



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

**RESOLUTION NO. 012-14
608 AND 614 CHAPALA STREET
DEVELOPMENT PLAN
MAY 22, 2014**

APPLICATION OF HEIDI JONES, SUZANNE ELLEDGE PERMITTING FOR FIGUEROA INVESTORS, 608 AND 614 CHAPALA STREET, APN 037-131-020, C-M (COMMERCIAL MANUFACTURING) ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH RESIDENTIAL 28-36 DU/ACRE MST2013-00397)

The project consists of a proposal to infill 5,402 square feet under an existing roof area attached to a 20,859 square foot commercial building and to add a 187 square foot restroom addition to an existing 179 square foot detached office building. No change in use is proposed and no grading is required. Total development on this 42,972 square foot parcel will be 26,440 square feet of commercial/office space and 33 parking spaces. The existing building is on the City's List of Potential Historic Resources and is included in the State Historic Resources Inventory as the "Former C & H Chevrolet constructed in 1946."

The discretionary application required for this project is a Development Plan to allow the construction of 5,402 square feet of nonresidential development (SBMC Chapter 28.85).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan, remain applicable for this project. The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 8, 2014
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. CEQA ENVIRONMENTAL DETERMINATION

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.

B. DEVELOPMENT PLAN APPROVAL FINDINGS (SBMC §28.85)

1. The proposed development complies with all provisions of SBMC Title 28.
As discussed in section V.A., the proposed commercial use conforms to the allowed uses of the C-M (Commercial Manufacturing) Zone, and the proposed development complies with all provisions of the Zoning Ordinance.
2. The proposed development is consistent with the principles of sound community planning.
The proposed development is consistent with the principles of sound community planning as determined by the project's consistency with the City's General Plan land use designation and applicable policies regarding (LG8) Manufacturing Uses, (LG12) Community Character, (EF11) Technology, (EF12) Re-Use of Commercial Space, (HR1) Protection of Historic and Archaeological Resources, (HR2) Ensuring respectful and compatible development, (HR3) Discouraging Demolition, and (HR4) Pursuing Adaptive Reuse.
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.22.145 or 22.68.045 of the Municipal Code.
The majority of the proposed additional square footage will be constructed within the existing roof structure and will not change the height of the existing building. Also, the project was reviewed by the Historic Landmarks Commission and the proposed additions were found acceptable for the surrounding area.
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050.
As described above, the project includes 5,402 net new square feet of commercial area. Staff used the City of Santa Barbara traffic model rates for industrial uses to calculate the anticipated amount of additional traffic generated as a result of the proposed project. If approved, the project will result in the addition of a negligible amount of additional traffic to area streets and is not anticipated to result in any traffic impacts.

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 May 15, 2014, is limited to a total of 5,402 square feet (net) of commercial development consisting of a proposal to infill 5,215 square feet under an existing roof area attached to the existing 20,859 square foot commercial building and a 187 square foot restroom addition to an existing 179 square foot detached office building. Total development on this 42,972 square foot parcel will be 26,440 square feet of commercial/office space and 33 parking spaces and the improvements shown on the plans 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 Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. 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 HLC, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices 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.

6. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
 7. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC 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 HLC.
 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 HLC.
 3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
 4. **Parking.** Applicant will work with HLC on the site plan to comply with the Pedestrian Master Plan and Urban Design Guidelines, which discourages parking in front of buildings.
- 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. **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.
- b. **Dedications.** On lot northern lot known as 614 Chapala Street, Owner shall dedicate an easement for sidewalk improvements consistent with the Pedestrian Master Plan for streets with right of ways of 80' or wider. The resulting improvements will be an 8 foot wide sidewalk, a 4 foot wide furnishing zone and a 6 inch wide curb and subject to approval of the Public Works Department.
- c. **Chapala Street Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on **Chapala Street**. 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. Improvement plans shall include dedication of the frontage on the northern lot known as 614 Chapala Street (Parcel 1) in compliance with the Pedestrian Master Plan and Chapala Streetscape Design Guidelines with intent of not having to relocate the existing backflow device. The improvements along both lots, 608 614 Chapala Street, shall include new and/or remove and replace to meet City standards and Chapala Street Design Guidelines, the following: 125 linear feet of Sombrero Buff sidewalk with 24" x 24" square pattern aligned at 90 degrees from face of curb, two Sombrero Buff commercial driveway aprons modified to meet Title 24 requirements with a maximum width of 16 linear feet for the south driveway and 21 linear feet for the north driveway, existing tree wells be trimmed using the red brick standard in use on State Street, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, and supply and install directional/regulatory traffic control signs per the CA MUTCD during construction. Any work in the public right-of-way requires a Public Works Permit.
- d. **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.

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.

- b. **Lot Tie Agreement.** The Owner shall provide a Lot Tie agreement, or other similar legal agreement acceptable to the City, entered into between the property owner and the City whereby the owner of the real property agrees to maintain both lots in common ownership for as long as the development on the lots requires the treatment of the two lots as a single lot in order to comply with applicable land use regulations. If one of the lots is ever intended to be sold separately, the Owner shall notify the City to ensure that code-required parking, bike parking, access, trash, etc. is provided and that any required permits (e.g., building code issues associated with a change of use) are obtained prior to either of the lots being transferred separately.
- c. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Best Management Practice (BMP) Guidance Manual. The Owner shall implement one or more BMPs from Chapter 5 of 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.
- 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.
- e. **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:

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Property Owner		Date
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Contractor	Date	License No.
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Architect	Date	License No.
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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, 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 or commercial zone or six square feet if in a single family zone.
2. **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 Transportation Manager with a Public Works permit.
3. **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.
- 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 DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

This motion was passed and adopted on the 22nd day of May, 2014, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (Lodge) ABSTAIN: 0 ABSENT: 1 (Jordan)

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.

Gabriela Feliciano, 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.