

**DRAFT**

## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

October 18, 2007

#### **CALL TO ORDER:**

Chair Charmaine Jacobs called the meeting to order at 1:02P.M.

#### **ROLL CALL:**

##### **Present:**

Chair Charmaine Jacobs

Vice-Chair George C. Myers

Commissioners Bruce Bartlett, John Jostes, Stella Larson, Addison S. Thompson and Harwood A. White, Jr.

##### **Absent:**

George C. Myers

#### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Kathleen Kennedy, Associate Planner

Peter Lawson, Associate Planner

Stacey Wilson, Associate Transportation Planner

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

#### **I. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

Senior Planner Jan Hubbell announced the following changes to the agenda:

1. Agenda item III.B, 540 West Pueblo Street, has been continued until November 1, 2007, by agreement between Staff and the applicant.

- B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The Community Environmental Council will present the Energy Blueprint for Santa Barbara County on October 30<sup>th</sup> at 6 PM in Council Chambers as a part of the regularly scheduled Council Meeting.
- C. Comments from members of the public pertaining to items not on this agenda.  
Chair Jacobs opened the public hearing at 1:04 P.M. and, with no one wishing to speak, closed the hearing.

II. NEW ITEMS:

ACTUAL TIME: 1:04 P.M.

- A. APPLICATION OF ISAAC ROMERO OF SUZANNE ELLEDGE PERMIT PLANNING SERVICES, AGENT FOR OWNER RAYE HASKELL, 812 ALSTON LANE, 015-120-021, A-2 SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 2 UNITS PER ACRE (MST2007-00175)

The project involves the subdivision of a 74,173 square foot parcel (net) into two parcels totaling 40,059 net square feet (Parcel 1) and 34,114 net square feet (Parcel 2) in the A-2 Zone. The existing single-family residence would remain on proposed Parcel 2. Access to both lots would be via a reciprocal access easement.

The discretionary applications required for this project are:

1. Street Frontage Modifications (two) to allow the two newly created lots to have less than the required 100 feet of frontage on a public street (SBMC §28.15.080 and §28.92.110.A);
2. A Modification to allow Parcel 2 to have less than the required lot area for slope density in the A-2 Zone (SBMC §28.15.080); and
3. A Tentative Subdivision Map to allow the division of one parcel into two 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).

Case Planner: Kelly Brodison, Assistant Planner  
Email: [kbrodison@santabarbaraca.gov](mailto:kbrodison@santabarbaraca.gov)

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Isaac Romero, Suzanne Elledge Permit Planning Services, gave the applicant presentation.

Mr. Romero answered Planning Commission questions about how the proposed dividing line between the two properties was determined and if any other configurations were considered.

Staff answered Planning Commissions questions about considerations made for any grading prohibition during the rainy season stating that a "Best Management Practices" policy is followed; the customary permit path for properties in that area; clarification about recreation of the dividing line between properties; and dedication of more land to the public.

Chair Jacobs opened the public hearing at 1:21 P.M. and, with no one wishing to speak, the hearing was closed.

Commissioners' comments:

1. One Commissioner was supportive of the project but would like to see the conditions placed on the building envelope, size, bulk and scale of the future house, and green building requirements included.
2. Appreciated not wanting redundant work on the conversion of the guest house to a single family residence. Asked if bonding could be considered a possibility in deferring the condition.
3. One Commissioner could not support the option presented for lack of consistency with the General Plan and Zoning Ordinance.
4. Some Commissioners would like to see some kind of building envelope provided.
5. One Commissioner could not see why the property line cannot follow the driveway, since the topography and current conditions with the buildings that exist are not addressed. Could not support deferring the conditions of approval.
6. Most Commissioners could support reinstating the lot split, but felt that it needed to be consistent with the Zoning Ordinance and felt that it would work better if it followed the driveway. Needs to reflect the neighborhood.
7. One Commissioner suggested an additional condition be included using the 340' contour line as the southerly edge of the building envelope and standard setbacks for the remainder of the property for the new parcel.
8. One Commissioner suggested that the Single Family Design Board (SFDB) review the building envelope.
9. One Commissioner supports removal of the guest house and restoration of the lot to its original state.
10. One Commissioner would like the 360' contour line be considered for the parcel to the East. Asked if a Road Maintenance Agreement could be part of the lot split.
11. One Commissioner indicated support for the project as proposed.

