



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 004-10 1280 COAST VILLAGE ROAD COASTAL DEVELOPMENT PERMIT JANUARY 27, 2010

APPLICATION OF JIM BUSTER, AGENT FOR LOS ARROYOS, 1280 COAST VILLAGE ROAD, APN 009-230-035, LIMITED COMMERCIAL/COASTAL OVERLAY (C-1/SD-3) ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2008-00351)

The proposed project involves an as-built conversion of a 767 square feet office/retail use to a restaurant dining area. Twenty-two new indoor restaurant seats would be provided in this area. The proposed dining area would be added to an existing 1,312 square foot restaurant. Within the existing dining area 3 additional seats would be provided. Combined with the new dining area, a total of 25 new seats would be provided. The project site currently has no approved parking area, and based upon 25 new seats, 8 parking spaces would be required. With a parking credit of 3 spaces being provided, 5 new parking spaces are required and 6 are proposed on site, along with a landscaped planter area. Finally the project will include a lot tie to bind together the three legal lots, which comprise the entire development area.

The project site is developed with an existing 5,000 square foot office and retail building. The building was originally approved without parking on the site.

The discretionary application required for this project is a Coastal Development Permit (CDP2010-00001) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

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, no people appeared to speak in favor or opposition of the application, , and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 20, 2010.
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:
 - A. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act.
The proposed project would provide the required parking on site for the additional restaurant space and there would be no change in the visual character of the area.
2. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.
There is no public access on the project site; therefore the project would not be in conflict with this finding.
3. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
The proposed project can be found consistent with the applicable policies of the Local Coastal Plan. The proposed change of use would be consistent with the General Plan and Local Coastal Plan General designation of General Commerce, as discussed in Section VII B.

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 owner(s) and occupant(s) 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. **Design Review.** The project was granted final approval by the Architectural Board of Review (ABR) on February 23, 2009. The project is subject to the following ABR condition:
 1. **Landscape Screening.** Landscaping shall be consistent with the final ABR approved plans and low water use plants shall be provided.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be 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 Staff Hearing Officer on **January 27, 2010** is limited to a conversion of 767 square feet of office/retail use to a restaurant dining area. The dining area is to be added to an existing 1,312 square foot restaurant. There will be a total of 46 seats for both the existing restaurant/bar and the new dining area along with 22 seats on the outside patio area. Six new parking spaces will be added to the site,

along with a landscaped planter area 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.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan 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. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain all existing drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
5. **Use Limitations.** Due to potential parking impacts, uses other than general office and retail are not permitted in the remaining portion of the building without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
6. **Recyclable Material Use and Collection.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable

material and green waste collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.

- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Voluntary Lot Merger or Lot Tie Required.** The Real Property known as APN 009-230-035, which is comprised of three legal parcels, shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30. Alternatively, the property owner can execute a lot tie which will be reviewed for content by the City Attorney's Office and shall be recorded.
- 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, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
 2. **Recyclable Material Use and Collection.** Restaurant operators shall provide sufficient and appropriate recycling receptacles in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
 3. **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., Archaeologist contract submitted to Community Development 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. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer 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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

This motion was passed and adopted on the 27th day of January, 2009 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.



Gloria Shafer, Staff Hearing Officer Secretary

1-29-2010
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 the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. 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.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **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.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.