

# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 036-16 1317 STATE STREET AND 1330 CHAPALA STREET TENTATIVE SUBDIVISION MAP MAY 25, 2016

**APPLICATION OF LISA PLOWMAN, RRM DESIGN GROUP, AGENT FOR ARLINGTON THEATRE PROPERTY, LLC; 1317 STATE STREET AND 1330 CHAPALA STREET; APN 039-131-001, -007 C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL / HIGH DENSITY RESIDENTIAL (MST2015-00443)**

The proposed project consists of a two-lot subdivision of a 2.41-acre lot. Proposed Lot 1 (1330 Chapala Street) would be 1.12 acres and would contain the approved, but not completed, Arlington Village mixed-use development containing 33 apartments and 984 square feet of commercial floor area. Proposed Lot 2 (1317 State Street) would be 1.29 acres and would contain the Arlington Theatre. Approval of the subdivision would convert the 33 apartment units approved under the City's variable density standards to Average Unit-Size Density units.

The discretionary application required for this project is a Tentative Subdivision Map to allow the division of one (1) lot into two (2) lots (SBMC 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 18, 2016.
2. Site Plans
3. Correspondence received with construction concerns at the project site:
  - a. Joanne Olejnik, Santa Barbara, CA.

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

#### **I. THE TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map is in compliance with State and Local requirements and conditions, and is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the proposed development because sufficient lot area is available for the subdivision to support existing and previously approved development. The project is consistent with the Average Unit-Size Density provisions of the Municipal Code and the General Plan because the average unit size is less than 1,160 square feet and the density is 30 dwelling units per acre, which is within the density range allowed by the General Plan. The existing and approved uses are consistent with the vision for this neighborhood and will not change with the subdivision. The design of the project will not cause substantial environmental damage because it does not include new or additional development, and the minimal associated

improvements will not cause serious public health problems. The design of the development does not conflict with any easements acquired by the public at large for access through or use of the property. The project site does not front upon any public natural resources (such as a stream, coastline, or lake), and therefore does not affect public access to such public natural resources. Discharge of waste from the development will not result in violation of existing requirements because the subdivision does not involve any additional development or discharge.

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

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

1. Submit an application for, and obtain, Building Permit(s) for the construction of all private improvements required **prior** to approval of the Map (additional required bicycle parking at 1330 Chapala Street in conformance with Average Unit Size Density requirements, and required commercial bicycle parking for 1330 Chapala Street and 1317 State Street) to ensure the lot is ready for subdivision.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of Public Works application for the Parcel Map.
3. Submit an application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.
4. Following recordation of Parcel Map.
  - a. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.
  - b. Complete all required public improvements.
  - c. Complete required bicycle parking as part of construction at 1330 Chapala.

Details on implementation of these steps are provided throughout the conditions of approval.

**B. Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except for required bicycle parking as identified in condition A.1 above, 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 25, 2016 is limited to a two-lot subdivision of an existing 2.41-acre parcel resulting in a 1.12-acre lot (Lot 1) and a 1.29-acre lot

(Lot 2) and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

2. **Growth Management Plan Development Rights.** All minor and small addition square footage remaining on the project site (2,016 square feet comprised of 16 square feet of Minor Addition and 2,000 square feet of Small Addition square footage per the City's Growth Management Ordinance, SBMC C. 28.85) is allocated to Lot 2 (1317 State Street) per this approval. A Written Instrument documenting this allocation shall be prepared for staff approval and recorded following Map recordation.
3. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc., as may be deemed appropriate.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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.
5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
6. **Off-Site Parking Agreement.** The Owner of Lot 1 shall provide the required parking for Lot 2, as determined by the Public Works Director and Community Development Director. An Off-Site Parking Agreement shall be prepared and recorded to document this requirement. The Agreement shall comply with the provisions outlined in Santa Barbara Municipal Code Subsection 28.90.001.R, and is subject to review and approval by the City Attorney.
7. **Paseo Maintenance.** Owner will maintain the private, but publicly-accessible, paseos, including the lighting fixtures within the paseos, on the subject property in good order and repair. Owner maintains its rights, within the constraints of its easement agreements and operation of law, to control the use of said easements as reasonably required for both their maintenance and the operation of the primary businesses of the real property.
8. **Residential Permit Parking Program.** Residents shall not participate in the City's Residential Permit Parking Program.

