



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-21 1309 STATE STREET PARKING MODIFICATION AUGUST 19, 2021

1309 STATE STREET

ZONE: C-G (COMMERCIAL-GENERAL); LAND USE DESIGNATION: COMMERCIAL – HIGH DENSITY RESIDENTIAL/PRIORITY HOUSING; APN: 039-131-010; PLN2021-00220, APPLICANT/OWNER: STEVE NUHN, CEARNAL COLLECTIVE/ TOM LURIA

Proposal to convert the second story of an existing nonresidential building to a residential unit. The 2,791-square-foot lot is located in El Pueblo Viejo District and the Central Business District and is developed with a 3,626-square-foot two-story nonresidential building. The building is a potential Structure of Merit known as The Drake Building (former Lou Rose Annex), constructed in 1934. The project consists of converting the existing 1,012-square-foot second floor from office space to a residential unit. The only exterior change would be the introduction of a 317-square-foot second floor deck to the rear of the building. Access to the residential unit would be through the exterior stairway in the front courtyard. Also, a credit of 1,012 square feet is requested per the City's Growth Management Plan.

The discretionary application required for this project is a Parking Modification to not provide the one required on-site parking space for the proposed residential unit (SBMC Chapters 30.175 and 30.250).

The Environmental Analyst has determined that the project qualifies for an exemption from further environmental review pursuant to California Environmental Quality Act Guidelines, Sections 15303 and 15305.

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 and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 19, 2021
2. Project Plans

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

I. Approved the parking modification, making the following findings and determinations:

A. PARKING MODIFICATION (SBMC §30.250.060.B)

The Parking Modification is appropriate and consistent with the purposes of the City's parking regulations given that the project site has unusual or unique circumstances in regards to site constraints to providing parking on-site as discussed in the staff report dated August 12, 2021. The project site is built-out, nearly lot line to lot line, with a building that is a potential historic resource that was initially constructed in 1934. Supplying parking on-site would require demolition of a portion of the structure, most likely the historically-intact rear (west) elevation, which would not be feasible. Further, in reviewing the existing and proposed parking requirement, the total number

of spaces required for the development (five spaces) is less than parking requirement (six spaces) for the existing development. Finally, General Plan policies encourage housing in the Downtown area and flexible development standards, including a reduction in parking.

II. Said approval is subject to the following conditions:

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. **General Conditions.**

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 19, 2021 is limited to the conversion of the upper level of 1309 State Street from commercial floor area to a residential unit 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.
3. **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.
4. **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.

- 5. **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.

- 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. **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.
- b. **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:

_____		Date
Property Owner		
_____		Date
Contractor	Date	License No.
_____		Date
Architect	Date	License No.
_____		Date
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.

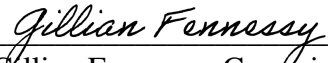
III. Said approval is subject to the following time Limits:

- A. 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 19th day of August, 2021 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 1 (Schwartz) ABSENT: 1 (Higgins)

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.



Gillian Fennessy, Commission Secretary

9/2/2021

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.