



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 067-05

826 BATH STREET

TENTATIVE SUBDIVISION MAP, MODIFICATIONS

NOVEMBER 3, 2005

APPLICATION OF DAVID SULLIVAN, ON DESIGN LLC, AGENT FOR PROPERTY OWNER, CFJ PARTNERS LLC, 826 BATH STREET, APN 037-041-022, R-3/ R-4: LIMITED MULTIPLE-FAMILY RESIDENCE ZONE AND HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWELVE UNITS/ACRE (MST2004-00747)

The project consists of creating five new condominium units on a 12,318 square foot lot in the R-3/ R-4 Zones. An existing 1,280 square foot single-family residence would be converted to a two-story three-unit triplex resulting in a 1,618 square foot three-bedroom unit, and two one-bedroom units totaling 650 square feet and 690 square feet. In addition, an existing 1,508 square foot two-story duplex would be demolished and a new two-story duplex containing one three-bedroom unit (1,308 square feet) and one two-bedroom unit (1,175 square feet) would be constructed. A total of eight parking spaces would be provided within three two-car garages and two one-car garages and a Modification to allow fewer than the required nine parking spaces is proposed.

The discretionary applications required for this project are:

1. A Modification of the parking requirement to allow fewer than the required number of parking spaces (SBMC §28.90); and
2. A Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units (SBMC Chapters 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, no one appeared to speak neither in favor of the application, or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 3, 2005
2. Site Plans
3. No correspondence received in support of the project:
4. Correspondence received in opposition to the project:
 - a. Donna Mrotek, 824 Bath Street

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

I. Approved the subject application making the following findings and determinations:

The Planning Commission finds the following:

A. PARKING MODIFICATION (SBMC § 28.90)

The parking modification to allow fewer than what is required is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area.

B. THE TENTATIVE 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 vision for this neighborhood of the General Plan. The design of the project will not cause environmental damage, and associated improvements will not cause public health problems.

C. 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 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.

The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.

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 City's design review board, which found the architecture, density, and preliminary landscaping appropriate to the site and 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 documented in a written instrument titled, "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed and approved as to form and content by the City Attorney, Community Development Director and/or Public Works Director, executed by the Owner and recorded in the Office of the County Recorder:
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. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 3, 2005 is limited to five (5) condominiums and the improvements shown on the set of plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 5. **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.
6. **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 Building Official.
- B. **Design Review.** The following are subject to the review and approval of the Architectural Board of Review (ABR) prior to the issuance of a building permit or public works permit (as applicable):
1. **Historic Structures Report.** The following mitigation measures as stated in the Historic Structures Report for the front house shall be implemented:
 - a. With the exception of the window at the east end of the elevation, all of the windows on the existing house's south elevation shall be preserved. If the windows require replacement because of deterioration, their replacements shall match the design, scale and materials of the existing windows.
 - b. The stone veneer skirting that is proposed for the addition at the rear of the existing house and the new free standing units shall be replaced with wood or cobbled skirting.
 - c. All four of the building's elevations shall be recorded through large-format photography following the guidelines in the city's Master Environmental Assessment (MEA).
 2. **Trash Enclosure Provision.** A trash enclosure *with equal and easily accessed* area for trash and recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.
 3. **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.
 4. **Plate Height.** The floor to floor maximum plate height shall not exceed 10 feet 6 inches (10' 6").

5. **Pedestrian Access.** Provide pedestrian access for each unit and shall be consistent with the access requirements within the California Building Code as of July 1, 2005.
 6. **Gate.** Existing gate shall be removed.
 7. **Windows.** The windows on the triplex shall be broken up to be sympathetic with the existing architecture of the existing house.
 8. **Preserve Plaque.** The existing plaque on the property shall be preserved and relocated closer to the public sidewalk.
 9. **Deck Location and Screening.** Relocate or screen the second floor deck to provide privacy for the property to the south.
- 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 Map Recordation.** Prior to the recordation of Final Map or issuance of any Public Works permit or Building permit for the project on the Real Property:
1. **Water Rights Assignment.** "Agreement Assigning Water Extraction Rights". 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, 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.
- E. **Public Works Submittal Prior to Permits.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Final Map and prior to the issuance of a Building permit or Public Works permit.
1. **Street Improvements Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Bath Street. *As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards:* sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, apply crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City/private water and sewer mains, drainage system (curb drain outlet or slot/trench drain) preserve and/or reset survey monuments, supply and install one commercial street light to City standard as approved by Facilities Construction Superintendent and ABR, coordinate with City Staff to retire light standard on existing utility pole, supply and install directional/regulatory traffic control signs, storm drain stenciling, on site pollution prevention interceptor device, drought-tolerant parkway landscaping,

street tree, 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.

2. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain on-site drainage system, storm drain water interceptors and other storm water pollution control devices in accordance with an Operations and Maintenance Procedure Plan approved by the City Building Official.

F. 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. **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.

3. **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.
4. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.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 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.

Notwithstanding the prohibition above, when, based on required construction type or other appropriate reasons, it is necessary to do work outside the hours allowed, owner/contractor may request a waiver from the construction hour limitations from the Chief of Building and Safety in accordance with the procedure outlined in SBMC§9.16.015, Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of the 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.

5. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. Storage of construction materials within the public right-of-way is prohibited.
6. **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.

7. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
8. **Construction Best Management Practices.** Construction Best Management Practices Required. Construction activities shall address water quality through the use of best management practices (BMPs) as approved by the City Building Official.
9. **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.
10. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
11. **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.

G. Prior to Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy for the condominium conversion permit, the Owners of the Real Property shall submit the following or evidence of completion of the following to the Public Works Department:

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 are to be pruned under the direction of the City Arborist.
2. **Complete Public Improvements.** Public improvements as shown on the building plans.
3. **Backflow Device.** Provide an approved backflow device on the private property side of consumer's service pursuant to Municipal Code Section 14.20.120 and request an inspection from the Public Works Cross Connection Specialist.

H. 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 MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission's action approving the Modification shall terminate if a building permit is not sought within twelve (12) months of granting of the approval and construction diligently pursued to completion and issuance of a certificate of occupancy. Pursuant to section 28.87.360 of the Municipal Code, the Community Development Director may grant an extension to the twelve (12) month period.

SBMC§28.87.360 states that modifications are valid for one year following Planning Commission's approval. Said section also allows the Community Development Director to approve time extensions for such approvals. Because this approval is tied to the Tentative Subdivision Map approval, the Director hereby approves an extension to coincide with the Tentative Subdivision Map.

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, per SBMC Section 28.07.110.a & .b, unless the subdivider requests an extension of time, 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. 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 November, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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 McMillion, Administrative/Clerical Supervisor

1-19-06

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.