



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 029-14
500-510 STATE STREET
TENTATIVE SUBDIVISION MAP
MAY 14, 2014

APPLICATION OF JARETT GORIN, VANGUARD PLANNING, LLC, AGENT FOR RTK ASSOCIATES, 500-510 STATE STREET, APN: 037-173-020, ZONE DISTRICT: COMMERCIAL-MANUFACTURING (C-M), GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/ACRE) (MST2013-00302)

The proposed project involves a Tentative Subdivision Map (TSM) request to subdivide an existing 17,812 square foot, two-story building, into four commercial condominiums. Three condominiums would be located on the ground floor and one condominium unit would comprise the whole second floor. No alterations are proposed with the project. On the ground level, each of the proposed condominiums would be coincidental with the existing commercial spaces, which are currently occupied by two restaurants and a retail ice cream shop. The fourth condominium would include the lobby on the ground floor, which provides access via stairs and an elevator to the second floor unit, and the second floor, which is currently used as business offices for accountants, lawyers, and other similar professions.

The discretionary applications required for this project is a Tentative Subdivision Map for a one-lot subdivision to create four (4) commercial condominium units (SBMC Chapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions).

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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 7, 2014.
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. 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 because it would create separate airspace ownership within an existing commercial building in an area designated for commercial use. The site is physically suitable for the type and density of development because said development already exists, consistent with the Commercial-Manufacturing Zone district. The project is consistent with the vision for this neighborhood of the General Plan because it retains an existing building that has been part of the neighborhood fabric for more than seventy-five years. The restaurant and office uses will not cause substantial environmental damage nor will the uses cause serious public health problems. The site is not located in any designated hazard areas and is not identified as a hazardous waste site pursuant to Section 65962.5 of the Government Code.

II. Said approval is subject to the following Conditions of Approval:

A. Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application or recordation of the Parcel Map, whichever comes first.
2. Submit an application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.
3. Permits following recordation of Parcel Map.

B. Recorded Conditions Agreement. The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, 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 concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on **May 14, 2014** is limited to an existing two-story commercial building that will be subdivided into four commercial condominium units, which will comprise of three ground floor units and one unit on the second floor, as shown on the Tentative Parcel Map 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 continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building 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.
4. **Recyclable Material Use and Collection for Restaurants and Commercial Tenants.** Restaurant operators and commercial tenants shall encourage employees and guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material collection and pick-up areas shall be provided on-site for the restaurant operations and commercial tenants. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
5. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
6. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities 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 units.
 - b. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance

company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

- c. **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.

C. Public Works Submittal with Parcel Map Approval. The Owner shall submit the following to the Public Works Department for review and approval of the Parcel Map:

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 Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Parcel Map.

D. 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.

The street tree along Haley Street shall be replaced. Please contact the Parks and Recreation Office, located at 402 E. Ortega Street ((805) 564-5418), to determine the appropriate replacement tree.

2. Community Development Department.

Conditions on Plans/Signatures. The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the 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. General Conditions.

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

This motion was passed and adopted on the 14th day of May, 2014 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 _____ Date 5/15/14
Kathleen Goo, Staff Hearing Officer Secretary

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. **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 TENTATIVE SUBDIVISION MAP TIME LIMITS:** The Staff Hearing Officer action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.