



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: February 8, 2007
AGENDA DATE: February 15, 2007
PROJECT ADDRESS: 128-138 East Canon Perdido Street and 825-833 Santa Barbara Street
(MST2003-00243)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Jo Anne La Conte, Assistant Planner

I. PROJECT DESCRIPTION

On December 6, 2006, the Staff Hearing Officer (SHO) approved a Lot Area Modification to restore the property back to its non-conforming residential density of 15 units and denied the following requests:

1. A modification of the residential parking requirements to allow no parking spaces instead of the required number of parking spaces for the existing and proposed residences and of the nonresidential parking requirements to allow no parking spaces instead of the required number of parking spaces for the conversion of the residential garages to nonresidential storage spaces and a laundry room at an existing mixed-use development.
2. A modification of floor area regulations to allow the two new residential units to have less than 400 square feet of usable floor area
3. A modification of private outdoor living space regulations to allow one of the new residential units to have no private outdoor living space instead of the required 72 square feet of private outdoor living space
4. A modification of private outdoor living space regulations to allow one of the residential units to have private outdoor living space that does not meet the required six foot minimum dimension; and
5. Development Plan approval for 1,434 square feet of new non-residential floor area, converted from existing residential garage space.

On December 14, 2006, the appellant submitted a letter (see Exhibit B) to the City appealing the denial of the modification request of the parking requirements to allow no parking for the existing residences and no parking for the proposed conversion of the garages to new nonresidential storage areas, residential storage and a laundry room. However, the applicant is no longer pursuing the request to

legalize the two “as-built” residential units and therefore the modification requests outlined above in numbers 2, 3, and 4 are no longer required.

On January 23, 2007, revised plans were submitted by the applicant that include converting approximately 85 square feet of an existing residential garage to moped/motorcycle parking and the construction of a new wall and gate to eliminate vehicle access to the site from Santa Barbara Street. Development Plan approval is required for 1,434 square feet of new non-residential floor area converted from the existing residential garage spaces and a lot area modification is required to allow a new laundry room and new residential storage for a property that is non-conforming to residential density. The appeal letter states that the parking modification should be supported to allow this site to provide no parking, as the parking lot has not been used for access or parking for over 30 years and that utilizing the antiquated parking/access on this property would constitute a risk to public health and safety given the limited space in the parking area.

II. RECOMMENDATION

That the Planning Commission uphold the appeal of Pueblo Viejo Properties, and overturn the Staff Hearing Officer’s denial of the Modification to allow no parking spaces and to allow Development Plan Approval for 1,434 square feet of new non-residential floor area converted from the existing residential garages. In addition, staff recommends approval of a Lot Area Modification to convert a portion of a residential garage area to a residential laundry room and for new residential storages areas at the property, as it is legal non-conforming to residential density.

III. BACKGROUND:

A. PROJECT HISTORY

The site is currently developed with a mixed-use project consisting of three two-story buildings and a one-story building, on a 19,425 square foot parcel located in the C-2, Commercial zoning district. Building A consists of five businesses on the first floor with six residences above. Building B consists of three businesses below with four residences above. Building C consists of seven residential parking garages and two residential storage areas below with five residences above. Building D consists of eight residential parking garages. The property is legal non-conforming to density with 15 residential dwelling units.

This proposal is in response to enforcement action to abate zoning violations for the conversion of the existing residential parking garages to commercial storage for the businesses on-site. During the Planning review process, it was discovered that two “as-built” residential units had been established within the existing building footprint of Building A and that one of the residential parking garages had been converted to commercial storage space and a laundry room.

The original application included a request for two “as-built” residential units (Building A) which required a floor area modification and private outdoor living space modifications. On December 19, 2006, the property owners applied for a building permit to remove the two “as-built” residential units and return the property to its legal nonconforming status with 15 residential dwelling units. Therefore, the applicant will not be pursuing the request for the two “as-built” residential units and the associated modifications. In addition, the removal of the

two “as-built” units from the project changes the required number of parking spaces to 15 parking spaces for the 15 residential units and 3 parking spaces for the proposed new non-residential square footage for a total of 18 required parking spaces (covered or uncovered). Due to the revised proposal, the original Conditions of Approval have been changed (see Exhibit A).

