



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 016-05

721-739 CHAPALA STREET

TENTATIVE SUBDIVISION MAP AND MODIFICATIONS

MARCH 10, 2005

**APPLICATION OF PEIKERT GROUP ARCHITECTS, LLP, AGENT FOR CHADWICK PACIFIC LP, PROPERTY OWNER, 721-739 CHAPALA STREET, APNS 037-082-006 AND 037-082-026, C-2 ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2002-00405).**

On February 5, 2004, the Planning Commission approved a Tentative Subdivision Map and two Modifications (to allow less than the required open space area and number of parking spaces) for development of 29 residential condominiums and a maximum of 11 commercial condominiums on the site.

The current proposal involves a change to the condition of approval for the project limiting construction activities to weekdays between 8:00 a.m. and 5:00 p.m. The Applicant is requesting that the regular construction hours be extended on weekdays to include the period between 7:00 a.m. and 8:00 a.m., that non-noise-generating construction activities be allowed at any time on weekdays (including the period between 5:00 p.m. and 7:00 a.m.), and that, on limited occasions, the provisions of this condition be waived temporarily to allow completion of continuous concrete pours. The discretionary application required for this request is a Tentative Subdivision Map Amendment (SBMC Chapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15304 (Minor Alterations to Land) and 15332 (In-fill Development Projects).

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

**WHEREAS**, 1 person appeared to speak in favor of the application, and 0 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 3, 2005, Site Plans

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

- I. Approved the subject application making the following findings and determinations:
  - A. **TENTATIVE SUBDIVISION 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. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the Land

Use Element and zoning designation for the site, and the vision for this neighborhood in the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants 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. **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 Final Map on 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/or Public Works 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 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)/Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the ABR/HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
  4. **Water Rights Assignment.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.
  5. **Moderate-Income Unit Sale Restrictions.** Five (5) of the two-bedroom dwelling units on the Real Property shall be sold at prices affordable to moderate-income households in accordance with the City of Santa Barbara Affordable Housing Policies and Procedures dated June 24, 2003 (AHP&P).

The target income for the sale price calculation for these units shall be 100% of Area Median Income (AMI). Any of these units rented prior to the initial sale shall be rented at rents targeted to 70% of AMI, in accordance with the AHP&P.

6. **Middle-Income Unit Sale Restrictions.** Two (2) of the two-bedroom dwelling units and one (1) of the three-bedroom dwelling units on the Real Property shall be sold at prices affordable to middle-income households in accordance with the City of Santa Barbara AHP&P dated June 24, 2003. The target income for the sale price calculations shall be 120% of AMI for the two-bedroom units and 130% of AMI for the three bedroom unit. Any of these units rented prior to the initial sale shall be rented at rents targeted to 80% of AMI, in accordance with the AHP&P.
7. **Allowed Development.** The development of the Real Property approved by the Planning Commission on February 5, 2004 is limited to 9,788 square feet of commercial uses (divided into a maximum of 11 commercial condominiums), 29 dwelling units, Residential and Commercial Tenant Relocation programs, as submitted on February 5, 2004, a total of no less than 45 and no more than 55 parking spaces, and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
8. **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 and which also provides that such covenants may be enforced by the owners?

association in accordance with the requirements of the state Subdivision Sales Law.

9. **Storm Water Pollution Control Systems Maintenance.** 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 Land Development Engineer.
- B. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):
1. **Historic Resources.** The project shall make reference to the design scheme of the original entrance facade of 735-739 Chapala Street within the proposed design and, if feasible, re-use decorative elements from the demolished building entrance.
  2. **Commemoration.** A suitable commemoration of the history of the site and its buildings history shall be provided through on-site displays or plaques at the original location of the store (735-739 Chapala Street).
  3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
  4. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers.
  5. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  6. **Open Space.** Consider designing second floor open space for use by families.
- C. **Final Map Submittal.** The Owner shall submit to the Public Works Department, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
- D. **Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the approval and recordation of the Final Map for the project:
1. **Access Easements.** The Owner shall provide a recorded Amended Agreement for Vehicular Access Easement and for separate Pedestrian Access Easement to the City for review.
  2. **Land Development Improvements Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements. An approved Engineer's Estimate, signed and stamped by a registered civil engineer, and

securities for construction of improvements are required prior to execution of the agreement.

3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain surface pollutant interceptor. The Plan shall be reviewed and approved by the Land Development Engineer.
4. **Chapala Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Chapala Street. As determined by the Public Works Department, the improvements shall include City standard sidewalk with HLC approved color Omaha Tan, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp at intersection of Chapala and De la Guerra Streets, slurry seal to the centerline of the street or slurry seal entire block if street has been overlaid in the last five years, underground utilities, connection to existing water and sewer system including dedicated fire line and 6-inch water service tap, preserve and/or reset contractor stamp and survey monuments, street trees, tree grates, provide storm drain stenciling, biofilter on-site for water treatment prior to discharge to public right of way, drainage system including curb drain outlets, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
5. **De la Guerra Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on De la Guerra Street. As determined by the Public Works Department, the improvements shall include one residential street light as approved by ABR and Public Works Facilities, City standard sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, slurry seal to the centerline of the street or entire block if street has been overlaid in the last five years, underground utilities, street trees, tree grates, abandon existing water services, re-use existing sewer laterals to sewer system, drainage system to Chapala Street, preserve and reset contractor stamp and survey monuments, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
6. **Hydrology Calculations.** Submit to the Land Development Engineer final hydrology calculations justifying that the proposed and existing drainage conveyance system adequately conveys a 25-year storm event.
7. **Street Easement Dedication.** The Owner shall covenant or offer to make a dedication for street easement on Final Map as shown on the approved subdivision Tentative Map, subject to acceptance by City Council.

8. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
- E. **Required Prior to Building Permit Issuance.** The following shall be finalized and specified in written form and submitted with the application for a building permit:
1. **Archaeological Monitoring Contract.** 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 prepared for this site by Stone Archaeological Consulting, dated September 2002. The contract shall be subject to the review and approval of the Environmental Analyst. The archaeologist's monitoring contract shall include the following provisions:

If cultural resources are encountered or suspected, work shall be halted or redirected immediately and the City Environmental Analyst 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 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. **Supplemental Phase 1 Archaeological Survey.** A supplemental Phase 1 archaeological survey by the contracted archaeologist shall be completed after the existing structures and pavement within the proposed project area are removed. The survey shall be submitted for review and approval by the City's Environmental Analyst prior to the continuation of ground disturbing activities. If potentially intact prehistoric or historic cultural remains are identified during

the supplemental Phase 1 survey, an Extended Phase 1 investigation (shovel test or backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit.

3. **Controlled Grading.** Controlled grading, under the observation of the contracted archaeologist, shall be carried out after structural demolition and prior to overall project site grading in the following areas:
  - a. The back portion of 721 Chapala Street;
  - b. The back portion of 729 Chapala Street
  - c. The portion of the site formerly known as 103 West De la Guerra Street

If potentially intact prehistoric or historic cultural remains are identified during the controlled grading, the grading shall be suspended and an Extended Phase 1 investigation (shovel test pits or backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit. If the remains appear to be potentially significant, a Phase 2 significance assessment shall be performed, pursuant to the City's Master Environmental Assessment criteria, to determine any further treatments.

4. **Park Commission Tree Removal Approval.** Apply for and receive approval from the Park Commission for the removal of street trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground).
5. **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 450 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(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice shall be reviewed and approved by the City Planning Division prior to being distributed.
6. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Contractor and Subcontractor(s).
7. **Construction Staging Plan.** A construction staging plan shall be submitted and implemented, subject to review and approval by the Transportation, Operations and Parking Manager, in consultation with Community Development and Fire Department staff. At a minimum, said plan shall identify the main stages of construction, including but not limited to: demolition; excavation; foundation; construction of walls, interior components and roof; and finish work. Necessary

night work shall be identified and justification for such activities outlined. For each construction stage, identify required street closures (including loss of on-street parking), pedestrian detours, location of construction worker parking, emergency access and other information determined to be necessary by the City. Closures of any portion of either Chapala or De la Guerra Street shall be shown, including timing, duration, extent and pedestrian and emergency access. Agreement to any closure of public right-of-way will be based on City review and agreement. The plan shall also include public notification procedures and any necessary detour sign design, wording and locations.

- F. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & 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. **Residential Parking.** Open parking spaces within the parking structure shall be designated for use by the residents of the development. Assignment and appropriate signage, prohibiting the use of these spaces by employees or clients of the commercial uses, shall be indicated on the plans.
  2. **Documentation.** Prior to demolition of the building at 735-739 Chapala Street, the structure(s) shall be documented in accordance with the Community Development Department's "Required Documentation Prior to Demolition" standards.
  3. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an area for recycling containers and shall not be placed within 5 feet of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.
  4. **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.
  5. **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.
  6. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
  7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday between the hours of 5:00 p.m. and 7:00 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 <sup>st</sup> *
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
Presidents' Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup> *
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 <sup>th</sup> *

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

If determined to be necessary due to construction techniques, night work or longer construction hours may be allowed, subject to review and approval by the Chief Building Official or designee, and prior notification of tenants and property owners within 450 feet of the project site.

8. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
  - a. 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 Streets, Parking, and Transportation Operations Manager.
  - b. On-site or off-site storage shall be provided for construction materials and equipment.
  - c. Storage of construction materials within the public right-of-way is prohibited.
  - d. (Free) off-site parking for construction workers and off-site storage for materials and equipment shall be provided (during phases of the construction when it cannot be accommodated on-site). The location of this off-site area shall be subject to the approval of the Community Development Director.
9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

10. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
11. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
12. **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.
13. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
14. **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.

- H. **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. 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 improvement/building plans.
3. **Cross Connection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
4. **Affordability Provisions Approval.** Obtain from the Community Development Director, for all dwelling units subject to affordability conditions, written approval of the following: (a) the resident selection process; (b) the initial rent levels, or the initial sales prices and terms (including financing); (c) the eligibility of the initial residents; and (d) the recorded implementing documents which assure continued compliance with the affordability conditions.
5. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.
6. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Modifications shall terminate one (1) year from the date of the approval, in accordance with SBMC section 28.87.360, unless the project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail (see below).

**NOTICE OF TENTATIVE SUBDIVISIONS MAPS (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

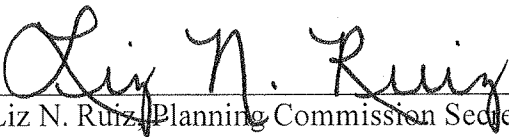
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval, per SBMC Section 27.07.110, unless the subdivider requests an extension of time before the expiration of the tentative map, not to exceed two (2) years beyond the expiration of the original two (2) years expiration date or per the allowances provided in the Subdivision Map Act.

This motion was passed and adopted on the 10th day of March, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 (Maguire) ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No. 016-05  
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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.

  
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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.