



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 016-12

901 OLIVE STREET/433 E. CANON PERDIDO STREET
MODIFICATION

MAY 16, 2012

**APPLICATION OF DESIGNARC, ARCHITECT FOR 433 ECP LP, 901 OLIVE STREET/
433 E. CANON PERDIDO STREET, APN 029-302-018, C-2 ZONE, GENERAL PLAN
DESIGNATION: COMMERCIAL MEDIUM/HIGH RESIDENTIAL 15 – 27 DU/ACRE
(MST2012-00048)**

The proposed project involves the addition of 19 apartment units, a two-story, 59-space parking structure, and 474 square feet of non-residential floor area to an existing 18,276 square foot, two-story office building on a 33,005 square foot lot. A total of 66 parking spaces will be provided for the development. The 19 apartments, including nine, one-story, studio apartments and ten, two-story, one-bedroom apartments, will be constructed above the two-story parking structure. The project also includes alterations to the existing office building including façade improvements on all sides, new elevator, new roof with light wells, solar panels and a new basement-level mechanical room. Total development proposed is 61,801 square feet with a maximum height of 51 feet.

The discretionary application required for this project is a Modification to allow a reduction in the required parking spaces (SBMC§ 28.90.100.G and 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (Infill Exemption).

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 three people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 9, 2012.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA.

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

- I. Approved the Modification making the findings and determinations that the requested parking modification to allow the required parking to be reduced by 18 spaces is consistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking or loading space in the immediate area, because the project will provide the 16 required residential parking spaces for the residential addition to the existing office building and 50 non-residential parking spaces, thereby meeting the parking demand on site, as described in Section V.A. of the Staff Report dated May 9, 2012. Additionally, sidewalks and bicycle lanes extend to the downtown area.

- II. Said approval is subject to the following conditions:
 - A. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 May 16, 2012 is limited to approximately 18,750 square feet of office floor area and 19 dwelling units 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. **Use Limitations.** Due to potential parking impacts, uses other than general office are not permitted 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 Owner.
 3. **Tree Protection.** The existing Moreton Bay Fig (*Ficus macrophylla*) tree shown on the Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Westree, dated March 13, 2012. A copy of this report shall be attached to the recorded conditions as an exhibit.
 4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 5. **Assigned Parking.** The Owner may assign up to 16 parking spaces to the residential units. The remaining 50 parking spaces shall remain unassigned and available to all tenants of the building.

B. 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. Public Works Department.

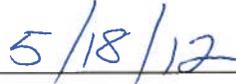
- a. **Temporary Parking Plan for Business Operations.** During Construction, the Owner shall provide on-site or off-site and off-street parking to meet the generated parking demand of all businesses that remain open during construction, as determined by the Transportation Manager and Community Development Director. Any off-site parking agreements shall comply with the provisions outlined in Santa Barbara Municipal Code Subsection 28.90.001.18, and is subject to review and approval by the City Attorney.
- b. **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 Transportation Manager with a Public Works permit.
- c. **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 Transportation Manager.
- d. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.

This motion was passed and adopted on the 16th day of May, 2012, 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 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.