B. DESIGN REVIEW

Historic Landmarks Commission (HLC) review and approval is required for the exterior changes to the garage doors and for the new proposal to construct a new wall and gate at the property line between the two buildings with frontage along Santa Barbara Street. The project was reviewed by the Historic Landmarks Commission (HLC) on one occasion for the exterior changes to the garage doors only (meeting minutes are attached as Exhibit D). On February 8, 2006, the HLC stated that the garage doors with windows are unacceptable as proposed. The project must return to the HLC for review and approval of any exterior changes to property.

C. CORRESPONDENCE FROM THE PUBLIC

A letter to the Staff Hearing Officer, dated December 6, 2006, from Sheila Lodge, Chair of the Citizens Planning Association South Coast Land Use Committee (see Exhibit F), expressed concerns regarding the modification to eliminate all of the existing residential parking and states that they believe that at least two of the 15 one-car garages should be retained for use by the residents of the residential units for parking bicycles, mopeds, motorcycles, etc. or any other kind of innovative small transportation vehicles that may come along in the future.

The applicant has submitted revised plans that include converting approximately 85 square feet of an existing residential garage space to moped/motorcycle parking.

Also, Jarrell Jackman, Executive Director of the Santa Barbara Trust for Historic Preservation spoke at the hearing and expressed concern as to the relief being provided for the required parking (see Exhibit D).

A. STAFF HEARING OFFICER HEARING AND DECISION

The SHO expressed concern with the complete elimination of the parking at the property. At the SHO meeting, the applicant confirmed that some residential tenants at the property do own vehicles and park those vehicles on the surrounding streets, using Residential Parking Program permits. Staff has included a condition of approval for the project that will not allow future residents to obtain parking permits for street parking from the City.

In addition, the SHO asked several questions of the applicant regarding different parking lot layouts, such as demolishing the stand alone garage structure in favor of maneuvering space or providing uncovered parking so that some parking could be provided. The applicant informed the SHO that they had considered other options but that none of the designs worked. The SHO indicated some level of support for the parking modification but could not support the project as proposed.

IV. ISSUES

B. PUBLIC HEALTH AND SAFETY

The appeal letter submitted by the applicant states that using the antiquated parking and access on this property would constitute a risk to public health and safety given the limited space in the parking area. Staff has reviewed the site plan for the property to address these concerns and has provided information outlined below regarding access to and from the site and measurements to quantify the parking area provided for vehicular and pedestrian circulation.

There are two driveways that provide access to the property; one at the Canon Perdido Street frontage, and one at the Santa Barbara Street frontage. The driveway access along Canon Perdido Street is approximately 11 feet wide and runs along the side of the building to the trash enclosure area. The area between the trash enclosure and the above-ground gas meters is approximately 6 ½ feet wide. The 6 ½ foot wide dimension between the trash enclosure and the gas meters does not leave enough room to navigate a four-wheel vehicle to access the parking garages. This makes the Canon Perdido Street driveway virtually unusable for vehicles to enter or exit the residential parking garages. That leaves the Santa Barbara Street frontage as the only entrance and exit to the 15 residential parking garages.

The driveway access along Santa Barbara Street is approximately 19 feet 7 inches wide for the first 20 feet of driveway length, then it narrows to approximately 16 feet in width, then at 30 feet in from the street it narrows to approximately 11 ½ feet in width. At 42 feet from the street, the driveway narrows to approximately 8 1/2 feet in width and at 52 feet from the street, it narrows to approximately 8 feet in width, and varies between 8 feet 11 inches in width to 11 feet 1 inch in width from there to the area between the parking garages. In order to access the parking garages, vehicles would need to navigate these varying widths of driveway between the buildings before turning left to access the parking garages.

The area between the parking garages (Buildings C and D) is approximately 26 ½ feet in width when measured from building wall to building wall and the distance from the northerly end of the garage structures to the southerly property line is approximately 76 feet 10 inches in length. Existing garage door openings for Buildings C and D are approximately 8 feet in width.

