



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 7, 2014
AGENDA DATE: May 14, 2014
PROJECT ADDRESS: 500-510 State Street (MST2013-00302)

TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RUB*
 Peter Lawson, Associate Planner *P*

I. PROJECT DESCRIPTION

The project consists of a tentative subdivision map (TSM) request to subdivide an existing 17,812 square foot, two-story building, into four commercial condominiums. Three condominiums would be located on the ground floor and one condominium unit would comprise the whole second floor. No alterations are proposed with the project. On the ground level, each of the proposed condominiums would be coincidental with the existing commercial spaces, which are currently occupied by two restaurants and a retail ice cream shop. The fourth condominium would include the lobby on the ground floor, which provides access via stairs and an elevator to the second floor unit, and the second floor, which is currently used as business offices for accountants, lawyers, and other similar professions.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is:

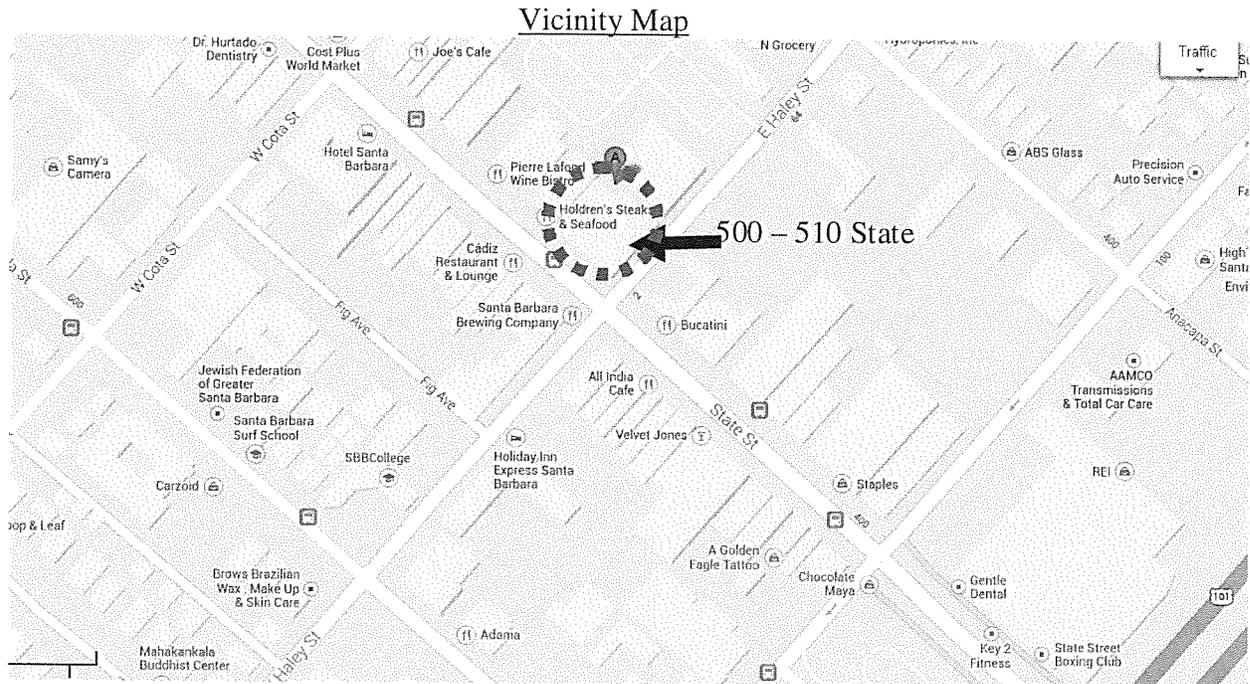
- A. Tentative Subdivision Map for a one-lot subdivision to create four (4) commercial condominium units (SBMC Chapter 27.07).

APPLICATION DEEMED COMPLETE: April 9, 2014

DATE ACTION REQUIRED PER MAP ACT: May 29, 2014

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. There is no development associated with the subdivision and the existing uses of the building are consistent with the zone district, as well as, the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	RTK Associates		
Property Owner:	Jarrett Gorin, Vanguard Planning, LLC		
Site Information			
Parcel Number:	037-173-020	Lot Area:	11,200 s.f (0.26 acre)
General Plan:	Commercial/Medium High Residential (15-27 Du/Acre)	Zoning:	Commercial-Manufacturing (C-M)
Existing Use:	Offices, restaurant & retail	Topography:	0%
Adjacent Land Uses			
North – General Commercial		East – General Commercial	
South - General Commercial		West - General Commercial	

B. PROJECT STATISTICS

Unit # (Uses)	Existing/Proposed Square Footage
A.1 (restaurant)	3,611 s.f. (ground floor) + 1,116 s.f. (mezzanine) = 4,777 s.f.
A.2 (retail ice cream)	1,547 s.f. (ground floor)
A.3 (restaurant)	3,496 s.f (ground floor)
A.4 (offices)	440 s.f. (ground floor lobby) + 7,392 s.f. (second floor) = 7,832 s.f.
Common Areas	150 s.f.

V. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

The proposed project is for a tentative subdivision map to create four condominium units with no physical changes to the existing building. The building is consistent with all aspects of the Zoning Ordinance. The project site is within the Central Business District and the 100% parking zone of benefit and shared access, via a private alley behind the building, to the trash enclosure is documented. The project also includes all of the requirements necessary for a tentative map, such as separate utilities, access, and a common trash area.

B. GENERAL PLAN CONSISTENCY

The project site is located within the Lower State Street Neighborhood and the General Plan Land Use Designation is Commercial/Medium High, fifteen - twenty-seven dwelling units per acre. The existing and proposed use as a commercial building is consistent with its General Plan Land Use Designation. This area includes a mix of commercial uses, such as, retail, restaurant, hotel, office, warehouse, and light industrial uses. The area also has some mixed-use and multi-family development.

VI. ENVIRONMENTAL REVIEW

Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions). Section 15315 allows for the division of property into four or fewer parcels if certain conditions are met. The project meets these conditions because: it is located within an urbanized area; it conforms with the General Plan and zoning designations; all services and access to the proposed parcels are available to City standards; the parcel was not involved in a division of a larger parcel within the previous two years; and the parcel slope is less than 20%.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara because it would create separate airspace ownership within an existing commercial building in an area designated for commercial use. The site is physically suitable for the type and density of development because said development already exists, consistent with the Commercial-Manufacturing Zone district. The project is consistent with the vision for this neighborhood of the General Plan because it retains an existing building that has been part of the neighborhood fabric for more than seventy-five years. The restaurant and office uses will not cause substantial environmental damage nor will the uses cause serious public health problems. The site is not located in any designated hazard areas and is not identified as a hazardous waste site pursuant to Section 65962.5 of the Government Code.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated May 2, 2014

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

500 – 510 STATE STREET
TENTATIVE SUBDIVISION MAP
MAY 14, 2014

- I. In consideration of the project approval granted by the Staff Hearing Officer 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. **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 or recordation of the Parcel Map, whichever comes first.
 2. Submit an application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.
 3. Permits following recordation of Parcel Map.
- B. **Recorded Conditions Agreement.** 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 concurrent with the Parcel Map, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on **May 14, 2014** is limited to an existing two-story commercial building that will be subdivided into four commercial condominium units, which will comprise of three ground floor units and one unit on the second floor, as shown on the Tentative Parcel Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 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.

4. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
 5. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
 6. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for 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. **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.
 - c. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal with Parcel Map Approval.** The Owner shall submit the following to the Public Works Department for review and approval of the Parcel Map:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil

Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.

2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares 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, concurrently with the Parcel Map.
- 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.**

The street tree along Haley Street shall be replaced. Please contact the Parks and Recreation Office, located at 402 E. Ortega Street ((805) 564-5418), to determine the appropriate replacement tree.

2. **Community Development Department.**

Conditions on Plans/Signatures. The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the 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.

