz.

#### **STAFF PRESENT:**

Allison DeBusk, Project Planner  
Susan Reardon, Senior Planner  
N. Scott Vincent, Assistant City Attorney  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
None.
- B. Announcements and appeals.  
None.
- C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. Minutes of October 8, 2015

#### **MOTION: Lodge/Jordan**

Approve the minutes as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

2. Minutes of October 15, 2015

**MOTION: Jordan/Lodge**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Commissioners Jordan and Lodge expressed appreciation for the exceptional work done on both sets of minutes in capturing the Commission's comments.

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

Chair Thompson opened the public hearing at 1:08 P.M. and, with no one wishing to speak, closed the hearing.

**III. RECOMMENDATION TO CITY COUNCIL:**

**ACTUAL TIME: 1:08 P.M.**

**ZONING ORDINANCE AMENDMENT TO ALLOW MINOR ZONING EXCEPTIONS IN THE INSTANCE OF DISCREPANCIES OR ERRORS IN ZONING INFORMATION REPORTS**

The purpose of this public hearing was for the Planning Commission to review and make recommendations to the City Council regarding amendments to the Santa Barbara Municipal Code (SBMC) to allow the Community Development Director the authority to grant Minor Zoning Exceptions (MZE's) in the case of a discrepancy or error in Zoning Information Reports (ZIRs). This new Minor Zoning Exception (MZE) process was one of the recommendations of the ZIR Working Group for ZIR process improvements. The City Council initiated the proposed amendment to the SBMC on February 10, 2015.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301, Existing Facilities, 15303, New Construction or Conversion of Small Structures, and 15305, Minor Alteration in Land Use Limitations.

Contact: Susan Reardon, Senior Planner  
Email: SReardon@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4555

Susan Reardon, Senior Planner, gave the Staff presentation.

Chair Thompson opened the public hearing at 1:29 P.M.

Reyne Stapelmann, Santa Barbara Association of Realtors President, said that the ZIR working group resolved some of the issues in the ZIRs, but not all ZIR issues of reliability and accountability that surfaced in the Grand Jury Report have been resolved. She appreciates the work that Staff has done on this Minor Zoning Exception Ordinance to resolve minor zoning issues. She recommended that 1980 should be the year used for accessory structures and single family homes. Agrees with MZE Appeals going to the Community Development

Director, but stated that any major issues should go up to City Council and no fees should be charged for the appeal process. Still feels that the City should make ZIRs voluntary and remains committed to working with the City on this issue.

With no one else wishing to speak, the public hearing was closed at 1:33 P.M.

**MOTION: Jordan/Pujo**

**Assigned Resolution No. 016-15**

Recommended that City Council approve the Ordinance Amendment to establish a Minor Zoning Exception Process, as written in the Staff Report dated October 29, 2015, with the following recommended changes:

1. Revise Section 28.92.130.B.1.c to include façade changes in the interior setback.
2. Allow the administrative decision on a Minor Zoning Exception to be appealed to the Community Development Director and not require a notice or a public hearing.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Higgins) Abstain: 1 (Schwartz) Absent: 0

Chair Thompson called for a recess at 2:52 P.M. and reconvened at 3:02 P.M.

**IV. NEW ITEM:**

**ACTUAL TIME: 3:02 P.M.**

**APPLICATION OF TOM MEANEY, ARCHITECT FOR JEFF AND KRISTI BARENS, 2321 EDGEWATER WAY, APN 041-350-009, E-3/SD-3 (ONE FAMILY RESIDENCE AND COASTAL OVERLAY) ZONES, LOCAL COASTAL PLAN LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2014-00411).**

The project consists of a proposal to construct a new 3,505 square-foot, two-story single-family residence and an attached 400 square-foot two-car garage on a 14,334 square-foot lot in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. The existing 1,945 square-foot, two-story single-family residence, 300 square-foot, detached two-car carport and 350 square-foot accessory building are proposed to be demolished. The proposed total of 3,905 square feet on a 14,334 square-foot lot is 91% of the required maximum floor-to-lot area ratio (FAR).

The discretionary application required for this project is a Coastal Development Permit (CDP2015-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures.

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

Phone: (805) 564-5470, ext. 4531

Allison De Busk, Project Planner, gave the Staff presentation.