Santa Barbara Municipal Code (SBMC) Section 28.90.001.7.a requires that when such a parking area contains less than 25 parking spaces, driveway access shall be not less than ten feet in width plus a minimum of three feet in width of planting strip abutting any main building on the same lot or served by such driveway. In addition, SBMC Section 28.90.045 (see Exhibit F) requires that all turnaround movements shall be accomplished in one maneuver. One maneuver is considered to be one back up and one forward movement.

Transportation staff is primarily concerned with vehicles accessing the garages via the narrow driveway from Santa Barbara Street. The driveway does not provide the standard sight distances at the sidewalk and will likely create an unsafe pedestrian/motorist conflict. Therefore, staff believes that using the parking garages on this property would constitute a risk to public health and safety, given the narrowness of the access driveway at Santa Barbara Street. The current driveway is sometimes used by small trucks for loading and unloading,

making access to the parking infeasible. Additionally, these trucks often stick out into the public sidewalk, blocking pedestrian use of the sidewalk. This condition is also undesirable. Closing this driveway altogether would result in improved safety over the current situation.

B. LOT AREA MODIFICATION (SBMC §28.21.080)

The property is legal non-conforming to residential density. SBMC Section 28.87.030.E.1 (Properties with Nonconforming Residential Density) does not allow for improvements or alterations that increase floor area (including all accessory buildings except for garages and carports), or that increase the amount of habitable space. Therefore, a lot area modification is required to allow the “as-built” laundry area to remain and to convert some of the residential garages to residential storage.

C. PARKING MODIFICATION (SBMC §28.90)

If the garages were returned to their allowed use, the property would be legally non-conforming to current parking regulations with 15 one-car residential garages and no parking for the nonresidential uses on site. The property is located within the Central Business District (CBD), which has a non-residential parking requirement of one space per 500 square feet of floor area. The residential parking requirement for a mixed-use development in the CBD is one uncovered space per residential unit, with no guest parking requirement. Thus, the Zoning Ordinance requires three parking spaces for the conversion of the residential garages to 1,434 square feet of commercial storage ($1434/500 = 2.8$ spaces, rounded = 3 spaces) and 15 spaces for the existing 15 residential units for a total of 18 uncovered parking spaces.

The applicant is requesting a modification to not provide any parking instead of the required 18 parking spaces. The applicant’s letter dated December 14, 2006 (see Exhibit B) states that the parking garages on the site have not been used for parking for over thirty years. Their justification for allowing a full parking modification is that the site has been functioning well for thirty years with the elimination of the required parking as each residential unit receives a parking permit from the City for street parking and that the commercial businesses mainly cater to pedestrian business. Also, the letter states that the vehicular access to the garages is not safe as vehicles need to back out of the driveway and into on-coming traffic on Santa Barbara Street to exit the driveway, that there is no turning radius ability between the two parking garage structures, that the garages are too small for most cars to use, that a modification of the structures on site to allow larger garages is not possible and that it would worsen the current vehicular circulation at the property. Although the garages are legal non-conforming to size and do not meet the current minimum size requirement of 10 feet x 20 feet and the access is difficult, they are still capable of being functioning garages for smaller vehicles.

The City’s Transportation Planner has indicated support for the parking modification, based on the following:

1. The long term practice of not providing any on-site parking for the residents or the businesses.

2. The impacts of the modification have already been experienced by the public and the Transportation Division has not received any complaints from the tenants or other parties regarding problems with inaccessible on-site parking.
3. The functions of the property and retail business on the street have operated well for a long period of time with the current situation.
4. Requiring the re-establishment of the parking on the site would result in compromised pedestrian circulation because of increased vehicles access to and from the site.
5. The proposed fill-in curb cut will remove the driveway access on Santa Barbara Street and will subsequently eliminate the delivery vehicles servicing the business from entering the driveway and backing out onto Santa Barbara Street, making the current situation safer for pedestrian and vehicular traffic.

