



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 082-05
617 GARDEN STREET
TENTATIVE SUBDIVISION MAP
DECEMBER 8, 2005

APPLICATION OF JONATHAN DOHM, AGENT, FOR THE SANTA BARBARA MENTAL HEALTH ASSOCIATION AND REDEVELOPMENT AGENCY, 617 GARDEN STREET, APNS 031-152-025 AND 031-152-028; C-M COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL/OFFICES/RESIDENTIAL (MST2005-00575)

The project consists of a three-unit, one-lot subdivision for an approved mixed-use project with 13,075 square feet of commercial space, 51 residential units, and 110 parking spaces. The condominium units would be comprised as follows: Unit 1 – 51 residential apartments and common space (37,782 square feet); Unit 2 – commercial space on the first and second floors (13,852 square feet) for the Mental Health Association; and Unit 3 – commercial space on the third floor (3,688 square feet) for a non-profit owner. The parking would be held in common as previously approved.

The Planning Commission previously approved a mixed-use development on the site on January 27, 2005. Currently on the site there is an existing 1,160 square foot office building, four apartment units, 5,212 square foot athletic club and City employee parking lot, which have been approved for demolition.

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create three (3) 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 Guidelines Sections 15315.

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

WHEREAS, two people appeared to speak in favor of the application, and twenty three people appeared to speak in opposition thereto, and one person spoke with concerns about the alley maintenance agreement. The following exhibits were presented for the record:

1. Staff Report with Attachments, December 8, 2005 If item is continued list each Staff report separately with attachments.
2. Site Plans
3. Correspondence received concerning the project:

- a. Steven K. Mcguire, Allen & Kimbell, LLP, representing the Alano Club and Cota Street Studios, 317 E. Carrillo Street, Santa Barbara, CA 93101

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

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

As analyzed in the prior review of this project, the proposal conforms to all applicable City Zoning and Building Ordinances and General Plan policies. With the exception of a change in ownership, the project has not changed from the approval granted by the Planning Commission earlier this year.

A. 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 condominiums, the project is consistent with the density provisions of the Municipal Code and the General Plan as previously approved, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

B. 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 outdoor living space requirements.
2. The proposed development is consistent with the General Plan of the City of Santa Barbara. The project is consistent with applicable policies of the City's General Plan, including the Housing Element, Conservation Element, Noise Element and Land Use Element.
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 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. Adequate park facilities exist nearby, and the project would not adversely impact other 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. The design has been reviewed by the City's Architectural Board of Review, which found the architecture, density, and landscaping appropriate.

- II. Said approval is subject to the following conditions:

In addition to the conditions imposed on the project by the Planning Commission Resolution No. 006-05, the following conditions shall apply:

- A. **Recorded Agreement(s) Prior to Permits.** 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 a written instrument which shall be reviewed and approved 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. **Subdivision Agreement.** "Agreement Relating to Subdivision Map Conditions Imposed on Real Property".
 2. **Parcel 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.
 3. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 8, 2005 is limited to three (3) 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.
 4. **Easement(s). "Irrevocable Offer of Street Easement Deed"**
Easement for access to a Water Meter Reading Room to be offered for dedication on the subdivision map.
 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. **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.
 - c. **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.

B. **Prior to Map Recordation or issuance of 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 Parcel Map and prior to the issuance of a Building permit or Public Works permit.

1. **Lot Line Adjustment.** The Owner shall record "Agreement Relating to Lot Line Adjustment", to prior to recordation of the Parcel Map, as previously conditioned with development approval for the subject site (PC Resolution number 006-05). A licensed surveyor shall prepare legal descriptions and said Agreement shall be recorded in the Office of the County Recorder.

C. **Prior to C of O.** Prior to issuance of a Temporary Certificate of Occupancy, or Certificate of Occupancy, the Owner of the Real Property shall complete the following:

Complete Public Improvements. Public improvements as shown on the building plans from previously conditioned development project (PC Resolution number 006-05).

This motion was passed and adopted on the 8th day of December, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 ABSTAIN: 0 ABSENT: 2

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

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.