Tom Meaney, Architect, gave the Applicant presentation. Jeff Barens, Owner, and Erin Carroll, Landscape Architect, were available to answer any questions.

Fred Sweeny, Single Family Design Board (SFDB) Chair, was available to answer any of the Commission's questions.

Chair Thompson opened the public hearing at 3:29 P.M.

The following people spoke in support of the project:

1. Dominic Namnath, adjacent neighbor at 2325 Edgewater Way, supports the project and the work done by the Applicant.
2. Sally Witnov, neighbor directly across the street at 2312 Edgewater Way, supports the project and the efforts made by the Applicant to address any view blockage.

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

**MOTION: Pujó/Campanella**

**Assigned Resolution No. 017-15**

Approved the project, making the findings for the Coastal Development Permit as outlined in the Staff Report, dated October 29, 2015, subject to the Conditions of Approval in Exhibit A of the Staff Report, with the staff revisions presented at the hearing, and with the following revisions to the Conditions of Approval:

1. Change B.1. to include "including specific trees designated for removal, and if additional removals are necessary due to disease, those trees removed shall be replaced with comparable trees."
2. Change B.4. under Landscape Plan Compliance to add a new second sentence that reads "To the extent feasible, provide landscaping at a height and density that heavily screens the structures from public and neighboring views."
3. Change E.2. to include language for removal of demolition debris and stockpiled materials within 72 hours.
4. Add a condition requiring a Zoning Compliance Declaration.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Thompson announced the ten calendar day appeal period.

**V. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 4:13 P.M.**

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported on the Staff Hearing Officer meeting of October 28, 2015.

2. Other Committee and Liaison Reports

- a. Commissioner Higgins reported on the Parks and Recreation Commission meeting of October 28, 2015.
- b. Commissioner Lodge reported on the Historic Landmark's Commission meeting of October 21, 2015.
- c. Commissioner Campanella reported on the Architectural Board of Review meeting of October 26, 2015.
- d. Commissioner Thompson reminded everyone that today was First Thursday and encouraged all to attend the activities.

**VI. ADJOURNMENT**

Chair Thompson adjourned the meeting at 4:16 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary





# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 016-15

#### CITYWIDE

### RECOMMENDATION TO CITY COUNCIL

NOVEMBER 5, 2015

## ZONING ORDINANCE AMENDMENT TO ALLOW MINOR ZONING EXCEPTIONS IN THE INSTANCE OF DISCREPANCIES OR ERRORS IN ZONING INFORMATION REPORTS

The purpose of this public hearing was for the Planning Commission to review and make recommendations to the City Council regarding amendments to the Santa Barbara Municipal Code (SBMC) to allow the Community Development Director the authority to grant Minor Zoning Exceptions in the case of a discrepancy or error in Zoning Information Reports (ZIRs). This new Minor Zoning Exception process was one of the recommendations of the ZIR Working Group for ZIR process improvements. The City Council initiated the proposed amendment to the SBMC on February 10, 2015.

The Environmental Analyst determined that the project was exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301, Existing Facilities, 15303, New Construction or Conversion of Small Structures, and 15305, Minor Alteration in Land Use Limitations.

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

**WHEREAS**, 1 person appeared to speak in favor of the Zoning Ordinance Amendment, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 29, 2015

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission recommends the City Council consider the following changes to the Zoning Ordinance Amendment to allow Minor Zoning Exceptions in the instance of discrepancies or errors in Zoning Information Reports and adopt said Zoning Ordinance Amendment:

1. Revise §28.92.130, Subsection B.1.c to include façade changes in the interior setback.
2. Allow the administrative decision on a Minor Zoning Exception to be appealed to the Community Development Director and not require a notice or a public hearing.