Scott Vincent, Assistant City Attorney, addressed bonding by stating that, once the map is recorded, the two lots become independent of each other. This creates an instant enforcement case for an accessory building that does not exist as a primary single family home on a lot. The Commission's findings require finding consistency with the Zoning Ordinance and the General Plan. To defer the actions creates an inconsistency with the General Plan and Zoning Ordinance.

Mr. Vincent stated that private covenants address maintenance in common areas. Whatever configuration is chosen will include a shared driveway with some kind of easement and include a private covenant for maintenance of the driveway.

**MOTION: Jostes/White**

**Assigned Resolution No. 041-07**

Approve the project making the findings as outlined in the Staff Report and accepting the Conditions of Approval with amended conditions: 1) Addition of 340' contour line on Parcel 1 as the southern extent of the development envelope with the remainder of the envelope defined by the required setbacks; 2) the 360' contour line as the southern extent of development envelope on parcel 2; and 3). Outside of the development envelope, ornamental landscaping is acceptable in keeping with the natural topography, utilities are acceptable, protect existing native vegetation as long as Fire Management goals are met, and the existing driveway is acceptable.

Mr. Vincent asked the Commission for clarification in the motion on whether the envelope is a building envelope or development envelope.

Mr. Romero raised concerns about limiting the envelope south of the 340' contour line because it would restrict any future owners in their development and access options.

Commissioner White talked about the project being substandard in size and is not showing future development as part of the project, as is customary. Commissioner Larson felt that there is potential for two driveways, but that the real application is not being seen.

Commissioner Bartlett cannot support the motion and that the Commission is tying the hands of the SFDB; feels strongly that the division line should follow the driveway.

Mr. Romero stressed that there is no current plan to develop Parcel 1. Property lines should strive to meet contours at about 90 degrees.

Commissioner White emphasized that the project shall minimize paving and does not want to see two driveways being built or over-paving of the site.

Mr. Romero sought clarification on only one access point on existing driveway. Ms. Hubbell added that it would be one driveway for both parcels, but not necessarily the existing driveway.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Thompson, Bartlett) Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

**ACTUAL TIME: 2:02 P.M.**

B. **APPLICATION OF MARK WIENKE ARCHITECT FOR MARK JACOBSEN, 526 W ANAPAMU STREET, 045-161-030, R-3 ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL (12 UNITS/ACRE) (MST2005-00311)**

The project consists of demolition of two single-family residences and one detached garage, and the construction of five attached, two-story condominium units and five attached two-car garages on a 10,199 square foot lot. Two two-bedroom units and three one-bedroom units are proposed; four units would be 1,120 square feet and one unit would be 1,113 square feet. The applicant has requested a modification to allow a single-story portion of each garage to encroach three feet into the interior yard setback.

The discretionary applications required for this project are:

1. A Modification to allow the garages to encroach three feet into the required side yard setback (SBMC §28.92.026.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15332.

Case Planner: Peter Lawson, Associate Planner  
Email: [plawson@santabarbaraca.gov](mailto:plawson@santabarbaraca.gov)

Peter Lawson, Associate Planner, gave the Staff presentation.

Mark Wienke, Architect, gave the applicant presentation.

Staff answered Planning Commission questions about Transportation's confirmation for adequate turning radius on the lot; storage potential within the garages; and the parking requirements for 1-bedroom units.

Mark Jacobsen, Property Owner, answered Planning Commission questions about the installation of photo-voltaic panels in the project, stating his desire to include a Built Green approach to his project.

Mr. Wienke stated that there would not be any affordable units in the project and also explained the trash locations for each unit, including the handicap accessible unit. He also explained the pedestrian access to the street; the determination for the size of the three 1-bedroom units as compared to the same size of the 2-bedroom units, as well as bathroom considerations; streetscape alternatives being considered to address Architectural Board of Review's concerns; and the location of required storage.

Chair Jacobs opened the public hearing at 2:36 P.M. and, with no one wishing to speak, closed the hearing. Chair Jacobs read a letter of opposition received from Celeste Barber.

Mr. Jacobsen answered additional Planning Commission questions about the relocation of the existing historic house that has been purchased by an interested party.

