



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 008-05
223 WEST PEDREGOSA STREET
TENTATIVE SUBDIVISION MAP
FEBRUARY 3, 2005

APPLICATION OF ALEX PUJO, AGENT, FOR DAVID, GLORIA AND TEM BOYLAN, 223 WEST PEDREGOSA STREET, 027-021-002, R-4, HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE (MST2004-00152)

The proposed project involves the construction of three new three-bedroom condominium units on a 9,155 square foot lot. The existing single-family residence and garage would be demolished. An attached two car garage is proposed for each unit.

The discretionary application required for this project is:

A Tentative Subdivision Map for a one-lot subdivision for condominium purposes (SBMC §27.01).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301, 15303 (b) and 15215.

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

WHEREAS, 0 people appeared to speak in favor of the application, and 0 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 26, 2005
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Eric and Ali Wimmers, 230 W. Pedregosa, Santa Barbara, CA

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

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. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the

Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

B. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and the required outdoor living space. The applicant is requesting that the required 300 cubic feet of storage area for each unit be waived for Units 1, 2 and 3 as allowed by the ordinance, because an enclosed garage is proposed for each unit. This waiver is acceptable because the units have enclosed garages that provide adequate enclosed storage space.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.

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.

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. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Parcel Map on an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form and content by the City Attorney, and which shall be recorded in the Office of the County Recorder:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any 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.

2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as 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.
4. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property.
5. **Allowed Development.** The development of the Real Property approved by the Planning Commission on February 3, 2005 is limited to three dwelling units each containing three bedrooms, 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.
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 parcels.
 - 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. **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 and which also provides that such covenants may be enforced by the owners' association in accordance with the requirements of the state Subdivision Sales Law.

7. **Oak Tree protection.** The existing double trunk oak tree shown on the Tentative Map shall be preserved, protected and maintained in accordance with the recommendations contained in the Arborist's Report prepared by Bill Spiewak, dated May 26, 2004. A copy of this report shall be attached to the recorded conditions as an exhibit. Reports by a qualified arborist on the health of the double trunk oak tree shall be submitted to the City's Environmental Analyst each year for a total of three years after the project receives a certificate of occupancy. If it is determined by the City arborist that the tree is in poor health or that it has died, then it shall be replaced on-site on a five-for-one basis with a minimum 24-inch box sized/15 gallon size tree.
 8. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Land Development Engineer.
- B. Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Oak Tree Protection Measures.** The landscape and grading plans shall comply with the recommended tree protection measures for the existing double trunk oak tree located near West Pedregosa Street identified in the Arborist's Report prepared by Bill Spiewak for the site and dated May 26, 2004.
 2. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in the driveway area to minimize the visual effect of the expanse of paving.
 3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 4. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.
 5. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 6. **A More Permanent Pervious Material.** A more permanent pervious material should be used around the oaks, rather than the bark.
 7. **Design Suggestions to the ABR.** Additional detailing consistent with Spanish-style bungaloes such as grilles, shutters, eaves and/or decorative downspouts should be considered in design review for Unit #1. Redesign the porch of Unit #1 with wooden posts, beams and brackets.
- C. Final/Parcel Map Submittal.** The Owner shall submit to the Public Works Department, 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.

D. Public Works Submittal Prior to Building or Public Works Permit Issuance or Parcel Map Recordation. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building or Public Works Permit and prior to the recordation of the Final Map for the project:

1. **Improvement Plans.** The owner shall submit building plans for construction of improvements along the subject property road frontage on West Pedregosa Street. As determined by the Public Works Department, the improvements shall include a six-foot wide City standard sidewalk, four foot wide City standard landscaped parkway with drought tolerant planting, City standard residential driveway apron modified to meet Title 24 requirements, parkway and western portion of the driveway apron between the project driveway and the adjacent driveway to the west, underground utilities, curb drain outlets, detention basin, preserve and/or reset contractor stamp and/or survey monuments, and provide adequate positive drainage from the site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The building plans shall be prepared by a registered Civil Engineer or licensed architect and reviewed by the City Engineer.
2. **Street Light Petition Notice.** The owner shall provide a written Street Light Petition Notice (Notice) to all property owners, businesses, and residents on the 200 block of West Pedregosa Street fronting the subject property. The Owner shall coordinate with the Public Works Department Facilities Manager to create the Notice. The recipients of the Notice shall vote on whether they do or do not support a mid-block residential street light on their block. A simple majority vote is required to add a mid-block streetlight. The Notice shall contain a description of the issues related to street light placement, and shall include a name and phone number of a contact person who can answer questions and provide related information. The Notice is the standard process used by the Public Works Department to facilitate the addition of mid-block City standard street light(s).