This motion was passed and adopted on the 5th day of November, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (Higgins) ABSTAIN: 1(Schwartz) ABSENT: 0

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

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
Date





# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 017-15  
2321 EDGEWATER WAY  
COASTAL DEVELOPMENT PERMIT  
NOVEMBER 05, 2015

**APPLICATION OF TOM MEANEY, ARCHITECT FOR JEFF AND KRISTI BARENS, 2321 EDGEWATER WAY, APN 041-350-009, E-3/SD-3 (ONE FAMILY RESIDENCE AND COASTAL OVERLAY) ZONES, LOCAL COASTAL PLAN LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2014-00411).**

The project consists of a proposal to construct a new 3,505 square-foot, two-story single-family residence and an attached 400 square-foot two-car garage on a 14,334 square-foot lot in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. The existing 1,945 square-foot, two-story single-family residence, 300 square-foot, detached two-car carport and 350 square-foot accessory building are proposed to be demolished. The proposed total of 3,905 square feet on a 14,334 square-foot lot is 91% of the required maximum floor-to-lot area ratio (FAR).

The discretionary application required for this project is a Coastal Development Permit (CDP2015-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures.

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

**WHEREAS**, 2 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 29, 2015
2. Site Plans
3. Correspondence received in support of the project:
  - a. List names, address
4. Correspondence received in opposition, or with concerns, to the project:
  - a. Kymberlee Ruff, via email
  - b. The Boudreaux Family (Michel, Marie, and Timothy), via email
  - c. Bruce & Wanda Venturelli, via email

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

- I. Approved the subject application making the following findings and determinations:
  - A. **COASTAL DEVELOPMENT PERMIT** (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including public views and access and the proposed addition is located outside of the 75-year seacliff retreat line, as described in Section V.C. of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the new residence is compatible with the surrounding single-family neighborhood, addresses drainage, will not impact views from public view corridors or public access, and is not an archaeologically sensitive site as described in Section V.C. of the Staff Report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 November 5, 2015 is limited to the demolition of the existing house on site and construction of a 3,505 square foot, two-story single-family residence, a 400 square foot attached two-car garage and the improvements shown on the plans, including specific trees designated for removal, and if additional removals are necessary due to disease, those trees removed shall be replaced with comparable trees, signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic 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 Single Family Design Board (SFDB).
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement. To the extent feasible, provide landscaping at a height and density that heavily screens the structures from public and neighboring views.
  5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development 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. **Future Threats to Development.** By acceptance of this permit, the Owner agrees, on behalf of him/herself and all successors and assigns, that the Owner shall remove the development authorized by this permit, including the residence, garage, and foundations if any government agency has ordered that the structure(s) is not to be occupied in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other coastal hazards in the future. In the event that portions of the development fall to the beach before they are removed, the Owner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a Coastal Development Permit.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
  2. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be

placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.

D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a) **Public Improvements due to prior to occupancy.** The Owner shall submit Public Works plans for construction of public improvements. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements to City Standards shall include the following:

Remove and replace the existing 23-foot wide driveway apron per City standards, construct approximately 80 linear feet of landscaping across the frontage of the property; trench and pave on aggregate base or crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching for the undergrounding of utilities and drainage improvements with supporting drainage calculations.

b) **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.

c) **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 prepares said agreement for the Owner's signature.

c) **Minor Encroachment Permit.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner. A Minor Encroachment Permit (MEP) per SBMC 10.55 shall be required for the non-City standard construction along the project frontage, including: 6" sandstone curbing, the existing approx. 5 feet high wood fence and all the landscaping.

d) The plantings along the frontage of the property shall not exceed the maximum height of 8" per SBMC §15.20.040 for at least 2 feet from the edge of paved way.

e) The hedges shall comply with the site-triangle requirements of SBMC §28.90.050, which requires a maximum height of 3 ½ feet 10 feet back from the edge of the driveway and 20<sup>2</sup> feet to both sides of the driveway along the subject property.

2. **Community Development Department.**

- a) **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- a)b) **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to ensure that the residence shall remain a single family residence.
- b)c) **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit comply with the Storm Water Management Plan prepared by Michael J. Gerenser, Civil Engineer, dated July 3, 2015 demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- e)d) **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- d)e) **Conditions on Plans/Signatures.** The final 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 sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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.

E. **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, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. All demolition debris and stockpiled materials shall be removed within 72 hours. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
3. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

4. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- F. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. 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 public improvement plans or building plans, shall be completed.
  3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11” board and submitted to the Planning Division.

**G. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a) The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b) All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c) Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
4. **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 being notified of a lawsuit regarding 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.