Commissioners expressed appreciation for Mr. Jacobsen's incorporation of sustainable elements to the project, the recycling of the Historic house to provide housing for others, and use of photo-voltaics. There was still some concern about the project's tightness for the site and the building mass of the 1-bedroom units.

Mr. Wienke addressed the necessity for the access to the front door as being a requirement for the handicap ramp.

**STRAW VOTE:**

Adopt One and one half bathrooms for the one bedroom units  
Ayes: 5 Noes: 1 (Thompson) Abstain: 0 Absent: 1 (Myers)

Mr. Jacobsen stated that to make that change would make the units less marketable and impact the considerations being made for sustainability.

**MOTION: Jostes/Thompson**

**Assigned Resolution No. 042-07**

Approve the project, making the findings in the Staff Report for the modification and Tentative Subdivision Map with direction to the Architectural Board of Review (ABR): a) restudy the streetscape and whether the front tower element could be moved back from the sidewalk and the front door visually connect with the sidewalk; b) Study East and West elevations to reduce the mass in 1-bedroom units so as not to appear identical to 2-bedroom units; and 2) require a Zoning Compliance Declaration to be recorded for the 1-bedroom units..

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

Chair Jacobs announced a break at 3:08 P.M. and reconvened the meeting at 3:28 P.M.

**III. CONCEPT REVIEW:**

**This item was continued to November 1, 2007 at the request of Staff and the applicant.**

**APPLICATION OF KEN MARSHALL, AGENT FOR THE CANCER CENTER OF SANTA BARBARA, 540 W. PUEBLO STREET, 025-090-005, -008, -022, -023, -024, -031, -039, -040, -046, -047, C-O, MEDICAL OFFICE ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2007-00092) Continued to November 1, 2007**

The proposed project involves an addition to the existing Cancer Center facility located at 540 W. Pueblo Street. The proposed new development will include the demolition of 14,119 square feet of existing floor area and the construction of 42,947 square feet of new commercial space. The project proposes to remove eight existing residential units and construct 12 new residential units to be leased as apartments to Cancer Center employees and/or members of the public. Approximately 141 new parking spaces are proposed, including 84 covered parking spaces and 52 uncovered parking spaces.

The discretionary applications required for this project are:

1. Development Plan Approval to allow non-residential development that exceeds 3,000 square feet (SBMC§28.87.300); and
2. Design Review Approval by the Architectural Board of Review (SBMC §22.68).

The purpose of the concept review is to allow the Planning Commission an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed project scope and design layout. No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.

Case Planner: Irma Unzueta, Project Planner  
Email: [iunzueta@santabarbaraca.gov](mailto:iunzueta@santabarbaraca.gov)

**IV. NEW ITEM:**

**ACTUAL TIME: 3:28 P.M.**

**APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR HAYWARDS FAMILY PARTNERSHIP, 1015, 1021 & 1025 SANTA BARBARA**

**STREET, APN 029-211-006, -007, -008, & -009, C-2, COMMERCIAL ZONE,  
GENERAL PLAN DESIGNATION: OFFICES, MAJOR PUBLIC AND  
INSTITUTIONAL (MST2006-00224)**

The proposed project involves the construction of a new three and four-story mixed-use development consisting of 15 residential condominium units (three one-bedroom, six two-bedroom and six three-bedroom units) and two commercial condominium units (one 9,263 square foot unit and one 3,200 square foot unit for a total of 12,463 square feet). Two of the residential units would be subject to the Inclusionary Housing Ordinance (restricted for owner-occupied middle-income or upper-middle income households) and two of the residential units would be live/work units. Parking would be located within an underground parking structure with 55 parking spaces. The four existing parcels totaling 31,310 square feet would be merged and the existing 15,371 square feet of existing commercial space and 45 existing parking spaces would be demolished.

The discretionary applications required for this project are:

1. Modification of the lot area requirement to allow two bonus density inclusionary units on a lot in the C-2 Zone (SBMC§28.21.080); and
2. Tentative Subdivision Map for a one-lot subdivision to create two commercial condominium units and 15 residential condominium units (SBMC§27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project).

Case Planner: Kathleen Kennedy, Associate Planner  
Email: [kkennedy@santabarbaraca.gov](mailto:kkennedy@santabarbaraca.gov)

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Brian Cearnal, Cearnal Andrulaitis Architects, gave the applicant presentation.

