



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: September 15, 2008
AGENDA DATE: September 18, 2008
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
SUBJECT: **Planning Commission/Staff Hearing Officer Standard Conditions of Approval Menu**

RECOMMENDATION:

That the Planning Commission review and discuss the revised Standard Conditions of Approval Menu (Exhibits A, B and C).

I. BACKGROUND

The Planning Commission/Staff Hearing Officer (PC/SHO) Standard Conditions of Approval have been developed over time with periodic updates intended to provide clarification, incorporate new state laws and regulations or promote efficiency. The Standard Conditions of Approval are three menus of requirements applied to projects that address land use development standards and policies as well as environmental conditions. Mitigation measures identified in Environmental Impact Reports and Negative Declarations that are unique to projects and intended to address potential environmental impacts are also incorporated as conditions of approval.

In an effort to provide a more efficient and concise set of Conditions of Approval, Staff representing the Land Development Team worked together for two years to produce such a document in 2005 and 2006.

At the time the Staff Hearing Officer (SHO) was established, the Planning Commission also requested that the Standard Conditions of Approval Menu be reviewed annually to ensure consistent application of these conditions by both the Planning Commission and the SHO. This document was reviewed by the Planning Commission in March 2007. The purpose of this review is to ensure that the SHO and the Planning Commission will apply the same set of Conditions of Approval to projects.

II. PROPOSED CHANGES TO THE STANDARD CONDITIONS OF APPROVAL

The latest PC/SHO Conditions Menu has been divided into three menus, which are attached as Exhibit A (Projects Involving Tentative Subdivision Maps), Exhibit B (Projects without Tentative Subdivision Maps) and Exhibit C (Condominium Conversions). The most significant

change this year is to separate the menus as outlined above. This will make it easier for staff to put the conditions together, based on the project type. The differences between the TSM Menu and the No Map menu are modest. However, the Condo Conversion Menu adds additional conditions and the timing of the conditions is different, due to the need to issue a building/condominium conversion permit prior to map recordation for any building changes that are required, which cannot be finalized until after Map recordation. However, the majority of the changes must be ready for final inspection prior to map recordation.

Some of the proposed menu changes occurred as issues arose during the year; others are being made as a result of staff discussions in the last several weeks. Discussion of the more substantive changes is included below.

A. GENERAL REVISIONS

The Standard Conditions of Approval Menus continue to be revised to be more efficient and concise. Where possible, conditions have been combined or eliminated to reduce redundancy. Conditions that are difficult to enforce have been eliminated or revised to make them more enforceable. Also, an effort has been made to designate the appropriate City Division/Department or individual responsible for reviewing and approving submittal requirements as well as ensuring that the condition is being satisfied.

The order of conditions has been further refined to better represent the order in which the items must be completed. Therefore, the requirement to pay the California Fish and Game Department fee, which must be paid within five days of project approval, has been moved to the beginning, followed by Design Review. The Fish and Game fee is also updated to reflect the annual increase in the fee. This moves the Recorded Conditions Agreement section to a later point in the conditions.

Staff continues to work to make sure that the language of the conditions in the Menu match the language used for mitigation measures. This will help provide for consistent timing of requirements and will make it easier for staff, applicants, and contractors to stay on top of items that are written in a familiar manner.

The No Map Menu takes out those conditions specific to Tentative Subdivision Maps, such as For-Sale Affordability Provisions, Map recordation and similar items. The Tentative Subdivision Map Menu is the most complete because it includes almost all of the conditions included in the No Map Menu, as well as requirements related to recording TSMs and related documents. The Condominium Conversion Menu is somewhat different because timing requirements are different. All the standard conditions in the current menu are included, as well as additional conditions related to physical improvements, tenant protection requirements and sign-off on the conversion after map recordation.

Please note that, since the Standard Conditions of Approval Menus are living documents and subject to periodic updates, there will be future opportunities to review them.

III. RECOMMENDATION

Staff recommends that the Planning Commission receive a Staff presentation related to the proposed changes to the Planning Commission Standard Conditions of Approval Menus, take public input, hold a discussion and provide recommended revisions for incorporation into the Menus.

Exhibits:

- A. Planning Commission/Staff Hearing Officer Conditions of Approval Table of Contents and Menu – Tentative Subdivision Map
- B. Planning Commission/Staff Hearing Officer Conditions of Approval Table of Contents and Menu –No Map
- C. Planning Commission/Staff Hearing Officer Conditions of Approval Table of Contents and Menu – Condominium Conversions