



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 4, 2019  
**AGENDA DATE:** September 11, 2019  
**PROJECT ADDRESS:** 817 North Milpas Street (PLN2005-00667)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Allison DeBusk, Senior Planner *AD*  
Kathleen Kennedy, Project Planner *KAK*

### I. PROJECT DESCRIPTION

This is a request for a one year time extension for the Tentative Subdivision Map approved by the Planning Commission on March 15, 2007 for 817 North Milpas Street. The approved Map would have expired on March 15, 2019; however, the time extension request was received prior to the expiration date, on March 13, 2019.

The approved project consists of a two- and three-story mixed-use project consisting of five new residential condominium units for a total of 8,846 square feet (net), one new 778 square foot (net) commercial space and 13 parking spaces on a 13,471 square foot lot. The residential units consist of 2 two-bedroom units and 3 three-bedroom units. The existing structures onsite would be demolished.

The discretionary application approved for this project was a Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units and 778 square feet of commercial space (SBMC§27.07 & 27.13).



**II. SITE INFORMATION**

<b>Applicant:</b>	Jarrett Gorin, Vanguard Planning Inc.		
<b>Property Owner:</b>	803 North Milpas LLC		
<b>Site Information</b>			
<b>Parcel Number:</b>	031-042-022	<b>Lot Area:</b>	13,471 square feet
<b>General Plan:</b>	Commercial/ High Residential (28-36 du/acre)	<b>Zoning:</b>	C-G, Commercial General
<b>Existing Use:</b>	Residential, Commercial	<b>Topography:</b>	average slope is < 4%
<b>Adjacent Land Uses</b>			
	<b>North</b> – Commercial, Residential		<b>East</b> – Milpas St. / Commercial
	<b>South</b> – Multifamily Residential, Vacant		<b>West</b> –Multifamily Residential

**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 March 15, 2007 was set to expire on March 15, 2009. In response to the severe impact the recession had on developers, the California State Legislature passed a series of statutory extensions for tentative, vesting, and parcel maps as follows:

- Senate Bill 1185 (2008) automatically granted a 12-month extension.
- Assembly Bill 333 (2009) automatically granted a 24-month extension.
- Assembly Bill 208 (2011) automatically granted a 24-month extension.
- Assembly Bill 116 (2013) automatically granted a 24-month extension.

The subject tentative map qualified for these automatic extensions, and therefore the map approval was extended until March 15, 2016.

A one-year time extension was granted by the Staff Hearing Officer on April 27, 2016, thereby extending the expiration date to March 15, 2017. An additional one-year time extension was approved by the Staff Hearing Officer on April 26, 2017, thereby extending the Map to March 15, 2018. On March 14, 2018, an additional one-year time extension was approved extending the Map to March 15, 2019. The current extension request was received on March 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 (exclusive of automatic extensions). The City Attorney's office determined that the 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 owner has evaluated various concepts for the site to potentially take advantage of new higher densities that the City adopted as part of its 2011 General Plan. Given the recent discussions regarding the Average Unit-size Density (AUD) Incentive Program, the owner has decided to proceed with the existing approvals. Therefore, the applicant is requesting the time extension to retain the existing approvals and be able 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 March 15, 2020 for the Tentative Map, subject to the original conditions of approval in Resolution No. 013-07.

#### Exhibits:

- A. Applicant's letter, dated March 13, 2019
- B. Planning Commission Resolution No. 013-07