

City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-05

1429 OLIVE STREET
TENTATIVE SUBDIVISION MAP
FEBRUARY 3, 2005

APPLICATION OF JYL RATKEVICH, ARCHITECT, AGENT FOR KATHLEEN DAGG AND RICHARD WEGER, PROPERTY OWNERS, 1429 OLIVE STREET, APN 029-022-008, R-3: LIMITED MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2002-00531)

The subject project involves a proposal for a new 1,954 square foot, three-story, three-bedroom condominium unit with an attached 430 square foot two-car garage on a 6,250 square foot lot. The existing 1,206 square foot, one-story, two-bedroom, single family residence with an attached 240 square foot one-car carport would be converted to a condominium unit and an additional garage space would be provided. An existing elm tree would be removed.

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC§27.07 and 27.13).

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 of small structures).

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

WHEREAS, 0 people appeared to speak in favor of the application, and 0 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 27, 2005
2. Site Plans
3. Revised Conditions of Approval

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

- I. Approved the subject application making the following findings and determinations:
 - A. **TENTATIVE MAP (SBMC §27.07.100)**
The proposed map is consistent with applicable General and specific plans;

The Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units is consistent with the General Plan designation of 12 units per acre and the requirements of the R-3 zone.

The design or improvement of the proposed development is consistent with applicable General and specific plans;

The design of the two (2) residential condominium units is consistent with the General Plan designation of 12 units per acre and the requirements of the R-3 zone.

The site is physically suitable for the type of development;

The site is suitable for two residential units and will provide the required parking and open space areas.

The site is physically suitable for the proposed density of development;

The site is suitable for two residential units and will provide the required parking and open space areas.

The design of the development or the proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidable injure fish or wildlife or their habitat;

The project site does not contain sensitive habitats for fish or wildlife. The project is not likely to cause substantial environmental damage.

The design of the development or the type of improvement is not likely to cause serious public health problems; or

The two residential units are not likely to cause serious public health problems.

The design of the development or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

No public access easements are affected by the proposed project.

The design of the development or the type of improvement will not result in the discharge of waste into the existing sewer system in violation of existing water quality control requirements.

The residential use will not result in the discharge of waste into the existing sewer system in violation of existing water quality control requirements.

B. RESIDENTIAL CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance;

The project complies with the physical standards for condominiums related to

parking, private storage space, utility metering, laundry facilities, density, and outdoor living space requirements.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara; and

The two-unit residential condominium development is consistent with the General Plan designation of 12 units per acre.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by a public street, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the Architectural Board of Review, which found the architectural design appropriate to the site and the surrounding neighborhood.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Parcel Map in an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form by the City Attorney and as to content by the Public Works Director and the Community Development Director:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
4. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property.

5. **Allowed Development.** The development of the Real Property approved by the Planning Commission on February 3, 2005 is limited to 1,676 square feet of building area for Unit A and 2,384 square feet of building area for Unit B and the improvements shown on the architectural plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
- B. Public Works Submittal.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Parcel Map or issuance of a Building permit or Public Works permit.
1. **Parcel Map.** The Owner shall submit to the Public Works Department, 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. **Street Light Petition Notice.** The Owner shall provide a written Street Light Petition Notice to all property owners, businesses, and residents on the 1400 block fronting the subject property. The Owner shall coordinate with the Public Works Department Facilities Manager to create the Notice. The recipients of the Notice shall vote on whether they do or do not support a mid-block residential street light

on their block. A simple majority vote is required to add a mid-block streetlight. The Notice shall contain a description of the issues related to street light placement, and shall include a name and phone number of a contact person who can answer questions and provide related information. The Notice is the standard process used by the Public Works Department to facilitate the addition of mid-block City standard street light(s).

If it is determined that a residential street light(s) is to be added, the Owner shall install City standard residential street light(s), as determined by the Public Works Department at the expense of the Owner.

If a residential mid-block street light(s) is not installed as a result of the initial petition, then either a) five years following Planning Commission approval or, b) prior to Certificate of Occupancy, whichever occurs first, the Owner shall again provide a written Notice to all property owners, businesses, and residents on those same streets fronting the subject property. The citizens will be given another opportunity to request a residential mid-block street light(s). If a residential mid-block street light(s) is determined to be added, the Owner shall install a City standard residential street light(s) as determined by the Public Works Department at the expense of the Owner.

3. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Olive Street. As determined by the Public Works Department, the improvements shall include saw-cut and replace all cracked, uplifted or colored concrete with City standard sidewalk, construct driveway apron modified to meet Title 24 requirements, saw-cut and replace damaged curb and gutter, crack seal to the centerline of the street along entire subject property frontage, underground service utilities, construct on site drainage system, supply and install one City standard residential standard street light as approved by the Architectural Board of Review and City Facilities Construction/Maintenance Superintendent, coordinate with City staff to retire light standard from existing utility pole, preserve and reset contractor stamp and survey monuments, drought-tolerant parkway landscaping, and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
 4. **Storm Drain Operations and Maintenance Procedure Plan.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.
- C. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:

1. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

2. **Construction Best Management Practices.** New development projects shall address water quality through the use of best management practices (BMPs) as determined by the City. Furthermore, projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
3. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
4. **Utilities.** Provide individual water, electricity, gas meter, and building sewer for each residential unit. Service lines for each unit shall be separate until a point five (5) feet outside the building.
5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices subject to the approval of the Water Resources Management Staff.

6. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday between the hours of 5:00 p.m. and 8:00 a.m.* and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

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

- * Non-noise generating construction activities can occur between the hours of 7:00 a.m. and 8:00 a.m., Monday through Friday, and from 7 a.m. to 5 p.m. on Saturday. Non-noise generating activities are considered those wholly conducted within the interior of an enclosed building and which are not audible from the exterior of the building, and exterior hand-digging for landscape installation. All windows and doors must be closed in the buildings where the work is occurring.
- Work occurring between 7:00 and 8:00 a.m. and on Saturday may consist of the following: 1) drywall installation (excluding the use of nail guns); 2) tile laying (excluding the use of tile saws outside); 3) painting (excluding the use of compressors outside); 4) electrical work; 5) plumbing work; 6) finish carpentry; 7) carpet laying; 8) landscape work (not involving heavy equipment), and; 9) miscellaneous hand labor.
- The following activities are prohibited between 7:00 a.m. and 8:00 a.m. and on Saturday: 1) use of radios and boom boxes; 2) operation of heavy equipment; 3) use of power tools and generators outside; 4) hammering, and; 5) loading and unloading of construction materials, debris, or heavy equipment.

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC § 9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification

shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

8. **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, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
9. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

- D. **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 damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department.
 2. **Complete Public Improvements.** Public improvements as shown on the building plans.
 3. **Cross Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist, for three story construction.
- E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant

to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

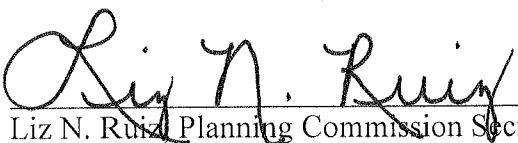
NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's 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 section 27.07.110 or the provisions of the California Subdivision Map Act.

This motion was passed and adopted on the 3rd day of February, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs/Maguire)

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.


Liz N. Ruiz Planning Commission Secretary

8-11-05
Date

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