E. **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

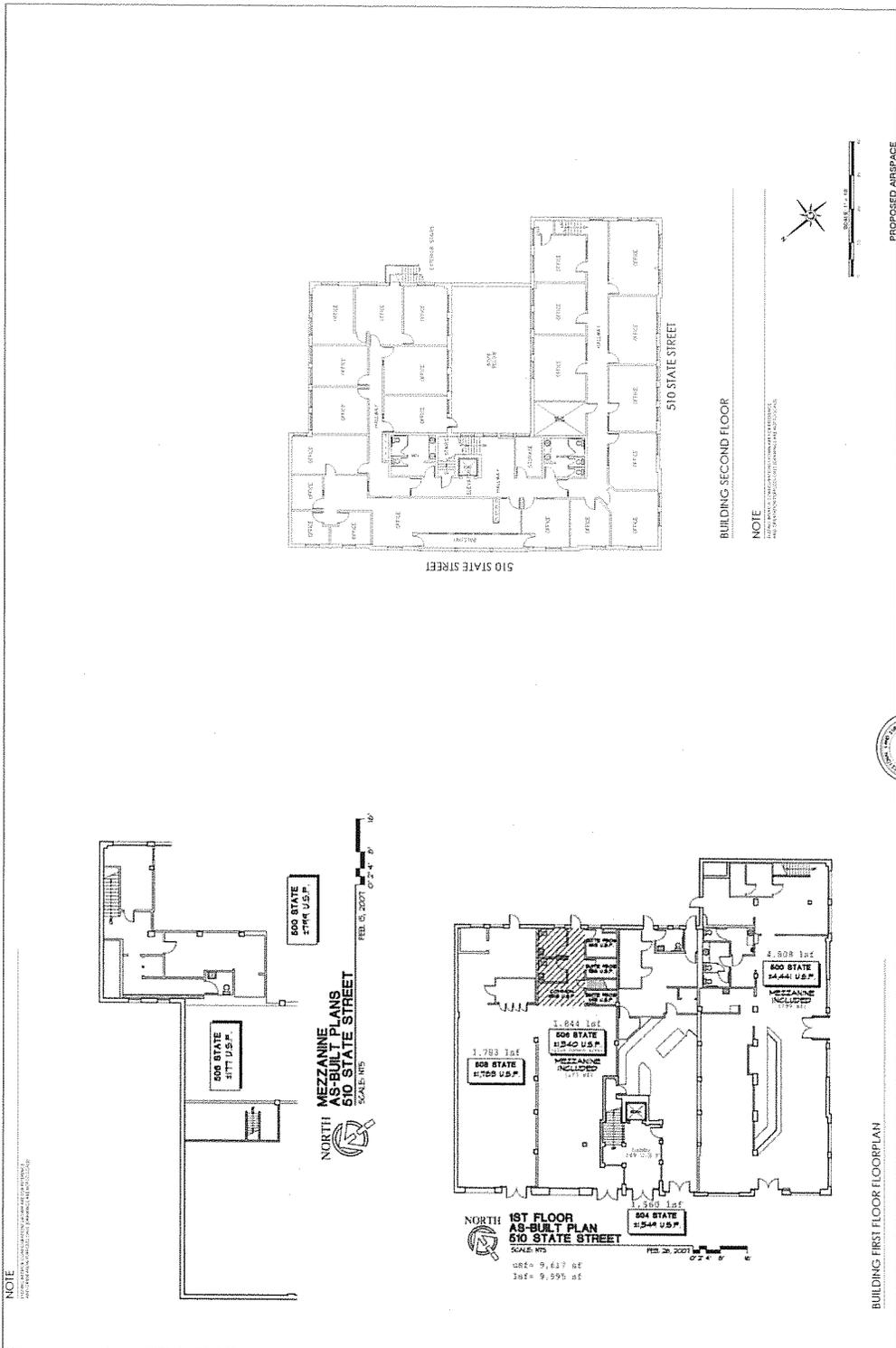
government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

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 Staff Hearing Officer.
- 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.

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

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



NOTE

FOR INFORMATION ONLY - THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE ARCHITECT.

BUILDING FIRST FLOOR PLAN

BUILDING SECOND FLOOR



PROFESSOR ANDRÉ
 GROMATICI
 REGISTERED ARCHITECT
 STATE OF CALIFORNIA
 NO. 1037



PROFESSOR ANDRÉ
 GROMATICI
 REGISTERED ARCHITECT
 STATE OF CALIFORNIA
 NO. 1037

May 2, 2014

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Susan Reardon, Staff Hearing Officer
 City of Santa Barbara
 630 Garden Street
 Santa Barbara, CA 93101

Hand Delivered

RECEIVED
 MAY 02 2014
 CITY OF SANTABARBARA
 PLANNING DIVISION

RE: 500 – 510 State Street DART Application (Case #MST2013-00302)

Dear Ms. Reardon:

Vanguard Planning LLC represents RTK Associates, LLC, the owner of the above referenced property (the "Subject Property"). We are pleased to present our proposal for a proposed one (1) lot subdivision to create four (4) commercial condominiums on the Subject Property. No physical development and/or alterations to the Subject Property are proposed as part of this application.

The following sections include information identified in the "Letter From Applicant" section of the City's DART Application Submittal Requirements handout. Information has been provided only in response to the applicable items from that section.

1.0 Discretionary Approval Requested

We are requesting approval of a Tentative Map for a one (1) lot subdivision to create four (4) commercial condominiums on an existing developed commercial property pursuant to Santa Barbara Municipal Code (hereafter "SBMC") §27.07.