9. **Annual Resident Survey.** The owner shall conduct an annual resident survey for the Arlington Village AUD project, located on Lot 1 (1330 Chapala Street), commencing six months after final Certificate of Occupancy. For example, if an AUD project was approved in November 2015, the first survey report will be due December 31, 2016. The survey report must include findings for each unit and must be submitted to the Planning Division by December 31<sup>st</sup> of each year for the first eight years of the project. The annual survey report for each unit shall include:
  - a. Net floor area.
  - b. Number of bedrooms.
  - c. Monthly rent (or condominium purchase price) and utilities.
  - d. Periods of vacancy.
  - e. Household size.
  - f. Current employment location of each adult resident by zip code.
  - g. Prior employment location of each adult resident by zip code.
  - h. Prior residence zip code for each adult.
  - i. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any).

- C. **Public Works Submittal Prior to 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 Parcel Map and prior to issuance of any Public Works permits for Public Improvements:
  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 and 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. All sidewalk purposes along the eastern corner of the Chapala Street and Sola Street public right-of-way intersection in order to establish an 8-foot by 8-foot by 11.31-foot triangular public right-of-way.
  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 prepares said agreement for the Owner's signature.
  4. **Chapala Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Chapala Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the

following: 50 linear feet of sidewalk, commercial driveway apron modified to meet Title 24 requirements with a maximum width of 28-feet, 40 linear feet of curb and gutter, diagonal access ramp, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, supply and install 1 commercial City standard Dome Style (or other) street lights, coordinate with Public Works staff and Edison to retire light standard from existing utility pole fronting 105 W. Sola Street (on Chapala Street), preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.


5. **Sola Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on Sola Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 350 linear feet of sidewalk, commercial driveway apron modified to meet Title 24 requirements with a maximum width of 30-feet, 40 linear feet of sandstone curb and gutter, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, supply and install 1 commercial City standard Dome Style (or other) street lights, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, relocation of the MTD bus stop and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
6. **Victoria Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on Victoria Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 6 linear feet of sidewalk, 15 linear feet of sandstone curb and gutter, mid-block delta style delivery access ramp, public drainage improvements, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
- D. **Community Development Department Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Community Development Department for review and approval, prior to processing the approval of the Parcel Map:
  1. **Building Permits for Bicycle Parking.** Evidence shall be provided to the Community Development Department that a building permit(s) for the bicycle parking required for the development has been issued.
- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
  1. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
- 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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. 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 public improvement plans or building plans, shall be completed.
  3. **Evidence of Growth Management Plan Development Rights Agreement Recordation.** Evidence shall be provided to the Community Development Director that the written instrument documenting the allocation of development rights required in Section B "Recorded Conditions Agreement" has been recorded.
  4. **Evidence of Off-Site Parking Agreement Recordation.** Evidence shall be provided to the Community Development Director that the Off-Site Parking Agreement required in Section B "Recorded Conditions Agreement" has been recorded.
- G. **General Conditions.**
  1. **Prior Conditions.** These conditions are in addition to the conditions required by the Historic Landmarks Commission, dated August 14, 2013 as amended by the City Council on October 29, 2013 as part of their approval of the Arlington Village project at 1330 Chapala Street (MST2013-00169).

2. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department.
3. **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.
4. **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 25<sup>th</sup> day of May, 2016 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. **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. an Issuance of a Certificate of Occupancy for the use, or;

- i. one (1) year from granting the approval.