Bill LaVoie, Commissioner, Historic Landmarks Commission (HLC), gave comments for the HLC. While favorable, there were still concerns with the fourth floor. The HLC preferred that it look more like a roof element rather than a fourth floor. The prevailing opinion was that the size, bulk and scale are acceptable.

Mr. Cearnal answered the Planning Commission question about photo-voltaics, stating that they are committed to providing them but more flat roofs may be required. He also explained that the lack of a pedestrian connection at the rear of the property is a result of the adjacent County-owned parcel being at a lower grade than the project site, as well as it being a site that is used for prisoner loading and unloading.

Mr. La Voie answered the Planning Commission question about whether or not the HLC reviewed the project in terms of the Urban Design Guidelines, stating that the first three

reviews of the project were held before the July 18, 2007 Joint Meeting of all the review boards ; therefore, it was not taken into consideration. He further stated that the HLC would probably review the project differently now.

Chair Jacobs opened the public hearing at 4:08 P.M.

The following people spoke in opposition of the project or with concerns:

1. Kellam de Forest: opposed to 4<sup>th</sup> floor in El Pueblo Viejo; height competes with County Courthouse
2. Don Sharpe: opposed to 4<sup>th</sup> floor in El Pueblo Viejo; suggested tandem parking to reduce the size of the garage to allow more landscaping

With no one else wishing to speak, the public hearing was closed at 4:14 P.M.

Commissioner's comments:

1. Many Commissioners could not support the fourth story.
2. Many Commissioners were concerned with the large unit sizes. One Commissioner specified that units 1, 12, 13, and 15 are too large.
3. There was a consensus that more landscaping around the perimeter of the site is necessary and that it could be accommodated by reducing the amount of parking and by moving the buildings toward the interior of the site.
4. Concerned with project bringing a lot of residents to Downtown without any residential connection to State Street.
5. Additional articulation is needed on the Figueroa Street (North) elevation.
6. Most Commissioners stated that the following were the positive attributes of the project: beautiful architecture; appropriately sized live/work space; innovative emulation of Hayward's original storefront; underground parking and garage entrance design; green building techniques; and attention to water issues with bioswale.
7. Suggested removing parking under the courtyard area so as to allow the planting of large trees in courtyard.
8. Could support a fourth floor if more openness is incorporated into the project that fit in with City guidelines, such as a 'Street of Spain' or pedestrian plaza for pedestrian circulation.
9. Most Commissioners wanted to see more pedestrian connectivity.
10. One Commissioner suggested that the 12' floor to floor height is too much for the residential units.
11. Large luxury units do not meet the intent of the R-3 zone and its emphasis on a suitable environment for family life. No one envisioned large luxury units at the time the R-3 zone and allowance for residential development in commercial zones were established.
12. One Commissioner could not make the finding that the project is consistent with the General Plan and sound community planning. Stated that it is not consistent with

the Urban Design Guidelines nor is it compatible with the neighborhood. Supports reduced heights in El Pueblo Viejo, stating that heights should be focused on landmark buildings such as the County Courthouse.

13. There was a discussion about unit size and it was determined that the issue was primarily about building mass.

Mr. Cearnal expressed concern about the comment regarding not being able to make the findings given the compatibility previously found for Jerry Beaver's building across the street or the Freitas Building. He stated that four stories are allowed in the zone and that buildings can be built property line to property line. He listed his project units' square footages related to variable density and felt compliance was met.

Discussion was exchanged with the Commission and Mr. Cearnal regarding the unit sizes and the height of the 4<sup>th</sup> story.

The Planning Commission made the following recommendations that were recapped by Mr. Cearnal:

1. The Santa Barbara Street elevation is overall nice, but should provide better pedestrian connectivity and more landscaping.
2. Provide more landscaping and articulation on Santa Barbara Street
3. Shrink the courtyard a little to provide more articulation on the west side.
4. Provide more articulation on the Figueroa Street elevation.
5. Reduce the height of the 4<sup>th</sup> floor or recess it back. Either make it more unobtrusive or remove the 4<sup>th</sup> floor.
6. Reduce the size of most of the larger units, recognizing there could be one larger unit.

**MOTION: Jostes/Bartlett**

Continue to November 15, 2007

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

**V. ADMINISTRATIVE AGENDA**

- A. Committee and Liaison Reports.

