

City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 9, 2015
AGENDA DATE: September 16, 2015
PROJECT ADDRESS: 124 Los Aguajes Avenue (MST2004-00725)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Beatriz Gularte, Senior Planner *BEG*
 Kelly Brodison, Assistant Planner *BEG for*

I. PROJECT DESCRIPTION

The is a request for a one year extension of the expiration date of the Tentative Map, Modifications and Coastal Development approved by the Planning Commission on September 3, 2009. The project consists of the demolition of an existing 884 square foot, single-family residence and 440 square foot detached garage, and the construction of three new residential condominium units in the Appealable Jurisdiction of the Coastal Zone. The proposed structure would be three stories with a maximum building height of 29' 7", consisting of 3,856 square feet of residential floor area above a 1,143 square foot garage on a 6,000 square foot lot located adjacent to Mission Creek. The project includes two two-car garages, a one-car garage, and one unenclosed covered parking space, a two-bedroom unit and two one-bedroom residential units. The project proposes 25 cubic yards of cut and 135 cubic yards of fill outside the main building footprint. Grading under the main building footprint would involve 110 cubic yards of cut. The project also includes landscaping changes, bioswales and retention basin adjacent to the proposed residences.

The discretionary applications approved for this project were:

1. A Modification to allow the building to encroach into the front setback (SBMC §28.21.060 and §28.92.110.A.2);
2. A Modification to allow the entry stair and a support column to encroach into the interior setback to the east (SBMC §28.21.060 and §28.92.110.A.2);
3. A Coastal Development Permit (CDP2005-00021) to develop a three unit residential condominium project located in the Appealable Jurisdiction of the Coastal Zone. (SBMC §28.44.060)
4. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

II. SITE INFORMATION

Applicant/ Property Owner: Mark Edwards			
Parcel Number: 041-343-010		Lot Area:	6,000 square feet (sq. ft.)
General Plan: Hotel and Residential		Zoning:	R-4/ SD-3
Existing Use: Single-Family Residential		Topography:	~4% slope
Adjacent Land Uses:			
North – Mission Creek and Union Pacific Railroad		East – Multiple-Family Residential	
South – Multiple- and Single-Family Residential		West - Commercial	

III. DISCUSSION

According to SBMC §27.07.110.A, B and D, *Expiration and Extension of Tentative Maps*, the approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved. The subdivider may request an extension of the tentative map approval or condition of approval by written application to the Staff Hearing Officer filed with the Community Development Department before the expiration of the tentative map. The Staff Hearing Officer may impose new conditions or revise existing conditions. An extension or extensions of tentative map approval or conditional approval shall not exceed in aggregate three (3) years beyond the expiration of the original twenty-four (24) month period.

Assembly bill 208 was signed by the Governor on July 13, 2011, and filed with the Secretary of State on July 14, 2011, stating that a tentative map that has a valid approval on the effective date of this bill will be extended by 24 months. AB 208 extended this project approval from September 3, 2011, to September 3, 2013. Subsequently, AB116 was approved and extended this approval by an additional two years making the new expiration date September 3, 2015.

A one year extension is now being requested pursuant to SBMC 27.07.110.D. The applicant submitted a request for an extension on August 22, 2015, thereby satisfying the City's requirements for an extension. The new expiration date will be September 3, 2016.

IV. RECOMMENDATIONS

Due to a variety of economic challenges the applicant is requesting to provide the maximum time allowable to finance and proceed with this project. The project continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the three-year time extension, to September 3, 2016, for the Tentative Map and Condominium Conversion Permit, subject to the original conditions of approval in Exhibit A.

