

City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 046-16
630-634 ANACAPA STREET
MODIFICATIONS
AUGUST 3, 2016

APPLICATION OF CEARNAL COLLECTIVE, ARCHITECT FOR CRAVIOTTO PRIMO INVESTMENTS LLC AND GEORGETTA CRAVIOTTO TRUSTEE, 630-634 ANACAPA STREET, APN 031-151-001 & -011, C-M (COMMERCIAL MANUFACTURING) ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL INDUSTRIAL/ MEDIUM HIGH RESIDENTIAL (MST2015-00300)

The proposed project consists of demolition of existing commercial buildings totaling 5,523 square feet and a 1,852 square foot single-family residence, and construction of a new three-story, mixed-use building on a 20,825 square foot site, which is comprised over two parcels. The proposed development consists of 4,496 square feet of ground-level commercial space (restaurant and retail space) and 30 rental units on the second and third story. The rental units include eight (8) studios, 13 one-bedroom units, and nine (9) two-bedroom units and total 22,304 square feet. An on-grade parking garage accessed from Ortega Street would provide 32 parking spaces and two trash receptacle areas. In between the garage and the commercial space is a bicycle storage room with space for 36 bicycles. A Voluntary Lot Merger to merge parcels APN 031-151-001 and APN031-151-011 to create a single lot (SBMC §27.30 and Gov. §66451.11) will be required.

The discretionary applications required for this project are:

1. A Lot Area Modification to allow an additional unit above the allowed Average Unit Size Density of 29 units (SBMC §28.20.060.C and §28.92.110.A.2); and
2. A Setback Modification of the five-foot variable front setback to allow two trellises to be located within the compensating area (SBMC §28.20.070.D.1 and §28.92.110.A.2).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, July 27, 2016.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:
 - A. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on City Staff analysis and the CEQA certificate of determination on file for this project.

- B. The Lot Area Modification is consistent with the purposes and intent of the AUD Program, is necessary to secure an appropriate improvement on a lot by ensuring compliance with the Pedestrian Master Plan by providing a public right of way dedication that allows for the recommended pedestrian amenities in this high pedestrian use area, and prevents unreasonable hardship by approving the full number of units allowed by the AUD program without the required dedication, as described in Section VII in the written Staff Report dated July 27, 2016.
- C. The Setback Modification to allow two trellises in the compensating area within the variable front setback is consistent with the purposes and intent of the AUD program and is necessary to secure an appropriate improvement on the lot. The trellises provide protection from the weather elements without negatively affecting the visual openness along Ortega and Anacapa Streets.

I. Said approval is subject to the following Conditions of Approval:

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupant 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. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of one street tree in the City right of way.
 - 2. **Tier 3 Storm Water Compliance.** Receive approval from Creeks Division on the Tier 3 Storm Water Report. 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 a Storm Water Report prepared by a registered civil engineer or licensed architect 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.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

3. **Design Approval.** Obtain design approval from the Historic Landmarks Commission (HLC) approval.
4. **Submittal for Voluntary Lot Merger.** The Owner shall submit application for Voluntary Lot Merger for approval and recordation to the Public Works Department.
5. **Building and Public Works Permits.** Obtain Building and Public Works Permits for onsite and offsite improvements and right of way dedication along Ortega Street.
6. **Ortega and Anacapa Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Ortega and Anacapa Streets. 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.

Public Improvements will be required in compliance with SBMC §22.44 including but not limited to: water and sewer service connections; dedication of Public right-of-way along the Ortega Street frontage of subject property for construction of 10 feet of sidewalk and parkway; installation of 1 – Type A-08 City Street Light Standard at the northern most corner of property in the Public right-of-way; replacement of any cracked or uplifted curb & gutter and sidewalk; installation of City Street Trees and Tree Grates as appropriate.

7. **Fees.** Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.

B. Prior to Issuance of a Building Permit:

1. **Archaeological Monitoring Contract.** A Phase I Archaeological Resources Report prepared by Macfarlane Archaeological Consulting for a previous proposal on the project site was accepted by the HLC in 2005. The report concluded that monitoring during ground disturbance would be required;

therefore, monitoring would be required for this current proposal as well. Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition A.8.b "Requirement for Archaeological Resources" below.

2. **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.

3. **Geotechnical Engineering Report Recommendations:** Earth Systems prepared a Geotechnical Engineering Report dated December 4, 2015, and an addendum to the report dated June 20, 2016. The Project is subject to the Report's recommendations and recommendation modifications in the addendum. Please provide a narrative how you have incorporated all recommendations into your building plan check submittal documents.
4. **Environmental Site Assessment Recommendations:** The project shall comply with the recommendations outlined in EMG's Phase II Environmental Site Assessment for 630-634 Anacapa Street dated April 20, 2015.

- a. The Project shall also comply with Santa Barbara County Public Health Department Environmental Health Services Division(EHS) recommendations:
- (1) Should field indications of contamination (odor, visual staining) be encountered, work shall stop and EHS shall be contacted (805-346-8460) to ensure the potentially impacted soil is appropriately characterized and handled.
 - (2) Confirmation samples shall be collected from the sidewalls and bottoms of any excavation and analyzed for any potential chemicals of concern for the excavation location to ensure impacts are removed. Field indications shall not be used as confirmation that impacts are removed. It would be beneficial to better delineate the area of lead impacted soil (with several 6 inch bgs samples) prior to excavation and disposal to ensure impacts are localized to the indoor metal working area.
 - (3) Should the property owner/developer/responsible party desire to receive a No Further Action letter from EHS, they need to contact EHS and enroll in our voluntary remedial oversight program (VROP) prior to any further assessment or remedial work being conducted.

For the Building Plan Check submittal, submit EMG's Phase 1 and Phase II Environmental Reports and include a narrative how you have incorporated all recommendations outlined in the environmental assessments into your future plan check submittal documents.

5. **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 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.

- C. 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. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition B.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person who compiled the mailing list shall be submitted to the Planning Division.
 2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor, site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
 3. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Santa Barbara County Environmental Health Services Division, Project Archaeologist, Contractor and each Subcontractor.
 4. **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) contact information, 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 or commercial zone or six square feet if in a single family zone.
 5. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City 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 said 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.

6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. 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.
7. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
8. **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.
- 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.
9. **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.

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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.

D. General Conditions.

1. Annual Resident Survey. For informational purposes only, all Average Unit-size Density Incentive Program projects in the High Density and Priority Housing Overlay zones shall conduct an annual resident survey and report the following information for each unit to the Planning Division by December 31st of each year for the first eight years of the project, commencing the year the project receives occupancy clearance. The annual report for each unit shall include:
 - a. Net floor area.
 - b. Number of bedrooms.
 - c. Monthly rent or purchase price.
 - d. Amount of Home Owners Association dues (if applicable).
 - e. Date of purchase (if applicable).
 - f. Periods of vacancy.
 - g. Household size.
 - h. Employment location of each resident by zip code.
 - i. Number of automobiles owned by each household.

2. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer 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.

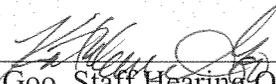
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions 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.

3. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

This motion was passed and adopted on the 3rd day of August, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary

8/5/16

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Historic Landmarks Commission (HLC)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF MODIFICATION APPROVAL TIME LIMITS:** The Staff Hearing Officer action approving the Lot Area and Variable Setback Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:
 - a. An extension is granted by the Community Development Director prior to the expiration of the approval; or
 - b. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.