Continued to November 1, 2007.

- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

None were requested.

- C. Action on the review and consideration of the Draft Minutes and Resolutions listed in I.B.2. of this Agenda.

1. Draft minutes of August 30, 2007
2. Resolution 032-07  
103 South Calle Cesar Chavez
3. Resolution 033-07  
20 and 25 David Love Place

**MOTION: White/Larson** Approve the minutes and resolutions of August 30, 2007 as edited.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Jacobs, Bartlett) Absent: 1 (Myers)

**VI. ADJOURNMENT**

**MOTION: Jostes/Larson** Adjourn the meeting of October 18, 2007

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

Chair Jacobs adjourned the meeting at 5:18 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary  
Planning Commission Secretary





# City of Santa Barbara California

**DRAFT**

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 041-07

812 ALSTON LANE

MODIFICATIONS, TENTATIVE SUBDIVISION MAP

OCTOBER 18, 2007

**APPLICATION OF ISAAC ROMERO OF SUZANNE ELLEDGE PERMIT PLANNING SERVICES, AGENT FOR OWNER RAYE HASKELL, 812 ALSTON LANE, 015-120-021, A-2 SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 2 UNITS PER ACRE (MST2007-00175)**

The project involves the subdivision of a 74,173 square foot parcel (net) into two parcels totaling 40,059 net square feet (Parcel 1) and 34,114 net square feet (Parcel 2) in the A-2 Zone. The existing single-family residence would remain on proposed Parcel 2. Access to both lots would be via a reciprocal access easement.

1. The discretionary applications required for this project are:
2. Street Frontage Modifications (two) to allow the two newly created lots to have less than the required 100 feet of frontage on a public street (SBMC §28.15.080 and §28.92.110.A);
3. A Modification to allow Parcel 2 to have less than the required lot area for slope density in the A-2 Zone (SBMC §28.15.080); and
4. A Tentative Subdivision Map to allow the division of one parcel into two 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 Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 11, 2007
2. Site Plans

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

- I. Approved the subject application making the following findings and determinations:
  - A. Street Frontage Modifications (SBMC §28.15.080 and §28.92.110.A)

The modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lots. The proposed lot configurations are consistent with the surrounding pattern of development.

B. Lot Area Modification (SBMC §28.15.080)

The modification is consistent with the purposes and intent of the Zoning Ordinance and promotes uniform improvements in the neighborhood. The proposed lot configuration is consistent with the surrounding pattern of development.

C. 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 project and is consistent with the vision for this neighborhood of the General Plan. The project will not cause substantial environmental damage, and associated improvements will not cause public health problems.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** Prior to the recordation of the Parcel Map for the project on the Real Property, 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, and shall include the following:

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 watercourses, conduits and any access road, as appropriate.
2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB). **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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 applicant 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 18, 2007 is limited to two lots 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.
5. **Development Envelopes.** Development Envelopes shall be established for each parcel, as outlined below. Existing native vegetation shall be protected; however, ornamental planting is also allowed to remain, or replaced or enhanced, as long as all vegetation meets Fuel Management requirements established by the Fire Department. Pathways and other minor improvements may be considered, but structures or retaining walls are prohibited outside the Development Envelope. In the event slope repair is needed, natural solutions such as hydro seeding, plantings, jute matting and other methods that would minimize manmade structures should be employed first. If those methods are inadequate railroad ties or non-grouted gravity walls could be explored. Engineered retaining walls should be considered a last resort. Should these structures be needed on either lot, a substantial-conformance determination would be submitted and reviewed by staff prior to authorizing the needed repair work.
  - a. Parcel One. The Development Envelope shall include all areas outside the required setbacks and north of the 340 foot contour line.
  - b. Parcel Two. The Development Envelope shall include all areas outside the required setbacks and north of the 360 foot countour line.
6. **Driveway.** In order to minimize paving, only one driveway shall be allowed to serve the two parcels. The single driveway may be the existing driveway or a single relocated driveway, and may occur outside the Development Envelopes defined in Condition A.5. The driveway may also be widened in necessary to meet Fire Code requirements. The driveway cannot be split to provide access to the individual parcels until the driveway is north of the southerly boundary of the affected Development Envelope.
- ~~5-7.~~ **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- ~~6-8.~~ **Drainage.** Pre-development runoff rates shall be maintained. On-site detention of calculated increases in runoff for a 25-year storm event associated with new development on a parcel, and as indicated in the Final Hydrology Report, shall be required.