Exhibits:

- A. Planning Commission Resolution of Approval 033-09 dated September 3, 2009
- B. Applicant's letter, dated August 22, 2015
- C. Site Plan



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 033-09

124 LOS AGUAJES AVENUE

MODIFICATION AND TENTATIVE SUBDIVISION MAP

SEPTEMBER 3, 2009

APPLICATION OF PETE EHLEN, AGENT FOR MARK EDWARDS, 124 LOS AGUAJES AVENUE, APN 033-041-007, R-3/SD-3 MULTI-FAMILY RESIDENTIAL AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2004-00725)

Project consists of the demolition of an existing 884 square foot, single-family residence and 440 square foot detached garage, and the construction of three new residential condominium units in the Appealable Jurisdiction of the Coastal Zone. The proposed structure would be three stories with a maximum building height of 29' 7", consisting of 3,856 square feet of residential floor area above 1,143 square feet of garage floor area on a 6,000 square foot lot located adjacent to Mission Creek. The project includes two two-car garages, a one-car garage, and one unenclosed covered parking space, a two-bedroom unit and two one-bedroom residential units. The project proposes 25 cubic yards of cut and 135 cubic yards of fill outside the main building footprint. Grading under the main building footprint would involve 110 cubic yards of cut. The project also includes landscaping changes, bioswales and retention basin adjacent to the proposed residences. On April 16, 2009, this project was reviewed and continued by the Planning Commission.

The discretionary applications required for this project are:

1. A Modification to allow the building to encroach into the front setback (SBMC §28.21.060 and §28.92.110.A.2);
2. A Modification to allow the entry stair and a support column to encroach into the interior setback to the east (SBMC §28.21.060 and §28.92.110.A.2);
3. A Coastal Development Permit (CDP2005-00021) to develop a three unit residential condominium project located in the Appealable Jurisdiction of the Coastal Zone. (SBMC §28.44.060)
4. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

The Planning Commission will consider approved the Negative Declaration prepared for the project on April 16, 2009 pursuant to the California Environmental Quality Act Guidelines Section 15074.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, October 9, 2008; February 12, 2009; April 9, 2009 and August 27, 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. Jason Reeder, presented at hearing of April 16, 2009
4. Correspondence received in opposition to the project, or with concerns:
 - a. Caren Roger, President, Pearl Chase Society
 - b. Robert and Pamela Maxim, Santa Barbara, CA
 - c. Kellam de Forest, via email
 - d. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application with the exception of the interior setback modification making the following findings and determinations:

A. Front Setback Modification

The front setback modification is consistent with the purpose and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on a lot, because the lot is small and constrained by Mission Creek to the rear, and the front setback is consistent with the adjacent structures as discussed in Section IV of the Staff Report.

B. Coastal Development Permit (SBMC §28.44.060)

The project is consistent with the policies of the California Coastal Act, all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, in that the land use is a replacement of an existing residential use in a residential neighborhood; the project is visually compatible with the character of the surrounding areas; the project is compatible with, and preserves the unique character of the West Beach neighborhood; and it would not have any effect on public access or public recreation. The project is consistent with Coastal Act Policy 30251, which requires new development to be visually compatible with the character of surrounding areas, as described in Section VI of the Staff Report.

C. The Tentative Map (SBMC §27.07.100)

With the approval of the front and interior setback modifications, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara, in that all General Plan policies and zoning requirements are met, as described in Section V of the Staff Report. The site is physically suitable for the proposed development because it is compatible with the neighborhood, and is located a sufficient distance from Mission Creek; the project is consistent with the variable

density provisions of the Municipal Code and the General Plan as described in Section V of the Staff Report; and the proposed use is consistent with the vision for this neighborhood of the General Plan because it is a residential project in a predominantly residential neighborhood, as described in Section VI.F. of the Staff Report. The design of the project will not cause substantial environmental damage because it compatible with the surrounding residential neighborhood, and is located a sufficient distance from Mission Creek, and associated improvements will not cause serious public health problems because the building has been designed to meet interior and exterior maximum noise levels, as described throughout the Staff Report.

