



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 23-18 1325 STATE STREET MODIFICATION DECEMBER 6, 2018

APPLICATION OF SUSETTE NAYLOR, AIA, ARCHITECT FOR ALMOND HOLDINGS, LLC, PROPERTY OWNER, 1325 STATE STREET, APN 039-131-017, C-G ZONE (COMMERCIAL-GENERAL), GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH DENSITY RESIDENTIAL (28-36 DU/AC)/PRIORITY HOUSING OVERLAY (MST2018-00079)

The project consists of the conversion of the existing 1,494 square foot second floor at 1325 State Street from office space to two residential units of approximately 728 square feet and approximately 766 square feet under the Average Unit-Size Density Incentive Program. No exterior or interior alterations to the existing ground floor are proposed. The only external change proposed on the second floor is to remove two awnings on the western façade (facing the paseo at the rear of the building). New rooftop equipment, including HVAC equipment and skylights, are proposed to serve the proposed residential units.

The 4,108 square foot C-G zoned lot is currently developed with a two-story commercial building. The ground floor is currently occupied by a restaurant, while the second floor is vacant, but was most recently used as office space. The second floor is accessed off the paseo at the rear of the existing building.

The discretionary applications required for this project are:

1. A Parking Modification to not provide the two required on-site parking spaces for the two residential units (SBMC §30.150.090.F and SBMC Chapter 30.250); and
2. An Open Yard Modification to provide less than the required private open yard for each of the two residential units (SBMC §30.150.090.G.2.b and SBMC Chapter 30.250).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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, November 26, 2018
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. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183 based on city staff analysis and the CEQA certificate of determination on file for this project.

B. PARKING MODIFICATION

The Parking Modification is appropriate given that the project site exemplifies unusual or unique circumstances in regards to site constraints to provide parking on-site. The project site is built-out, nearly lot line to lot line, with a designated Structure of Merit that was initially constructed in 1946. Supplying parking on-site without demolishing a portion of the structure, most likely the historically-intact rear (west) elevation, is not feasible. Further, in reviewing the existing and proposed parking requirement, the total number of spaces required for the development (9 spaces) remains the same despite the change of use. Finally, General Plan policies encourage housing in the Downtown area and flexible development standards, including a reduction in parking.

C. OPEN YARD MODIFICATION

The Open Yard Modification is necessary to secure an appropriate improvement on the lot (conversion of commercial space to two residential units) and prevent unreasonable hardship due to the physical characteristics of the existing development. The proposed project's only exterior alterations are to remove non-character-defining awnings from the rear (west) elevation. An existing balcony, original to the 1946 construction, is proposed to be the private open yard for one of the residential units. Per guidance from the Historic Landmarks Commission, altering the existing balcony or adding a second balcony for the second residential unit would not be appropriate for this designated historic resource. Additionally, the roof area is not accessible from both units and is covered in rooftop equipment serving the existing commercial operations, making it unsuitable for open yard. Waiving the on-site Open Yard requirement would not impede residents' access to outdoor living opportunities. The location of the project site, on State Street in the Downtown area, would allow residents to access public open spaces and entertainment opportunities within walking distance and within affordable public transportation routes, such as the Downtown-Waterfront Shuttle.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
 2. Record any required documents (see Recorded Conditions Agreement section).
 3. Permits.

- a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
- b. Submit an application for and obtain a Public Works Permit (PBW) for any required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 6, 2018 is limited to the conversion of the upper level of 1325 State Street from commercial floor area to two residential units and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
 1. **Community Development Department.**
 - a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition “Recorded Conditions Agreement” to the Community Development Department prior to issuance of any building permits.
 - b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board, and all elements/specifications shall be implemented on-site.
 - c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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.

- D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
1. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
 2. **Construction Parking.** 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 Public Works Director.
- E. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
- F. **General Conditions.**
1. **Annual Resident Survey.** For informational purposes only, the owner of all Average Unit-Size Density Incentive Program projects in the Medium High and High Density and Priority Housing Overlay zones shall conduct an annual resident survey and report the following information for each unit to the Planning Division by December 31st of each year for the first eight years of the project commencing six months after the final Certificate of Occupancy. The annual report for each unit shall include:
 - a. Net floor area.
 - b. Number of bedrooms.
 - c. Monthly rent (or condominium purchase price) and utilities.
 - d. Periods of vacancy.
 - e. Household size.

- f. Current employment location of each adult resident by zip code.
 - g. Prior employment location of each adult resident by zip code.
 - h. Prior residence zip code for each adult.
 - i. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any).
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **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 being notified of a lawsuit regarding 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 action approving the Modification shall terminate three (3) years from the date of the approval, per Santa Barbara Municipal Code §30.205.120, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 6th day of December, 2018 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.

Krystal M. Vaughn, Senior Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.