If it is determined that a residential street light(s) is to be added, the Owner shall install City standard residential street light(s), as determined by the Public Works Department at the expense of the Owner.

If a residential mid-block street light(s) is not installed as a result of the initial petition, then either a) five years following Planning Commission approval or, b) prior to Certificate of Occupancy, whichever occurs first, the Owner shall again provide a written Notice to all property owners, businesses, and residents on those same streets fronting the subject property. The citizens will be given another opportunity to request a residential mid-block street light(s). If a residential mid-block street light(s) is determined to be added, the Owner shall

install a City standard residential street light(s) as determined by the Public Works Department at the expense of the Owner.

3. **Construction Best Management Practices Required.** Construction activities shall address water quality through the use of best management practices (BMPs) as approved by the City.
 4. **Hydrology Calculations Required.** Submit to the Land Development Engineer hydrology calculations demonstrating that the onsite/offsite proposed and existing drainage conveyance system adequately conveys a 25-year storm event.
- E. Required Prior to Building Permit Issuance.** The following requirements shall be completed prior to applying for a building permit. Evidence of completion shall be submitted with the application for a building permit:
1. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions and Conditions of Approval.
 2. **Arborist Consultation.** A project arborist shall be included in a pre-construction meeting with the contractor to discuss tree protection guidelines and also be retained to monitor all work around the oak tree during construction.
- F. Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Design Review Requirements Included on Plans.** Plan submitted for building permits shall show all design elements, as approved by Architectural Board of Review, outlined in Section B above.
 2. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

3. **On-Site Drainage Maintenance Plan.** Any proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department. Maintenance of these facilities shall be provided by the Owner which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.
4. **Utilities.** Provide individual water, electricity, gas meter, and building sewer for each residential unit. Utility meter locations shall not require occupants to pass through another unit to access the meter, pursuant to Santa Barbara Municipal Code Section 27.13.060.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday between the hours of 5:00 p.m. and 8:00 a.m.* and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st **
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th **
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday after Thanksgiving Day
Christmas Day	December 25 th **

**When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

* Non-noise generating construction activities can occur between the hours of 7:00 a.m. and 8:00 a.m., Monday through Friday, and from 7 a.m. to 5 p.m. on Saturday. Non-noise generating activities are considered those wholly

conducted within the interior of an enclosed building and which are not audible from the exterior of the building, and exterior hand-digging for landscape installation. All windows and doors must be closed in the buildings where the work is occurring.

Work occurring between 7:00 and 8:00 a.m. and on Saturday may consist of the following: 1) drywall installation (excluding the use of nail guns); 2) tile laying (excluding the use of tile saws outside); 3) painting (excluding the use of compressors outside); 4) electrical work; 5) plumbing work; 6) finish carpentry; 7) carpet laying; 8) landscape work (not involving heavy equipment), and; 9) miscellaneous hand labor.

The following activities are prohibited between 7:00 a.m. and 8:00 a.m. and on Saturday: 1) use of radios and boom boxes; 2) operation of heavy equipment; 3) use of power tools and generators outside; 4) hammering, and; 5) loading and unloading of construction materials, debris, or heavy equipment.

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC § 9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

6. **Construction Storage.** Storage of construction materials within the public right-of-way is prohibited.
7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
10. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor name, contractor telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Also include Building and Safety Division and Police Department telephone numbers so public can call with complaints.
11. **Arborist's Monitoring.** Schedule for the qualified Arborist's presence during grading and construction activities near the tree(s) that are to be preserved pursuant to applicable conditions contained herein.
12. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above 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.

- G. 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 damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. 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 improvement/building plans.
 3. **Cross Connection Inspection.** The owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

4. **Utilities Undergrounded.** Place utilities underground from the transmission source and within the Real Property.
5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

H. Litigation Indemnification Agreement. In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS)
TIME LIMITS:**

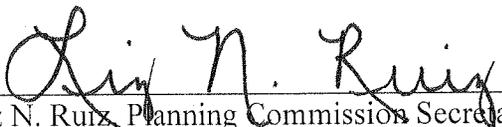
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code section 27.07.110 or the provisions of the California Subdivision Map Act.

This motion was passed and adopted on the 3rd day of February, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Maguire)

PLANNING COMMISSION RESOLUTION No. 008-05
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I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Liz N. Ruiz, Planning Commission Secretary

8-11-05

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

