City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: August 7, 2018
AGENDA DATE: August 14, 201
PROJECT ADDRESS: 500-510 State Street (PLN2013-00302)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Allison De Busk, Senior Planner

I. PROJECT DESCRIPTION

This is a request for a one-year time extension for the Tentative Subdivision Map approved by the Staff Hearing Officer on May 14, 2014 for 500-510 State Street. The approved project involves a one-lot subdivision of an existing 17,812 square foot, two-story building into four commercial condominiums. Three condominiums would be located on the ground floor, and the fourth condominium would include the lobby on the ground floor, which provides access via stairs and an elevator to the second floor unit.

The original approved Tentative Subdivision Map would have expired on May 14, 2016; however, a two-year time extension request was approved, extending the approval to May 14, 2018. Subsequently, a one-year time extension was approved, extending the approval to May 14, 2019. A third time extension request was received May 13, 2019, prior to the expiration of the Map.

The discretionary application approved for this project was a Tentative Subdivision Map for a one-lot subdivision to create four commercial condominium units (SBMC Ch. 27.07).

II. SITE INFORMATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Jarrett Gorin, Vanguard Planning Inc.</th>
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<td>Property Owner:</td>
<td>RTK Associates</td>
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Site Information
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<thead>
<tr>
<th>Parcel Number:</th>
<th>037-173-020</th>
<th>Lot Area:</th>
<th>11,200 sq. ft. (0.26 acres)</th>
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<tbody>
<tr>
<td>General Plan:</td>
<td>Commercial/ Medium High Residential (15-27 du/acre)</td>
<td>Zoning:</td>
<td>M-C, Manufacturing Commercial</td>
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<tr>
<td>Existing Use:</td>
<td>Offices, restaurant, retail</td>
<td>Topography:</td>
<td>0% slope</td>
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<tr>
<td>Adjacent Land Uses</td>
<td>North – Commercial</td>
<td>East – Commercial</td>
<td></td>
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<td></td>
<td>South – Haley St. and Commercial</td>
<td>West – State St. and Commercial</td>
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III. DISCUSSION

According to Santa Barbara Municipal Code (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 24 months from the date the map was approved or conditionally approved. The subdivider may request an extension of the tentative map 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 years beyond the expiration of the original two-year period.

Therefore, the original approval on May 14, 2014 was set to expire on May 14, 2016. A two-year time extension was approved by the Staff Hearing Officer, which extended the approval to May 14, 2018. A one-year time extension was subsequently approved by the Staff Hearing Officer, which extended the approval to May 14, 2019. A third time extension request was received May 13, 2019, prior to the expiration of the Map. The reason that it took so long to process this current time extension request is because the SBMC maximum of five years (three years beyond the initial two-year approval) had already been reached. However, the Subdivision Map Act (§66452.6(e)) was amended to allow a maximum of six years. Staff requested direction from the
City Attorney’s office as to whether the applicant was eligible to apply for an additional one-year extension in accordance with the Subdivision Map Act. The response was that Subdivision Map Act prevails over our local subdivision ordinance in this respect. Therefore, the applicant is eligible for the one-year extension, which would be the last extension available under current regulations.

Progress To-Date. The applicant has submitted a Final Map to the City, and the Map is almost ready for Council approval and recordation. The applicant is requesting the time extension to complete the project.

IV. ENVIRONMENTAL REVIEW

The project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305, Minor Alterations in Land Use Limitations, which, as determined by the City Council, allows for extensions of time limits on approved projects where circumstances have not changed.

V. RECOMMENDATION

The time extension application was submitted prior to the expiration of the approval. 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 one-year time extension to May 14, 2020 for the Tentative Subdivision Map, subject to the original conditions of approval.

Exhibits:

A. Applicant's letter, dated May 13, 2019
B. Staff Hearing Officer Resolution No. 029-14
May 13, 2019

Susan Reardon, Staff Hearing Officer
City of Santa Barbara
Community Development Department
630 Garden Street
Santa Barbara, CA 93101

Hand Delivered

RE: 500 - 510 State Street (MST 2013-00302) – Request for One Year Time Extension

Dear Susan:

Vanguard Planning Inc. is submitting this request on behalf of RTK Associates, a California Limited Partnership (the “Owner”), the current owner of the above referenced property (the “Subject Property”) and the approved subdivision thereon.

The Staff Hearing Officer (SHO) approved a commercial subdivision of the existing structure on May 14, 2014 (the “Approval”). Current expiration for the Approval is May 14, 2019.

We are currently in the final stages of the map recordation process with the City’s Public Works department. Despite the diligent efforts of both our project team and City staff, we are unable to record the final map prior to the upcoming expiration date.

It would be a waste of City staff time and resources to have to re-process this entire project to achieve exactly the same thing again. Additionally, no changes have occurred as a result of the City’s adoption of the New Zoning Ordinance (Title 30) that materially affect the existing Approval. The last time extension occurred following the effective date of Title 30. Therefore, we respectfully request that the City grant this time extension so that Owner may complete recordation of the final map.

Please let me know if you have any questions about this request.

Sincerely,

VANGUARD PLANNING INC.

Jarrett Gorin, AICP
Principal

cc: Peter Lawson (via E-mail)
    Adam Geeb (via E-mail)
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:

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.
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 Groth, Staff Hearing Officer Secretary  5/15/14
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.