Staff has also included a condition of approval that prohibits future tenants from receiving a Residential Parking Permit to park on the street. The intent of this condition is to encourage future residents who move in to either forgo vehicle ownership (preferable) or have an off-street parking space Downtown in which to park their vehicle. Existing tenants will be able to maintain their permits until they move out of the property.

D. DEVELOPMENT PLAN APPROVAL:

SBMC Section 28.87.300 requires Development plan approval for new nonresidential square footage. The project includes the conversion of approximately 1,434 square feet of residential garages to commercial storage. Pursuant to the provisions of the SBMC, the project would be allocated a total of 1,434 square feet of Measure E nonresidential square footage from the Minor Addition category.

V. ENVIRONMENTAL REVIEW

Historic Evaluation: The building is located within El Pueblo Viejo Landmark District and the Demolition Review Study Area and the structure is greater than 50 years of age. Any significant alteration to the exterior facades fronting Santa Barbara and East Canon Perdido Streets requires that a Historic Structures Report be prepared in accordance with the City's Master Environmental Assessment. Originally, the applicant stated that the only exterior alterations would be to the garage doors located in the interior courtyard. However, the applicant is now proposing the construction of a new wall and gate on the Santa Barbara Street frontage side of the property. The City Urban Historian has indicated that, given the nature of the added wall, which can be removed at any time in the future, there would be no significant historic impact.

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (existing facilities) of the California Environmental Quality Act (CEQA), as long as the proposed wall and gate are compatible in material and design to the existing buildings at the property and if it is a reversible change (e.g. it can be removed)

VI. FINDINGS:

A. MODIFICATION OF PARKING REGULATIONS (SBMC §28.92.110)

The parking modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. The modification is required to allow for the continued operations of the established businesses on the site and to eliminate unsafe driving conditions within the complex and on the adjacent streets. With the inclusion of a condition that prohibits future residential tenants from receiving a Residential Parking Program permit, the project will not result in increased impacts on on-street parking in the area.

B. LOT AREA MODIFICATION (SBMC §28.92.110)

The lot area modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. The modification is required to allow the continued use of the laundry area for the residents and to provide storage areas and moped/motorcycle parking for the residences.

C. DEVELOPMENT PLAN APPROVAL (SBMC Section 28.87.300)

1. The proposed development complies with all provisions of this Title because a modification of the required parking requirements has been approved and the proposed development complies with all of the provisions of this Title due to the approval of the parking modification request.
2. The proposed development is consistent with the principles of sound community planning because the mixed-use development is existing, and is compatible with the surrounding mixture of residential and commercial development.
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size bulk and scale is not proposed to change and it is compatible with the neighborhood;
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock since the proposal is not eliminating any legally existing residential units.
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources because the use of the area for commercial and residential storage would not create a significant water demand impact on the City's water supply.
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic because the elimination of the required parking has existed for over 30 years and continuing the practice will not increase the traffic in the area;
7. Traffic improvements will not be necessary for the proposed project.

Planning Commission Staff Report

128-138 E. Canon Perdido St. & 825-833 Santa Barbara St. (MST2003-00234)

February 1, 2007

Page 8 of 14

Exhibits:

- A.** Revised Conditions of Approval
- B.** Appeal Letter dated December 14, 2006
- C.** Staff Hearing Officer Staff Report dated November 30, 2006
- D.** Staff Hearing Officer Hearing Final Resolution and Minutes
- E.** Historic Landmarks Commission (HLC) Minutes
- F.** Letter to Staff Hearing Officer dated December 6, 2006
- G.** SBMC Section 28.90.045

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PLANNING COMMISSION CONDITIONS OF APPROVAL

128-138 E. CANON PERDIDO STREET & 825-833 SANTA BARBARA STREET
PARKING MODIFICATION AND DEVELOPMENT PLAN APPROVAL
FEBRUARY 15, 2007

In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property, shall be executed by the Owner in a written instrument which shall be reviewed and approved as to form and content by the City Attorney and recorded by the City. Said agreement(s) shall be recorded in the Office of the County Recorder:
1. **Public Improvement Agreement [Not a Subdivision].** “Agreement for Land Development Improvements”, and associated Securities for performance and maintenance improvements to the public right of way.
 2. **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. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 4. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 15, 2007 is limited to 1,434 square feet of new nonresidential square footage, 15 dwelling units and the improvements shown on the Development Plan signed by the Planning Commission on said date and on file at the City of Santa Barbara.
 5. **Commercial Storage for Food Establishments.** The conversion of any of the garages to commercial storage for food establishments at the property shall comply with all County Environmental Health regulations. Permits and written approval shall be obtained from County Health Environmental Health Services prior to utilizing these areas for such storage.