2.0 Project Description

The proposed project would subdivide a fully developed commercial property. The Subject Property is zoned C-M. The property is occupied by an existing 17,812 s.f. two-story commercial building. This building would be divided into four (4) commercial condominium units. Three of the proposed units correspond to the existing three (3) commercial spaces on the ground floor and one (1) unit would comprise the entire second floor office area and its ground floor lobby entrance.

Unit A1 (currently occupied by *Something's Fishy*) would include 3,661 s.f. of existing floor area on the ground floor, and 1,116 s.f. of existing mezzanine floor area. Unit A2 (currently occupied by *Cold Stone Creamery*) would include 1,547 s.f. of existing floor area on the ground floor. Unit A3 (currently occupied by *Natural Café*) would include 3,496 s.f. of existing floor area on the ground floor. Unit A4 (currently mixed executive office suites) would include a 440 s.f. ground floor lobby and 7,392 s.f. of second floor office space. The structural portions of the existing building, trash enclosures, and existing paved exterior utility areas would be incorporated within the common area for the subdivision.

The subdivision will be subject to a set of recorded Conditions, Covenants, & Restrictions which will establish permanent mechanisms governing: 1) use and maintenance of the common area; 2)

sharing of utility costs between the units; and 3) maintenance of insurance coverage for the common area/improvements.

The proposed commercial condominium units correspond exactly to the manner in which the existing structure is currently divided. The structure is equipped with automatic fire sprinklers and includes exterior trash enclosures of adequate size to accommodate the current mix of uses, which includes three restaurants on the ground floor and is arguably the most intensive combination of uses that would likely ever occupy the structure in terms of trash generation. Therefore, no physical development (including interior alterations) would be required to implement the proposed subdivision. All four of the proposed commercial condominium spaces are occupied by office and retail uses permitted in the C-M zone district. The subject property is located within a 100% parking zone of benefit (see SBMC Parking Zones Of Benefit Map Page 7), therefore no onsite parking is required. Each of the commercial spaces is subject to an existing lease. The proposed subdivision would not alter the terms of any lease agreements with the current tenants.

No requirement for "owner occupation" is proposed. Each of the units created by the project could continue to serve as an existing commercial rental space, or could be occupied by a business that belongs to the owner of the unit.

3.0 Justification For The Project

The proposed subdivision will allow for the sale or transfer of individual commercial spaces within an existing building. This would make each of the spaces accessible for potential purchase by the existing tenant, another small business, or an individual seeking to acquire commercial rental property in the downtown area. It is more feasible for a small business owner to qualify to purchase a 3,496 s.f. commercial condominium (for example, proposed Unit A3) than it is to purchase an entire commercial property developed with an 17,812 s.f. commercial building.

The project does not involve any physical development, or any change in use of the Subject Property. Each of the proposed commercial spaces exists on site, and the spaces are occupied by existing tenants. The subdivision would allow for the three existing commercial spaces to be occupied by the same number of owners or tenants that currently occupy the building. The project has no potential to alter anything other than the party holding title to the existing spaces. All conditions present following approval of the proposed subdivision would be identical to the existing conditions on the site.

All current uses within the structure are permitted uses within the C-M Zone District. Existing development on the site also complies with all applicable height and setback requirements. The property is located within a 100% parking zone of benefit and therefore meets current SBMC parking requirements. The proposed subdivision involves the creation of "airspace" condominium units within an existing structure, and does not require any physical development or other alteration of the structure or the Subject Property. Therefore, no changes to driveways, parking, or trash enclosures are proposed or required.

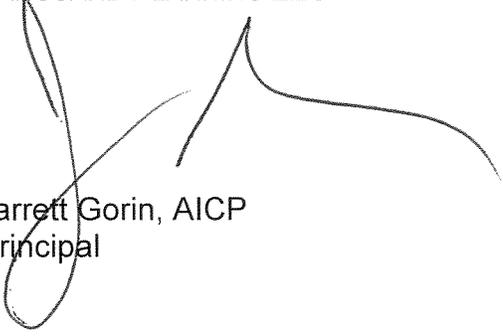
The proposed commercial subdivision:

- does not have the potential to generate any adverse impacts to the Subject Property or its surroundings,
- is consistent with all applicable SBMC requirements; and,
- is consistent with all applicable General Plan policies.

I look forward to presenting the proposed commercial subdivision in person at the upcoming hearing on May 14th.

Sincerely,

VANGUARD PLANNING LLC



Jarrett Gorin, AICP
Principal

cc: Adam Geeb
Carly Barnes