**III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.

2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 5th day of November, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**

**DRAFT**

# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

November 12, 2015

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

Chair Thompson called the meeting to order at 1:03 P.M.

#### **I. ROLL CALL**

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, June Pujo, and Deborah L. Schwartz.

#### **STAFF PRESENT:**

Beatriz Gularte, Senior Planner  
N. Scott Vincent, Assistant City Attorney  
Steve Foley, Supervising Transportation Planner  
Kathleen Kennedy, Associate Planner  
Suzanne Riegle, Associate Planner  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

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

None.

B. Announcements and appeals.

Ms. Gularte announced that the Planning Commission meeting of November 19, 2015 is cancelled. The next regular meeting of the Planning Commission will be December 3, 2015.

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

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

**III. CONSENT ITEMS:**

**ACTUAL TIME: 1:04 P.M.**

**APPLICATION OF EVA TURENCHALK, AGENT FOR BASTIAN FAMILY, 3407 SEA LEDGE LANE, APN 047-082-010, A-1 ONE-FAMILY RESIDENCE AND SD-3 COASTAL ZONES, GENERAL PLAN LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL (1 DU/AC) (MST2015-00100/CDP2015-00003)**

The project consists of the installation of a 249 square foot photovoltaic system to be mounted on the roof of an existing two-story residence. The residence is located on a one-acre bluff top parcel. The discretionary applications required for this project is a Coastal Development Permit (CDP2015-00003) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

Contact: Suzanne Riegle, Associate Planner

Email: SRiegle@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2687

Chair Thompson asked the question whether any Commissioners wished to remove the item from the consent calendar and with no one wishing to call the item up for review by the full Commission review the staff report was waived.

**MOTION: Schwartz/Higgins**

**Assigned Resolution No. 018-15**

Approved the project, making the findings for Coastal Development Permit as outlined in the Staff Report, dated November 5, 2015, subject to the Conditions of Approval in Exhibit A of the Staff Report revised on November 9, 2015.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Thompson announced the ten calendar day appeal period.

**IV. CONCEPT REVIEW:**

**ACTUAL TIME: 1:05 P.M.**

**APPLICATION OF CEARNAL ANDRULAITIS, LLP, ARCHITECT FOR CRAVIOTTO PRIMO INVESTMENTS LLC AND GEORGETTA CRAVIOTTO TRUSTEE, 634 ANACAPA STREET, APN 031-151-001 & -011, C-M (COMMERCIAL MANUFACTURING) ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL INDUSTRIAL/ MEDIUM HIGH RESIDENTIAL (MST2015-00300)**

Proposal to demolish two existing commercial buildings totaling 5,523 square feet and a 1,852 square-foot single-family residence and construct a new four-story, mixed-use development on a 20,825 square foot site. The project consists of 4,954 square feet (net) of commercial space (one restaurant and two retail spaces) on the first floor, 30 rental units on the second and third floors, and a 672 square foot residential multi-purpose space and roof deck on the fourth floor. The rental units include 8 studios, (13) one-bedroom units, and (9) two-bedroom units and total 21,990 square feet. An on-grade parking garage accessed from Ortega Street would provide 32 parking spaces and 36 bicycle spaces. The project site is located within the 80% zone of benefit for parking; therefore, only two commercial spaces are required. The project includes the merger of two lots. A Lot Area Modification to allow 30 residential units instead of 29 would be decided by the Staff Hearing Officer.

This is an Average Unit Size Density (AUD) Incentive Program Priority Housing development with a proposed density of 63.4 dwelling units per acre and with an average unit size of 733 square feet.

This project requires Planning Commission Conceptual Review because the lot size is more than 15,000 square feet and the project is being proposed under the Average Unit-Size Density (AUD) Incentive Program Priority Housing Overlay (SBMC §28.20.080).

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, Staff, Historic Landmarks Commission, and Staff Hearing Officer with feedback and direction regarding the proposed land use and design. 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 was taken at the concept review, nor was any determination made regarding environmental review of the proposed project. The environmental review will be done prior to action on the project by the Staff Hearing Officer and design review board.**

Contact: Kathleen Kennedy, Associate Planner  
Email: [KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation. Steve Foley, Supervising Transportation Planner, was available to answer any of the Commission's questions.