6. **Commercial Storage for On-site Businesses Only.** The conversion of the residential garages to commercial storage shall be limited to use by the occupants of the commercial businesses at the property and the commercial storage shall not be allowed for businesses that are located off-site.
7. **Residential Storage for On-site Residents Only.** The conversion of the residential garages to residential storage shall be limited to use by the residents of the residential units on site.
8. **Laundry Facility for On-site Residents Only.** The conversion of a portion of a garage to a laundry area shall be limited to use by the residential units on site and shall not be used for commercial purposes.
9. **No Residential Parking Permits Allowed for Future Residents.** Future residents, who are not tenants at the time of project approval, are not eligible to obtain residential parking permits for on-street parking from the City.
10. **Residential Moped/Motorcycle Parking for On-site Residents Only.** The conversion of a portion of an existing residential garage area to moped/motorcycle parking shall be limited to use by the residents of the residential units on site.

B. Prior to Building Permit Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property:

1. **Water Rights Assignment:** "Agreement Assigning Water Extraction Rights". Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights does not include a right of surface entry on or from the Real Property.
2. **Public Improvement Securities.** The Owner shall provide an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the "Agreement to Construct and Install Improvements (Not a Subdivision)".
3. **Drainage Call-Outs.** Plans shall reflect grades graphically with callouts, so drainage patterns to the right-of-way can be established.
4. **Violations Corrected.** All outstanding violations shall be corrected as part of the building permit and shall be included in the scope of work for the project.

C. Design Review. The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. **Exterior Changes.** Any exterior changes to the property are subject to the review and approval by the HLC:
2. **Restoration to Original Appearance.** All exterior changes made to accommodate the creation of the two "as-built" residential units shall be restored to their original approval and shall match the original construction plans.

3. **Proposed Gate.** If the proposed gate is approved by the HLC, the gate shall open inward and shall not obstruct the public right-of-way.

D. Public Works Submittal prior to Permits. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Parcel Map and prior to the issuance of a Building permit or Public Works permit.

1. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Canon Perdido and Santa Barbara Streets. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: sidewalk where damaged, backflow device, driveway apron modified to meet Title 24 requirements, relocate any utilities necessary for driveway improvements, install on-site pollution prevention interceptor device, install street trees grates, and provide adequate positive drainage from site. Building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
2. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.
3. **Construction Best Management Practices.** Construction Best Management Practices Required. Construction activities shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.
4. **Check Valve/Anti-Backflow Device.** Provide an approved check valve or anti-backflow device placed on the private property side of consumer's service pursuant to Municipal Code Section 14.20.120 and Public Works Construction Standard Detail 5-009.0. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
5. **Trash Enclosure Provision:** A trash enclosure area for trash and recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers, with final location approved by the HLC, and runoff from the area shall be pre-treated prior to entering the public right-of-way.
6. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) shall be obtained for the construction of improvements (including any required appurtenances) within their rights of way (easement).

7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
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.

E. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field 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 for collection of demolition/construction materials.
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:

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 DayFriday following Thanksgiving Day
Christmas DayDecember 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.** 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.
 - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
5. **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.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or

monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.

NOTICE OF APPROVAL TIME LIMITS:

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

1. A Building Permit for the use authorized by the approval is issued within twenty-four (24) months of granting the approval. An extension may be granted by the Community Development Director, if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. **Because this project is an enforcement case, the Owners are required to submit plans revised to incorporate changes required by the Conditions of Approval to Historic Landmarks Commission within 30 days of project approval. Building permit applications for said changes shall be submitted within 90 days of project approval.**