



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 018-07

128-138 E. CANON PERDIDO STREET AND 825-833 SANTA BARBARA STREET  
PARKING MODIFICATION AND DEVELOPMENT PLAN APPROVAL  
APRIL 19, 2007

**APPEAL OF APPLICATION OF SUZANNE ELLEDGE PERMIT PROCESSING,  
TIFFANY CAMPBELL, AGENT FOR PUEBLO VIEJO PROPERTIES, 128-138 EAST  
CANON PERDIDO STREET AND 825-833 SANTA BARBARA STREET, APN: 031-  
011-004, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICES  
AND MAJOR PUBLIC AND INSTITUTIONAL (MST2003-00243).**

The project consists of alterations to an existing mixed-use complex, consisting of one and two-story buildings, for "as-built" changes including converting the existing 15 residential garages to a laundry room, motorcycle parking, residential storage and commercial square footage which will include alterations to the existing garage doors, a new gate to eliminate vehicle access to the site from Santa Barbara Street and Development Plan approval to allow 1,434 square feet of new non-residential floor area for the conversion of the garages from residential to commercial. The project would result in eliminating the existing residential parking and providing no additional parking for the converted commercial square footage.

The discretionary applications required for this project are:

1. A Modification of the residential parking requirements to allow no parking spaces instead of the required number of parking spaces for the existing residences and of the nonresidential parking requirements to allow no parking spaces instead of the required number of parking spaces for the conversion of the residential garages to nonresidential storage space (SBMC Chapter 28.90);
  2. A lot area Modification to allow the conversion of existing garage space to a laundry room on a property that is non-conforming to residential density (SBMC §28.21.080); and
  3. Development Plan Approval for 1,434 square feet of new non-residential floor area, converted from existing residential garage space (SBMC §28.87.300).
- This project was denied by the Staff Hearing Officer and has been appealed by the property owners to the Planning Commission.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

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

1. Staff Report with Attachments, February 15, 2007
2. Memorandum with Attachments, April 12, 2007
3. Site Plans

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

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

**A. MODIFICATION OF PARKING REGULATIONS (SBMC §28.92.110)**

The parking modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. The modification is required to allow for the continued operations of the established businesses on the site and to eliminate unsafe driving conditions within the complex and on the adjacent streets. With the inclusion of a condition that prohibits future residential tenants from receiving a Residential Parking Program permit, the project will not result in increased impacts on on-street parking in the area.

**B. LOT AREA MODIFICATION (SBMC §28.92.110)**

The lot area modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. The modification is required to allow the continued use of the laundry area for the residents and to provide storage areas and moped/motorcycle parking for the residences.

**C. DEVELOPMENT PLAN APPROVAL (SBMC Section 28.87.300)**

1. The proposed development complies with all provisions of this Title because a modification of the required parking requirements has been approved and the proposed development complies with all of the provisions of this Title due to the approval of the parking modification request.
2. The proposed development is consistent with the principles of sound community planning because the mixed-use development is existing, and is compatible with the surrounding mixture of residential and commercial development.
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size bulk and scale is not proposed to change and it is compatible with the neighborhood;
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock since the proposal is not eliminating any legally existing residential units.
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources because the use of the area for commercial

and residential storage would not create a significant water demand impact on the City's water supply.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic because the elimination of the required parking has existed for over 30 years and continuing the practice will not increase the traffic in the area;
7. Traffic improvements will not be necessary for the proposed 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 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. **Public Improvement Agreement [Not a Subdivision].** "Agreement for Land Development Improvements", and associated Securities for performance and maintenance improvements to the public right of way.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, 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 which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
  3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
  4. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 19, 2007 is limited to 1,434 square feet of new nonresidential square footage, 15 dwelling units and the improvements shown on the Development Plan signed by the Planning Commission on said date and on file at the City of Santa Barbara.
  5. **Commercial Storage for Food Establishments.** The conversion of any of the garages to commercial storage for food establishments at the property shall comply with all County Environmental Health regulations. Permits and written approval shall be obtained from County Health Environmental Health Services prior to utilizing these areas for such storage.
  6. **Commercial Storage for On-site Businesses Only.** The conversion of the residential garages to commercial storage shall be limited to use by the

occupants of the commercial businesses at the property and the commercial storage shall not be allowed for businesses that are located off-site.