7.9. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail 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 applicant 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.

8-10. **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. **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.
- b. **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.

9-11. **Oak Tree Protection.** The existing oak tree(s) shown to remain on the Tentative Subdivision Map shall be preserved, protected, and maintained. The following provisions shall apply to any oak trees to remain on the property:

- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
- b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
- c. Protect oak trees outside the development envelope. Any oak trees removed as part of future development of the parcels shall be replaced at a minimum of 5 oak trees planted for each oak tree removed (5:1). The Single Family Design Board shall consider the location of existing oak trees in the design of any future development on the parcels.

- B. **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 Final/Parcel Map and prior to the issuance of any permits for the project:

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 reciprocal access easement sixteen (16) feet in width for vehicles, pedestrians and other utility purposes on the subject property in favor of both of the newly divided lots.
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 will prepare said agreement for the Owner's signature.
4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.10 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
6. **Alston Lane Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Alston Lane. As determined by the Public Works Department, the improvements shall include: preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
  8. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the private driveway, subject to the review and approval of the Public Works Director and City Attorney.
- C. **Design Review.** The following items are subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Oak Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a five-for-one basis of the same species.
  2. **Carport.** The construction of a new carport if the existing accessory building on Parcel 1 is converted to a residential unit.
  3. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
  4. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
    - a. Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Single Family Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.
    - b. Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a five to one (5:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
- D. **Prior to Recordation of Parcel Map.** Prior to recordation of the Parcel Map, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) caused by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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 building plans, to supply and install one new residential City standard Type B street light.

3. **Easements.** The Owner shall covenant for easements described below, subject to approval by the Public Works Department.
    - (a) Easement for water, sewer and other utility purposes.
    - (b) Reciprocal access for vehicles.
  4. **Parcel One Accessory Building.** Owner shall complete one of two options:
    - (a) Demolish the existing accessory structure.
    - (b) A carport shall be reviewed and approved by the Single Family Design Board and constructed in order to facilitate the conversion of the accessory structure to a single family residence. Also a kitchen shall be installed in the accessory structure to facilitate its conversion to a single family residence.
  5. **As-Built Green-House/Trellis.** On Proposed Parcel Two, the un-permitted "as-built" green house/trellis structure adjacent to the main residence will be reduced in size to less than 120 square feet and less than 10' in height and so as not to be located within the setbacks and not require a building permit.
- E. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- F. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
  2. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- G. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board (SFDB) outlined in Section C above.

2. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
3. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A.3 above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). 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.

- H. **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.
1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
  2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §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.

3. **Construction Parking/Storage/Staging.** Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMP's, as approved by the Building and Safety Division.
5. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors name, telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
6. **Tree Protection.** All trees not indicated for removal on the tentative Subdivision Map shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
7. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
8. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:

- a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
  - b. No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the carport and future residential development. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
  - c. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
  - d. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
  - e. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum 10 to one (10:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
9. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
10. **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 the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. 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.

- I. **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, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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, including utility service undergrounding and installation of street trees.
- J. **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 APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Modifications shall terminate two (2) years from the date of approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. The parcel map is approved and recorded. An extension may be granted by the Community Development Director.
2. The project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) 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 §27.07.110.

This motion was passed and adopted on the 18th day of October, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Thompson, Bartlett) ABSTAIN: 0 ABSENT: 1 (Myers)

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.

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
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.





# City of Santa Barbara California

**DRAFT**

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 042-07

526 ANAPAMU STREET

TENTATIVE SUBDIVISION MAP AND MODIFICATION

OCTOBER 18, 2007

**APPLICATION OF MARK WIENKE ARCHITECT FOR MARK JACOBSEN, 526 W ANAPAMU STREET, 045-161-030, R-3 ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL (12 UNITS/ACRE) (MST2005-00311)**

The project consists of demolition of two single-family residences and one detached garage, and the construction of five attached, two-story condominium units and five attached two-car garages on a 10,199 square foot lot. Two two-bedroom units and three one-bedroom units are proposed; four units would be 1,120 square feet and one unit would be 1,113 square feet. The applicant has requested a modification to allow a single-story portion of each garage to encroach three feet into the interior yard setback.

