



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 009-06

222 7 224 W. YANONALI STREET

TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION PERMIT

FEBRUARY 16, 2006

APPLICATION OF STEVE BERKUS, AGENT FOR JOHN AND CAROL NAGY, PROPERTY OWNER, 222 AND 224 W. YANONALI STREET, APN 033-033-019 and 033-033-020, R-4, HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL, SD-3, COASTAL OVERLAY (MST2005-00192)

The project consists of the demolition of thirteen existing residential units and construction of five residential condominiums distributed in four buildings. Eight covered parking stalls are proposed within five garages. A voluntary lot merger is proposed. The discretionary applications required for this project is a Tentative Subdivision Map (TSM) for a one-lot subdivision to create five residential condominium units (SBMC Chapters 27.07 and 27.13); and a Coastal Development Permit to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

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

1. Staff Report with Attachments, February 8, 2006
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 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 substantial environmental damage, and associated improvements will not cause serious public health problems.

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

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

2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. 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.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, 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 and site design appropriate.

C. Coastal Development Permit (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

II. Said approval is subject to the following conditions:

- 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, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Subdivision Agreement.** "Agreement Relating to Subdivision Map Conditions Imposed on Real Property".
 2. **Final Map.** "Final Map" shall be recorded prior to or concurrently with an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property". 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.

3. **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.
4. **Trash Accessibility.** Trash and Recycling Containers shall contain equal volume, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled offsite by the landscaping maintenance company. If no containers are used for multi-unit residential developments, include an item in the CC&R stating that the green waste will be hauled offsite.
5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
6. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 16, 2006 is limited to 4,770 sq. ft. of building area, five dwelling units 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.
7. **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.
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. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - e. **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.
9. **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. **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.
- C. **Design Review.** The following is subject to the approval and review of the Architectural Review Board:
1. **Differentiated Pavement.** Provide differentiated pavement in the driveway court to provide pedestrian-friendly access.
 2. **Building Design.** Study possible reduction of plate heights for the two front plate heights.. require additional architectural details on the east and west elevations of the rear buildings along the property line.
- D. **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 Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on W. Yanonali 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, crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City water and sewer mains, on-site drainage system and collection outlets(A470 curb drain outlet, slot/trench drain, Type B etc.), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs, storm drain stenciling, on-site storm water pollution prevention interceptor device, drought-tolerant parkway

landscaping, 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.

2. **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 Engineer.
 3. **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. **Prior to Building Permit Issuance/Tenant Relocation Plan.** The owner shall show evidence that tenant relocation assistance has been provided to all tenants living in the existing units as of February 16, 2006, including two months rent, prior to the issuance of any building permit, including any demolition permit.
- 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. **Design Review Requirements Included on Plans.** Plans submitted for building permits shall show all design elements, as approved by Architectural Board of Review.
 2. **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.

3. **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. Utilities from one unit may not pass through another unit pursuant to Santa Barbara Municipal Code Section 27.13.060.
4. **Water-Conserving Fixtures.** 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.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 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.

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.

6. **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 a Temporary Certificate of Occupancy, or Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements along subject property frontage (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 placed on the private property side of consumer's service pursuant to Municipal Code Section 14.20.120. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/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 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.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 16th day of February, 2006 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.

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Julie Rodriguez, Planning Commission Secretary

March 16, 2006
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.