Brian Cearnal, Cearnal Andrulaitis, LLP, gave the Applicant presentation.

Chair Thompson opened the public hearing at 1:23 P.M., and with no one wishing to speak, the public hearing was closed.

**MOTION: Lodge/Higgins** Agree that the project meets the Land Use Element; Housing Element, and Circulation Element and is consistent with the General Plan. The Lot Area Modification is acceptable and the project meets compatibility with the neighborhood. The size, bulk, and scale of the project is appropriate for its location and then neighborhood. Individual Commission comments to the Historic Landmarks Commission include:

1. Encourage providing units private outdoor living space as well as common space for socializing.
2. Landscaping:
  - a. Continue to work on landscaping, especially on Ortega Street.
  - b. Suggested hanging pots off the ground on the back east side, similar to the ones seen at the Ablitt House.
  - c. In looking at planter pockets in A.101, encouraged creativity with landscaping to find opportunities to “green up” building.
3. Encouraged working on some type of sound mitigation on the south side of the 4<sup>th</sup> floor deck to minimize noise to southern neighbors. This type of project, if designed with noise sensitivity, fits into an “eyes-on-the-street” concept as introduced by Urban Planner Jane Jacobs.
4. Appreciated the balance of commercial space in this mixed-use project.
5. Would like to see the east elevation wall in A.201 given more articulation.
6. Consider providing units with small covered areas for storage.

This motion carried by the following vote:

Ayes: 0 Noes: 0 Abstain: 0 Absent: 0

Commissioner Pujo acknowledged Steve Foley’s decision to retire and thanked Steve Foley for his contributions to the City.

**V. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 2:42 P.M.**

**D. Committee and Liaison Reports**

1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported on the Staff Hearing Officer meeting of November 11, 2015.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of November 4, 2015.

b. Commissioner Schwartz reported on the Water Commission Hearing of November 9, 2015.

c. Commissioner Campanella reported on the Downtown Parking Committee meeting held earlier in the day.

d. Commissioner Campanella also reported on the Architectural Board of Review meeting of November 2, 2015.

- e. Commissioner Campanella reported on the Multi-Unit/Mixed-Use Design Guidelines Subcommittee meeting of November 10, 2015.
- f. Commissioner Thompson reiterated that the Planning Commission meeting of November 19, 2015 is cancelled and the next meeting will be on December 3, 2015.

**VI. ADJOURNMENT**

Chair Thompson adjourned the meeting at 2:56 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary





# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 018-15  
3407 SEA LEDGE LANE  
COASTAL DEVELOPMENT PERMIT  
NOVEMBER 12, 2015

**APPLICATION OF EVA TURENCHALK, AGENT FOR BASTIAN FAMILY, 3407 SEA LEDGE LANE, APN 047-082-010, A-1 ONE-FAMILY RESIDENCE AND SD-3 COASTAL ZONES, GENERAL PLAN LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL (1 DU/AC) (MST2015-00100/CDP2015-00003)**

The project consists of the installation of a 249 square foot photovoltaic system to be mounted on the roof of an existing two-story residence. The residence is located on a one-acre bluff top parcel. The discretionary applications required for this project is a Coastal Development Permit (CDP2015-00003) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

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

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

1. Staff Report with Attachments, November 5, 2015.
2. Site Plans

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

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

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because the installation of photovoltaic panels will not add risk to life or property and will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area in a way that would require protective devices that would substantially later natural landforms along the bluff and cliff. The addition of the photovoltaic system will not result in extending the life of the residence and will not contribute to increased rates of erosion on the bluff, as described in Section V. of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the solar is minor rooftop equipment on a permitted residence and the improvement will not be visible from a public viewing location, as described in Section V of the Staff Report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
2. Record any required documents (see Recorded Conditions Agreement section).
3. Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 November 12, 2015 is limited to the installation of 294 square feet roof mounted, solar system signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
3. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

4. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

C. **General Conditions.**

1. **Construction Parking.** All construction parking is limited to areas designated for parking and shall not contribute to the loading on the bluff top or the blocking of fire access lanes.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **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 being notified of a lawsuit regarding 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.

**III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 12th day of November, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**