



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 087-06

128-138 EAST CANON PERDIDO

PARKING MODIFICATION AND DEVELOPMENT PLAN APPROVAL

DECEMBER 6, 2006

**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 conversion of two existing residential units into four units, converting the existing 15 residential garages to a laundry room, residential storage and commercial square footage which will include alterations to the existing garage doors, and Development Plan approval to allow 1,434 square feet of new non-residential floor area for the conversion of the garages. Modifications are requested to eliminate the existing residential parking and to provide no additional parking for the converted commercial square footage, to allow bonus density for the two "as-built" residential units, a floor area modification to allow the "as-built" residential units to be less than 400 square feet, a modification of private outdoor living space to allow one of the new residential units to have no outdoor living space and a modification of private outdoor living space to allow one of the new residential units to have private outdoor living space that does not meet the required six foot minimum dimension.

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 and proposed 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 §28.90);
2. A lot area Modification for bonus density to allow two additional residential units for a total of 17 residential units, on a lot in the C-2 Zone (SBMC §28.21.080 & 28.87.400);
3. A Modification of floor area regulations to allow the two new residential units to have less than 400 square feet of useable floor area (SBMC §28.87.150 & 28.92.026);
4. A Modification of private outdoor living space regulations to allow one of the new residential units to have no private outdoor living space instead of the required 72 square feet of private outdoor living space (SBMC §28.21.081);
5. A Modification of private outdoor living space regulations to allow one of the residential units to have private outdoor living space that does not meet the required six foot minimum dimension (SBMC §28.21.081); and

6. Development Plan Approval for 1,434 square feet of new non-residential floor area, converted from existing residential garage space (SBMC §28.87.300).

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

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person appeared to speak with concerns, and the following exhibits were presented for the record:

2. Staff Report with Attachments, December 6, 2006.
3. Site Plans
4. Correspondence received with concerns about the project:  
Shelia Lodge, Citizen's Planning Association

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

- I. Approval of the lot area Modification of the purposes of restoring the original residential density of 15 units making the finding that it is consistent with the purpose and intent of the Zoning Ordinance and necessary to secure appropriate improvements.

Denial of the remainder of the application with the comment that although the Staff Hearing Officer supports the parking Modifications in concept, she cannot make the findings for the project as currently proposed.

- 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 Staff Hearing Officer on December 6, 2006 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 Staff Hearing Officer 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.

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. **Tenant Displacement Assistance.** If the Building Permit to remove the “as-built” residential units has not been applied for by December 20, 2006, the Tenant Displacement Assistance Ordinance provisions shall apply to those tenants who are displaced by removal of the affected units.
- C. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):
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.
- 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.
  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.) 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 Staff Hearing Officer 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:

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

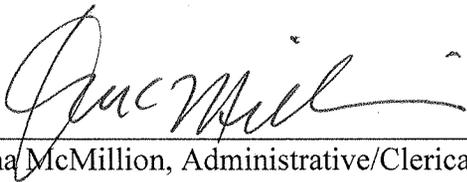
If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the 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.

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



12-12-06

Deana McMillion, Administrative/Clerical Supervisor      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. **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.
4. NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer'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.