The discretionary applications required for this project are:

1. A Modification to allow the garages to encroach three feet into the required side yard setback (SBMC §28.92.026.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15332.

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

**WHEREAS**, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 2, 2007
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Celeste Barber, Santa Barbara

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

- I. Approved the subject application making the following findings and determinations:

**A. MODIFICATION (SBMC §28.92.110)**

The Planning Commission may permit a modification or waiver of the side yard setback where, the modification will not be inconsistent with the purposes and intent of this Title. The request for the Modification to the side yard setback for the garage would not adversely impact the adjacent property. There would be no openable surfaces on the walls that encroach into the six foot setback; however, the story above the garage would meet the required six foot setback. Finally, given the 45 foot wide lot, the reduction of the setback will allow more maneuvering for cars entering and exiting the garages. With a 20 foot wide garage and a depth of 21 feet, the Transportation Division has determined that a minimum of 20 additional feet outside of the garage will be necessary for maneuvering.

**B 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.

**C. The New Condominium Development (SBMC §27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance.
2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. 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.
5. 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.
6. 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 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, and shall include the following:
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 watercourses, conduits and any access road, as appropriate.
  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 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. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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 applicant 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 18, 2007 is limited to the construction of five attached, two-story condominium units and five attached two-car garages on a 10,199 square foot lot. Two two-bedroom units and three one-bedroom

units are proposed; four units would be 1,120 square feet and one unit would be 1,113 square feet 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 units.
  - 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. **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.
  - e. **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.
- B. **Public Works Submittal Prior to Final 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 Final Map and prior to the issuance of any permits for the project:
  1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final 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 will prepare said agreement for the Owner's signature.
3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.6 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
4. **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to assure that the residence shall remain a single family residence/the unit shall remain a ~~\*\*~~-bedroom unit.
- 4.5. **Drainage Calculations.** The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
- 5-6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (such as ...), or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
- 6-7. **W. Anapamu Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on W. Anapamu Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, 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, underground service utilities (*SBMC* §22.38.125 and §27.08.025), connection to City water and sewer mains, public drainage improvements including on-site retention, a slot/trench drain at back of driveway and curb drain outlet with supporting drainage calculations and for installation of drainage improvements, preserve and/or reset survey monuments

and contractor stamps if any, supply and install directional/regulatory traffic control signs as required by the Transportation Operations Division, supply and install one new designated street tree and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7.8. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.

8.9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.

C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.

1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
2. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided along the driveway to the units at the rear of the property from the sidewalk using a different paving material.
3. **Minimize Visual Effect of Paving.** Where feasible, textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
4. **Cut Sandstone Piers:** This condition shall apply if the house is demolished and is not moved off site. Where feasible the cut sandstone piers, which provide a foundation for the support posts that hold up the front porch on the main house shall be saved and re-used.
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. **Permeable Paving.** Incorporate a permeable paving system for the project driveway and walkways that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.

7. Streetscape. Restudy streetscape and its compatibility with the pedestrian experience, especially tower, and whether it could be further from sidewalk and provide visual connection to sidewalk.
8. Elevations. Restudy east and west elevations to reduce mass in the areas of the 1-bedroom units, so they do not appear identical to the 2-bedroom units.

D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Recordation of Final Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.

E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
4. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the

property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 50 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
  6. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect and the Contractor and each subcontractor.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section D above.
  2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Architect, Contractor and each Subcontractor.
  3. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B-6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

6. **Driveway Improvements.** The proposed driveway shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
7. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
8. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). 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. **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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.

2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
5. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §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.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
  - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, 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 on-site 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 on-site 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.
10. **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, as directed by the Building Inspector.
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
16. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
17. **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 the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. 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.

- H. **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 caused by construction (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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 building plans, including utility service undergrounding and installation of street trees.
  3. **Record Drawings.** Submit Record Drawings identifying "asbuilt" conditions of public improvements to the Public Works Inspector for verification and approval.
  4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade(if any).
  5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
  6. **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.
  7. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
- I. **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 APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) 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 §27.07.110.

This motion was passed and adopted on the 18th day of October, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

PLANNING COMMISSION RESOLUTION No. 042-07  
526 ANAPAMU STREET  
OCTOBER 18, 2007  
PAGE 16

**DRAFT**

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
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.

DRAFT