



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 033-05
720 W. PEDREGOSA STREET
TENTATIVE SUBDIVISION MAP
MAY 5, 2005

APPLICATION OF VADIM HSU, ARCHITECT, AGENT FOR ALISA MARTIN AND WILLIAM AND LARA URBANY, PROPERTY OWNERS, 720 W. PEDREGOSA STREET, APN 043-122-016, R-2/ TWO FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2004-00742)

The proposed project involves demolition of an existing single family residence and detached garage and the construction of two new residential condominiums. The proposed two-story units would be 1,662 and 1,803 square feet each with attached two-car garages.

The discretionary application required for this project is approval of a Tentative Subdivision Map pursuant to SBMC §27.07. The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15315 which allows minor divisions of land in urbanized areas.

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

1. Staff Report with Attachments, April 27, 2005
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. **The Tentative Map (SBMC §27.07.100)**

The tentative subdivision map is consistent with the General Plan of the City of Santa Barbara. The project is consistent with its General Plan Land Use Designation of 12 dwelling units per acre and the requirements of the R-2 Zone.

B. **The New Condominium Development (SBMC §27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance. The project complies with density, parking, storage, laundry facilities, separate utility metering, adequate unit size and the required outdoor living space requirements.
2. The proposed development is consistent with the General Plan of the City of Santa

Barbara.

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 a primarily residential area. 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 measurable traffic impacts. The project would not adversely impact community resources, such as water, sewer, police, fire, schools and parks. Environmental review of the project determined that no significant environmental effects would result from the project.

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, shall be executed by the Owner in an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form and content by the City Attorney, and recorded by the City. Said agreement(s) shall be recorded in the Office of the County Recorder:

1. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
2. **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.
 3. **Parcel or Final Map.** "Parcel Map" shall be recorded prior to or concurrently with an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property". The Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
 4. **Landscape Plan Compliance.** 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.
 5. **Allowed Development.** The development of the Real Property approved by Planning Commission on May 5, 2005 is limited to two (2) residential condominiums 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.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. 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.
 2. Consider methods to reduce the apparent volume of the proposed structure. This shall include limiting of the plate height on the first floor of two story building elements to a maximum of nine feet, reduction of the roof pitch to a maximum of 5:12, deletion of the roof cupola and creation of a break in the roof ridge near the center of the structure, removal of a cantilevered second story at the rear of the building, and enhancement of the front porch.
- C. **Parcel Map Submittal.** The Owner shall submit a Parcel Map to the Public Works Department acceptable for recordation. The Final Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
- D. **Public Works Submittal Prior to Parcel Map Recordation.** 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.

1. **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 *does* not include a right of surface entry on or from the Real Property.
2. **Residential Street Light Petition.** The Owner shall provide a written Street Light Petition Notice (Notice) to all property owners, businesses, and residents on the 700 block of W. Pedregosa Street. 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 lights.

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

If a residential mid-block street light 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. If a residential mid-block street light is determined to be added, the Owner shall install a City standard residential street light as determined by the Public Works Department at the expense of the Owner.

3. **Maintenance Agreement.** The Owner shall record in the private Conditions, Covenants and Restrictions (CC&R's) an agreement for maintenance of the shared private driveway which shall be reviewed as to form by the City Attorney, and as to content by the Community Development Director and the Public Works Director. Said agreement shall be recorded in the office of the County Recorder.
4. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on W. Pedregosa Street. As determined by the Public Works Department, the improvements shall include new facilities and/or remove and replace existing facilities to City standards: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, asphalt concrete, concrete pavement on aggregate base, apply crack seal to the centerline of the street along entire subject property frontage, supply and install one residential standard street light style determined by Public Works and ABR, underground service utilities, connection to

City/private water and sewer mains, drainage system (curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection, etc.), preserve and/or reset survey monuments, on-site bio-swale, drought-tolerant parkway landscaping, new street tree as approved by City Arborist, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.

5. **Construction Best Management Practices.** Construction Best Management Practices Required. Construction activities shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.
- E. **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.** Prior to the removal of any vegetation or paving, or any 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 Owner. 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, preparation and implementation of a Phase III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, 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.

2. **Water Conservation Devices.** All plumbing fixtures shall be water-conserving devices in new construction, pursuant to Santa Barbara Municipal Code Section 14.20.020, Water Saving Devices, subject to the approval of the Water Resources Management Staff.
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. **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.
5. **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.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m. Monday through Friday, 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 following 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.

7. **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.
8. **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.
9. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
10. **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.
11. **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.
12. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices, and shall be maintained in tune to minimize pollutant emissions.
13. **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.

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 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 the City Arborist.
2. **Complete Public Improvements.** Complete public improvements as shown on the building plans.
3. **Check Valve/Anti-Backflow Device.** Provide an approved check valve or anti-backflow device placed on the private property side of consumer's service pursuant to Municipal Code Section 14.20.120 and Public Works Construction Standard Detail 5-009.0.

G. **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.

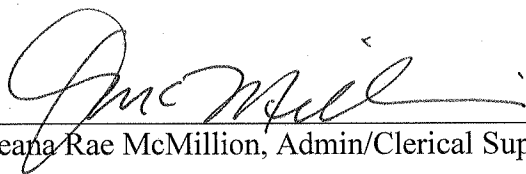
NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval unless such time is extended in accordance with section 27.07.110 of the Municipal Code or the provisions of the Subdivision Map Act.

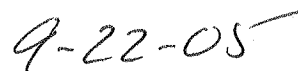
This motion was passed and adopted on the 5th day of May, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

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.



Deana Rae McMillion, Admin/Clerical Supervisor



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.