



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 051-06
101 & 115 W. CANON PERDIDO STREET
MODIFICATION
AUGUST 30, 2006

APPLICATION OF MICHAEL MORGAN, BLU CROIX LTD, AGENT FOR VERIZON CALIFORNIA INC, PROPERTY OWNER, 101 & 115 W. CANON PERDIDO STREET, APN 037-042-008, -009, -018, -019, -022, & -023, C-2: COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2005-00554)

The project consists of a proposal for a voluntary lot merger of ten legal lots (six assessor's parcels) consisting of approximately 2.2 acres into two lots and a subsequent lot line adjustment of the two resulting lots. The existing Verizon building (101 W. Canon Perdido Street) would be located on proposed Parcel 1 and the existing annex building (115 W. Canon Perdido Street) would be located on proposed Parcel 2. Proposed improvements for both parcels include the reconfiguration of parking spaces, additional landscaping and new chain link fencing. The existing exterior metal stairs located at the rear of the Verizon building would be reconfigured and the exit stairs at the rear of the annex building are proposed to be enclosed.

The discretionary application required for this project is a Lot Line Adjustment between two existing lots (SBMC§27.40).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305 (lot line adjustments).

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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 30, 2006.
2. Site Plans

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

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

Approved the project which conforms to the City's Zoning, Building Ordinances, and policies of the General Plan; making the findings outlined in Section VI of the Staff Report, and subject to the Conditions of Approval in Exhibit A, with the recorded conditions to be recorded on each lot with the lot line adjustment.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners 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. **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, 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. **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.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR) or Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the ABR or HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on August 30, 2006 is limited to a Lot Line Adjustment of two lots and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 5. **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 approved Operations and Maintenance Procedure Plan.
- B. **Design Review.** The following are subject to the review and approval of the Architectural Board of Review or Historic Landmarks Commission prior to the issuance of a building permit or public works permit (as applicable):
1. **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.

- C. **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 issuance of a Building permit or Public Works permit.
1. **Voluntary Merger Required.** The Real Property known as APN 037-042-008, -009, -018 and -023 shall be merged into one lot and APN 037-042-019 and -022 shall be merged into another lot, following the procedure in Santa Barbara Municipal Code Chapter 27.40.
 2. **Declaration of Lot Line Adjustment.** The Owner shall submit an executed Declaration of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to and following the lot line adjustment. A licensed surveyor shall prepare legal descriptions and said Declaration shall be recorded in the Office of the County Recorder.
 3. **Agreement Assigning Water Extraction Rights.** This agreement is a requirement of all discretionary projects. It does not require execution by City Council. This agreement is prepared by staff and will be recorded in the County Recorder's Office. A Water Extraction Agreement handout is available on line at the City's website at www.SantaBarbaraCA.gov under the "Business" tab or by request at the Public Works Permit Counter at (805) 564-5388. This handout provides information regarding the assignment of water extraction rights.
 4. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on **Canon Perdido Street, De la Vina Street, and De la Guerra Street.** As determined by the Public Works Department, the improvements shall include remove and replace to City standards all uplifted/cracked sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, underground service utilities, curb drain outlet(s), crack seal/ overlay/ reconstruct or slurry seal a minimum of 20 feet beyond trenching along subject property frontage to the centerline of West Canon Perdido Street, preserve and/or reset existing survey monuments and/or contractor's stamps, pollution prevention interceptor device installed on private property, on-site biofilter/swale, 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.
 5. **Drainage Calculations or Hydrology Report.** Submit to the Land Development Engineer drainage calculations/hydrology report justifying that the existing on-site and proposed on-site drainage conveyance system adequately conveys a minimum of a 25-year storm event.
 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. **Operations and Maintenance Procedure Plan.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules

for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.

- 8. **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/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

- 1. **Design Review Requirements.** Plans shall show all design and landscape elements as approved by the Architectural Board of Review or Historic Landmarks Commission.
- 2. **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:

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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 the container for collection of demolition/construction materials.
2. **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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **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.

4. **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.
- F. **Prior to Certificate of Occupancy.** Prior to issuance of a 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. **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.
- G. **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.

This motion was passed and adopted on the 30 day of August, 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.



Kathleen Goo, Staff Hearing Officer Secretary

Date

PLEASE BE ADVISED:

1. 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.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. Subsequent to the outcome of any appeal action you next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:**
The Staff Hearing Officer's action approving the Lot Line Adjustment shall expire two (2) years from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code.