7. **Residential Storage for On-site Residents Only.** The conversion of the residential garages to residential storage shall be limited to use by the residents of the residential units on site.
  8. **Laundry Facility for On-site Residents Only.** The conversion of a portion of a garage to a laundry area shall be limited to use by the residential units on site and shall not be used for commercial purposes.
  9. **No Residential Parking Permits Allowed for Future Residents.** Future residents, who are not tenants at the time of project approval, are not eligible to obtain residential parking permits for on-street parking from the City.
  10. **Residential Moped/Motorcycle Parking for On-site Residents Only.** The conversion of a portion of an existing residential garage area to moped/motorcycle parking shall be limited to use by the residents of the residential units on site.
  11. **Courtyard Open Space Availability.** The courtyard open space shall be available only for use by the residential tenants and commercial tenant employees, except for delivery access.
- B. **Prior to Building Permit** Prior to the 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.
  2. **Public Improvement Securities.** The Owner shall provide an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the "Agreement to Construct and Install Improvements (Not a Subdivision)".
  3. **Drainage Call-Outs.** Plans shall reflect grades graphically with callouts, so drainage patterns to the right-of-way can be established.
  4. **Violations Corrected.** All outstanding violations shall be corrected as part of the building permit and shall be included in the scope of work for the project.
  5. **MTD Payment.** Proof of payment of \$64,286 to the Santa Barbara Metropolitan Transit District shall be submitted.
- C. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following conditions have been satisfied):

1. **Exterior Changes.** Any exterior changes to the property are subject to the review and approval by the HLC:
  2. **Restoration to Original Appearance.** All exterior changes made to accommodate the creation of the two "as-built" residential units shall be restored to their original approval and shall match the original construction plans.
  3. **Proposed Gate.** If the proposed gate is approved by the HLC, the gate shall open inward and shall not obstruct the public right-of-way.
  4. **Open Space and Paseo.** Create a useable open space between the storage areas to be used by residential tenants and commercial tenant employees, using landscaping and permeable paving. Include pedestrian access (paseo) from Canon Perdido and Santa Barbara Streets and a place for employee bicycle and moped parking. Consider relocating the trash enclosure to enhance the paseo and provide for efficient trash pick-up.
- 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 Parcel 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 Canon Perdido and Santa Barbara Streets. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: sidewalk where damaged, backflow device, driveway apron modified to meet Title 24 requirements, relocate any utilities necessary for driveway improvements, install on-site pollution prevention interceptor device, install street trees grates, and provide adequate positive drainage from site. Building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer. Close the driveway from Santa Barbara Street and replace it with a curb. Consider closure of the driveway on Canon Perdido Street in consultation with Marborg.
  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.
  4. **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. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

5. **Trash Enclosure Provision:** A trash enclosure area for trash and 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, with final location approved by the HLC, and runoff from the area shall be pre-treated prior to entering the public right-of-way.
6. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) shall be obtained for the construction of improvements (including any required appurtenances) within their rights of way (easement).
7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
8. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). 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:

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Property Owner

Date

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Contractor

Date

License No.

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Architect

Date

License No.

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Engineer

Date

License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize

construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container for collection of demolition/construction materials.

2. **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 1st*
Martin Luther King's Birthday .....	3rd Monday in January
Presidents' Day .....	3rd Monday in February
Memorial Day .....	Last Monday in May
Independence Day.....	July 4th*
Labor Day .....	1st Monday in September
Thanksgiving Day.....	4th Thursday in November
Following Thanksgiving Day .....	Friday following Thanksgiving Day
Christmas Day.....	December 25th*

\*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 outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §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.

3. **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 Public Works Director.
  - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
5. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work

order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

6. **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.

- 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 a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.



**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. A Building Permit for the use authorized by the approval is issued within twenty-four (24) months of granting the approval. An extension may be granted by the Community Development Director, if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. **Because this project is an enforcement case, the Owners are required to submit plans revised to incorporate changes required by the Conditions of Approval to Historic Landmarks Commission within 30 days of project approval. Building permit applications for said changes shall be submitted within 90 days of project approval.**

This motion was passed and adopted on the 19th day of April, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

  
Julie Rodriguez, Planning Commission Secretary

12-18-07  
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.