D. **The New Condominium Development (SBMC §27.13.080)**

1. The project complies with all provisions of the City's Condominium Ordinance, as described in section VI of the Staff Report.
2. The proposed development is consistent with the General Plan of the City of Santa Barbara, as it meets the land use, density, noise and other policies, as described in Section VII of the Staff Report.
3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources, in that the project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts, and the project is compatible with the aesthetics of the neighborhood.

II. Said approval is subject to the following conditions:

A. **Design Review.** The project is subject to the review and approval of the (Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Appropriate Plants within Development Limitation Area.** Special attention shall be paid to the appropriateness of the existing and proposed plant material within the riparian setback. All existing exotic or invasive plants shall be removed and replaced with appropriate plant material within the 25 foot development limitation area. (BIO-1)
2. **Architectural Style.** Prior to issuance of demolition or building permits, the applicant shall submit final plans that show that the architecture of the new construction is compatible and harmonious with the buildings of the West Beach Neighborhood in both massing and architectural style consistent with the guidance provided by ABR. (CR-5)

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 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, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 3, 2009 is limited to a Coastal Development Permit for a 3 unit residential condominium project and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission 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. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **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.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the 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. (W-2, 3)

6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of 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. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **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.
 - e. **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.
 7. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Mission Creek setback area, which drains directly into Mission Creek.
 8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Public Works Submittal Prior to Final/Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final/Parcel Map and prior to the issuance of any permits for the project:
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. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map (described as follows), subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. A 4-foot wide easement for public utility purposes for as shown on the approved Tentative Subdivision Map.
 3. **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 will prepare said agreement for the Owner's signature.
 4. **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.
 5. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state. (W-1)
 7. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and

August 22, 2015

Staff Hearing Officer
City of Santa Barbara
631 Garden Street
Santa Barbara, CA 93101

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PLANNING DIVISION

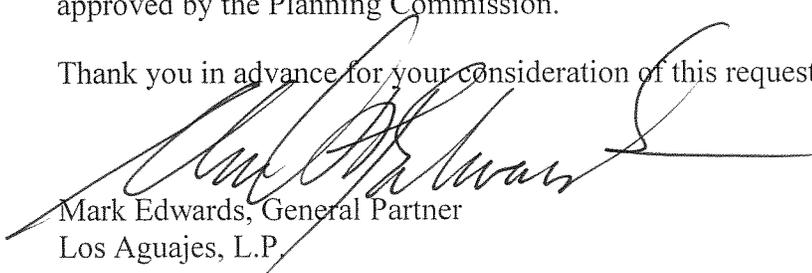
Re: 124 Los Aguajes MST2004-00725 – Tentative Subdivision Map Extension

My name is Mark Edwards, and I am the General Partner of Los Aguajes L.P., owner of the above referenced property. As provided in SBMC 27.07.110.B – Extension, I am requesting a one-year time extension of the Planning Commission’s September 03, 2009, decision to approve a Tentative Subdivision Map, A Coastal Development Permit, and a Front Setback Modification for the planned, 3-unit condominium development on my property. It is my understanding that the validity of the Coastal Development Permit and Front Setback Modification will run with the Tentative Subdivision Map.

Since this development was approved by the Planning Commission, I have worked and received Preliminary Approval from the Architectural Board of Review, and spent a significant amount of money having drawings prepared in an effort to obtain a building permit and file Final Map documentation. With the economic downturn of the Great Recession and the collapse of the construction industry, this project, along with many others in the State has had to wait for the economy to pick up again. While the housing market has begun to rebound, persistent, adverse economic conditions continue to slow development. The time extension requested in this letter will preserve the efforts and investment in this development, and allow it to proceed.

It is my understanding that the project is subject to Conditions of Approval as outlined in Resolution No. 033-09 and Mitigations that were outlined in the associated Mitigated Negative Declaration. With approval of the requested front setback modification, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. Please be advised that there have been no changes to the project as it was approved by the Planning Commission.

Thank you in advance for your consideration of this request,



Mark Edwards, General Partner
Los Aguajes, L.P.

