



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 003-06  
325 W. ANAPAMU STREET  
TENTATIVE SUBDIVISION MAP  
FEBRUARY 15, 2006

**APPLICATION OF MICHAEL STROH, SHUBIN AND DONALDSON ARCHITECTS, INC.,  
AGENT FOR CYNTHIA DEE HOWARD AND JANEY MARKS, PROPERTY OWNERS, 325  
W. ANAPAMU STREET, APN 039-212-004, R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE  
ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE  
(MST2004-00885)**

The proposed project involves demolition of an existing single family residence, a detached garage and a detached storage building, and the construction of four new two-bedroom residential condominiums with eight covered parking spaces in a three story building. Units would range in size from 1,280 to 1,670 square feet. Access would be provided by a driveway off of Anapamu Street and exiting onto the City alley at the rear of the site.

The discretionary application required for this project is approval of a Tentative Subdivision Map pursuant to SBMC §27.07.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15332, which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects.

**WHEREAS**, the Staff Hearing Officer 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 two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 15, 2006.
2. Site Plans
3. Correspondence received stating concerns with the project:
  - a. Diane E. Harmon, Santa Barbara Family Care Center, 1124 Castillo Street.
  - b. Sam Petronakis, received via email.
  - c. Brett and Sarah Bronstad, 1123 Curley Avenue.
  - d. Barry Polley, 329 W. Anapamu
  - e. Helen Christ, neighbor

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

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.

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 Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" including the following conditions, which shall be reviewed as to form and content by the City

Attorney, Community Development Director and Public Works Director and recorded by the City in the Office of the County Recorder.

1. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
2. **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, maintenance of property walls and fences free of graffiti 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. **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 and which also provides that such covenants may be enforced by the owners' association in accordance with the requirements of the state Subdivision Sales Law.
3. **Uninterrupted Water Flow.** The Owners 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 Owners are 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.
4. **Landscape Plan Compliance.** The Owners 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.

5. **Approved Development.** The development of the Real Property approved by Planning Commission on February 15, 2006 is limited to four (4) residential condominiums and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file a the City of Santa Barbara.
  6. **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.
  7. **Trash Accessibility.** Trash and Recycling Containers shall contain equal volume, and trash/recycling areas shall be easily accessed by the residents 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 greenwaste will be hauled offsite.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
  2. **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 ABR, and runoff from the area shall be pre-treated prior to entering the public right of way
- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Water Rights Assignment.** 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. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.

3. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Anapamu Street and un-named alley at rear of property. 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 on Anapamu Street, a City standard Alley driveway approach at un-named alley, and a new driveway approach to the alley at Curley Avenue, new curb and gutter, place service utilities underground, connect to City water and sewer mains, provide on-site drainage system and Alhambra A470 curb drain outlet, supply and install directional/regulatory traffic control signs as required, on-site pollution prevention interceptor device, drought-tolerant parkway landscaping, street tree, retreatment of the surface under the oak in the alley to include pervious paving, surface treatment of Anapamu Street as determined by the City Engineer to the centerline of the street and alley along entire subject property frontage, surface treatment of the un-named alley as determined by the City Engineer including overlay to City standards of the alley from Curley Avenue to the recently improved alley surface at the rear of the site, 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.
  2. **Public Improvement Agreement [Subdivision].** The Owners shall execute and submit an Agreement for Land Development Improvements and any securities required pursuant to Chapter 27.11 of the Municipal Code. The form and content of the Agreement shall be subject to the review and approval of the City Attorney and the City Public Works Director.
  3. **Drainage Calculations.** Submit to the Land Development Engineer drainage calculations justifying that the proposed on-site drainage conveyance system adequately conveys a minimum of a 25-year storm event.
  4. **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.
- D. **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. **Unanticipated Archaeological Resources.** Prior to the removal of any vegetation or paving, or any 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 Owner. 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, preparation and implementation of a Phase III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, etc.

- a. 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.
  - b. 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.
2. **Water Conservation Devices.** 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.
  3. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
  4. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
  5. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager. Heavy construction vehicle traffic shall access the site from Anapamu Street and shall not utilize the unnamed alley abutting the rear of

prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

9. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
11. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. These signs shall be located on Anapamu Street and on the unnamed City alley that abuts the site.
12. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices, and shall be maintained in tune to minimize pollutant emissions.
13. **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.

the site. The Staging and Traffic Control Plan shall be revised to reflect this requirement.

6. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m. Monday through Friday, and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

7. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
- 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 Streets, Parking, and Transportation Operations Manager.
  - On-site or off-site storage shall be provided for construction materials and equipment.
  - Storage of construction materials within the public right-of-way is prohibited.
  - Free off-site parking for construction workers and off-site storage for materials and equipment shall be provided (during phases of the construction when it cannot be accommodated on-site). The location of this off-site area shall be subject to the approval of the Community Development Director.
  - Construction staging, storage and parking shall not occur along the unnamed City alley that abuts the project site.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to



Signed:

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

14. **Tree Protection.** The specimen oak tree located across the alley from the project site shall be preserved, protected and maintained.
  15. **Wall Height.** All walls located within the front yard setback shall be limited to a maximum of 42 inches in height. Wall height shall be called out on the plans submitted for building permit approval.
- 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 damaged public improvements along subject property frontage (curbs, gutters, sidewalks, etc.) and along the unnamed alley caused by construction, 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 the City Arborist.
  2. **Complete Public Improvements.** Complete 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 Reclamation/Cross Connection Specialist.
- F. **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 TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Map shall expire two (2) years from the date of approval unless such time is extended in accordance with section 27.07.110 of the Municipal Code or the provisions of the Subdivision Map Act.

This motion was passed and adopted on the 15th day of February, 2006 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Deana McMillion, Administrative/Clerical Supervisor,  
Staff Hearing Officer Secretary



Date

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