



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 001-12

822 AND 824 E. CANON PERDIDO STREET

TENTATIVE SUBDIVISION MAP AND MODIFICATIONS

JANUARY 12, 2012

APPLICATION OF DEVICENTE + MILLS ARCHITECTURE, ARCHITECT FOR HABITAT FOR HUMANITY OF SOUTHERN SANTA BARBARA COUNTY, 822 E. CANON PERDIDO STREET, APNs 031-042-006 AND 031-042-007, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY (MST2011-00182)

The project involves the demolition of two existing single-family residences and garages, the merger of two existing parcels (APNs 031-042-006 and 031-042-007) totaling 19,018 net square feet, and a one-lot subdivision for the purposes of constructing 12 affordable (low- and very-low income) condominiums to be constructed by Habitat for Humanity of Southern Santa Barbara County ("Habitat"). The unit mix is comprised of two one-bedroom units ranging from 508 to 705 square feet, eight two-bedroom units ranging in size from 884 to 1,101 square feet, and two 1,340 square foot three-bedroom units. Fifteen parking spaces are provided: 12 attached one-car garages and three guest parking spaces. The project also includes 2,213 cubic yards of grading, including 2,117 cubic yards imported fill. The Habitat project proposes to use the City's Affordable Housing Bonus Density Program to provide four bonus density units.

The discretionary applications required for this project are:

- A. A request for a Voluntary Lot Merger to merge two existing parcels (APNs 031-042-006 and 031-042-007) into a single 19,303 square foot.
- B. A Modification to provide less than required 6 foot interior setback for structures and parking (SBMC§ 28.21.060 and 28.92.110).
- C. A Modification to provide less than the 27 required parking spaces (SBMC§ 28.90.100.G and 28.92.110).
- D. A Lot Area Modification to provide less than the required 27,840 square feet of lot area, and to allow four bonus density units (SBMC§28.21.080 and 28.92.110); and
- E. A Tentative Subdivision Map for a one-lot subdivision to create twelve (12) 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 (Infill Exemption).

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, January 5, 2012.
2. Site Plans

3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

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

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

A. Lot Area Modification (SBMC §28.92.110)

As discussed in Section VII.A.1.a. of this staff report, the requested lot area modification for increased density to allow three two-bedroom units and one one-bedroom unit is consistent with the purposes and intent of the Zoning Ordinance, including the City's Density Bonus Program, and is necessary to construct a housing development affordable to very low- and low-income households. The intent of the City's Density Bonus Program is to provide incentives for development of housing affordable to very-low, low, senior and other qualifying households, and this project provides low income housing.

B. Parking Modification (SBMC §28.92.110 and §28.90.100.G.)

As discussed in Section VII.A.1.b. of this staff report, the requested parking modification to allow one covered automobile parking space per unit is consistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking or loading space in the immediate area. Automobile ownership will be limited to one automobile per household per Condition B.3.b. Further, bus service is available through MTD Line 2, which stops at the intersection of Milpas and East Canon Perdido Streets. Additionally, sidewalks and bicycle lanes extend to the downtown area and schools along East Canon Perdido Street and to shopping along Milpas Street

C. Interior Setback Modification (SBMC §28.92.110)

As discussed in Section VII.A.1.c. of this staff report, the requested interior setback modification for the accessible parking space is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct a housing development affordable to low-income households. The proposed setback provides adequate separation between the project site and neighboring development. The required six-foot interior setback is intended to provide at least 12 feet between neighboring residential development and 6 feet between residential development and neighboring non-residential development. The distance between the proposed accessible parking space and the existing non-residential parking lot is 8 – 14 feet.

D. THE TENTATIVE MAP (SBMC §27.07.100)

As described in Sections VII.A.2 and VII.B. of the Staff Report, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara with the proposed modifications, the project complies with all provisions of the City's Condominium Ordinance including the Physical Standards for Condominiums contained in SBMC §27.13.060. The proposed conditions are consistent with the requirements contained in SBMC §27.13.050.

The site is physically suitable for the proposed development because the compact development site is located with a short walking distance to local grocery, retail, bus lines, bike lanes, schools, and after school programs, the project is consistent with the variable density provisions of the Municipal Code and the General Plan as described in section VII.A.1.a. and VII.B.2., and the proposed use is

consistent with the vision for this neighborhood of the General Plan providing 12 new affordable housing units to the housing stock in a compact development in a walkable community. The design of the project will not cause substantial environmental damage because it will be compatible with the existing surrounding development, and there are no environmental resources on this urban site, and associated improvements will not cause serious public health problems because it is proposed in an already developed neighborhood, and it will be built to conform to the latest building codes.

E. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance, as described in Section VII.A.2. of this Staff Report.
2. The project complies with density requirements, and each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space, as described in Section VII.A.1.a and VII.A.2. of the Staff Report.
3. The project is consistent with policies of the City's General Plan including the Land Use, Housing, and Noise Elements as discussed in Section VII.B. of this staff report dated January 5, 2012. The project will provide infill residential development that is compatible with the surrounding neighborhood.
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, as described in Section VII.B. of the Staff Report.
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, as described in Section VII.B. of the Staff Report.

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 because once the peak hour project related trips are distributed to the City street network, no new impacts are expected at any intersections. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate, as described in Section VII. and VIII. of the Staff Report.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee.
 3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Comply with condition F "Construction Implementation Requirements."

4. Make application and obtain City Council approval of the Final Map and Agreement(s) and record said documents, *by submitting the Final Map to the Public Works counter for review.*
5. Permits following recordation of Final Map.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements *in association with the BLD permit.*

Details on implementation of these steps are provided throughout the conditions of approval.

B. Recorded Conditions Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition or other appropriate (as determined by City staff) building permit for work in anticipation of primary project improvements 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 concurrent with the Final Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 12, 2012 is limited to twelve (12) affordable condominium units 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. The project includes the demolition of all existing structures on two parcels (APN031-042-006 and 031-042-007), the parcels were be merged to create a single 19,303 square foot parcel that will be subdivided to construct 12 new affordable (available to very low- and low-income households) two- and three-story residential condominium units (8 two-bedroom, 2 three-bedroom, and 2 one bedroom units) with 12 single car garages, three guest parking spaces and 18 bicycle parking. Additional changes proposed on site include the installation of an onsite SCE transformer, widening of the sidewalk at the street frontage, and landscaping changes that will include the removal and or relocation of existing trees on site
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Public Improvement District Formation.** The property owners waives the right, through deed restriction, to protest the formation of public improvement districts
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
5. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Subdivision Map shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report / Tree Protection Plan prepared by Joshua Thompson, Tree Concern, dated July 11, 2011. A copy of this report shall be

attached to the recorded conditions as an exhibit. 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.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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 Owner 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.
7. **Ownership Unit Affordability Restrictions.** The dwelling units designated as Units 1-12 on the Tentative Subdivision Map shall be designated as Affordable Low-Income to Very-Low-Income Units and sold only to households who, at the time of their purchase, qualify as Low-Income Households as defined in the City's Affordable Housing Policies and Procedures.

The Affordable Units shall be sold and occupied in conformance with City Agreement No. 2010-0071795 and required replacement covenants. The resale prices of the Affordable Units shall be controlled by means of replacement covenants executed by the Owners and the City to assure continued affordability for at least ninety (90) years from the initial sale of each affordable unit. No affordable unit may be rented prior to its initial sale.

8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
9. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for 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. **Vehicle Registration Restriction.** A covenant that restricts each unit household to ownership of one vehicle and requires yearly monitoring by Habitat for Humanity of Southern Santa Barbara County to ensure no more than one vehicle is registered at each address. Habitat for Humanity of Southern Santa Barbara County shall maintain records of vehicle ownership and produce those records to the City within two working days, upon request.
 - c. **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.
 - d. **Guest Parking Spaces.** Three (3) guest parking spaces are to be maintained for the use of guests and not assigned to any of the individual units or used as storage.
 - e. **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. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - f. **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.
 - g. **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.
- C. **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 (except a demolition or other appropriate, as determined by City staff) permit for work in anticipation of primary project improvements
- 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. **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:
 - a. Offer a 2'-9" wide *Easement for All Street Purposes* along E. Canon Perdido Street property frontage to the City of Santa Barbara in order to establish a four-foot wide parkway behind the curb and a six-foot wide sidewalk.

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 prepares said agreement for the Owner's signature.
4. **Required Private Covenants (CC&R's).** The Owner shall submit a copy of the *draft* private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Final Map.
5. **Drainage and Water Quality.** The project is required to comply with *Tier 3* of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations and/ or a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

6. **East Canon Perdido Public Improvements.** The Owner shall submit separate C-1 public improvement plans for construction of improvements along the property frontage on E. Canon Perdido Street prepared by a licensed civil engineer. As determined by the Public Works Department, the improvements shall include the following to City standards: *+/-100 linear feet of 6-foot wide sidewalk, 4-foot wide parkway, supply and install 4 new street trees per approval of the Street Tree Advisory Committee, construct one new driveway apron modified to meet Title 24 requirements with a maximum width of 16 feet, saw-cut & replace any damaged curb and gutter to the nearest joint, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20 feet beyond the limits of all trenching, connect to City water and sewer mains, install new residential fire hydrant, public drainage improvements with supporting final hydrology report prior to issuance of any permits, supply and install one residential City standard Dome Style street light (70 watt), coordinate with Public Works Inspector and Edison to retire light standard from existing utility pole in front of adjacent property to the west, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway (if any), supply and install directional/regulatory traffic control signs during construction per the 2006 CA MUTCD, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
7. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements* prior to recordation of the Final Map, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet

signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.

- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of all trees located in the public right of way and the residential front setback.
 2. **Tree Relocation.** The existing oak tree(s) shall be relocated on the Real Property and shall be fenced and protected during construction as described in the arborist's report / Tree Protection Plan prepared by Joshua Thompson, Tree Concern, dated July 11, 2011
 3. **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved Tentative Subdivision Map shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the ABR.
 - c. **Oak Trees.** The following additional provisions shall apply to existing oak trees on site:
 - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree.
 - (2) 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.
 - (3) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (4) 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 one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
 - d. **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations/conditions contained in the arborist's report / Tree Protection

Plan prepared by Joshua Thompson, Tree Concern, dated July 11, 2011, shall be implemented.

- e. **Street Trees.** The Applicant will work with the City Arborist to select an appropriate determinant height street tree and tree placements to avoid conflicts with existing utility lines.
 - f. **During Construction.**
 - (1) When boxing tree #1, care should be taken as not to harm roots within the critical root zone (CRZ) on the up slope side of the tree. Irrigate the area to supply moisture to the roots and encourage new root growth immediately after move to box, and from box to project.
 - (2) Inoculate all trees with mycorrhizae upon movement to boxes.
 - (3) Make all final cuts to pruned roots with hand tools as cleanly as possible.
 - (4) Box sizes should depend upon recorded DBH of the tree to be transplanted at the time of transplant, allowing 10" diameter of root zone for every 1" DBH of tree.
 - (5) Construction work around trees should be monitored by the project arborist, the landscape architect, or the property owner to assure that trees are protected as recommended above. Protection zones are limited and these trees are relatively resilient. However, damage can easily occur due to negligence by workers.
 - 4. **Covered Bicycle Parking.** Provide a weather proof shelter or covering for the bicycle parking spaces located outside.
 - 5. **Pedestrian Pathway.** To improve pedestrian friendliness, a separate pedestrian pathway shall be provided to the accessible units, accessible parking space, and common area at the rear of the property from the sidewalk using a different paving/walkway material.
 - 6. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
 - 7. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Design Review Approval.
 - 8. **Ventilation Equipment.** All ventilation equipment shall be located within the buildings.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition

or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition C.6 "E. Canon Perdido Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement for Land Development Improvements*.
- b. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.
- c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.
- d. **Bicycle Parking.** 16 bicycle parking spaces shall be provided, including 6 covered spaces and 10 racks located in 10 of the garages. Their size and location shall be approved by the Transportation Manager.

2. **Community Development Department.**

- a. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.
- b. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - (1) **Initial Sale Price Restrictions.** The dwelling units designated as Units 1-12 on the Tentative Subdivision Map shall be designated as Affordable Low-Income Units and sold only to households who, at the time of their purchase, qualify as Low-Income Households as defined in the City's Affordable Housing Policies and Procedures.
 - (2) **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with City Agreement No. 2010-0071795 and required replacement covenants. The resale prices of the Affordable Units shall be controlled by means of a recorded replacement covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

(3) The covenant shall require that the Property be owned by a not-for-profit public benefit corporation, and shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.

- c. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89), or equivalent.
- d. **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 draft copy of the notice to the Planning Division for review and approval.
- e. **Private Driveway Maintenance Agreement.** The Owner shall submit a copy of the draft *Agreement for Shared Maintenance* of the proposed private driveway, or agreement can be included in the Private CC&R's for the Condominium Home Owner's Association. Said Agreement is subject to the review and approval of the Community Development Director and City Attorney,
- f. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- g. **Conditions on Plans/Signatures.** The final Planning Commission and City Council 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 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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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F. **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, including demolition and grading.

1. **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) name, 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. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 8:00 a.m. and 5:00 p.m., excluding the following holidays:

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 Planning Staff 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 said 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.

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.

5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
6. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans (separate from the building plans), including installation of street trees and street lights, shall be completed.
 3. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or

Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.

4. **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.
5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B.9 "Recorded Conditions Agreement" have been recorded.
6. **Evidence of Private Driveway Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private *Agreement for Shared Maintenance* required in Section E.2 "Requirements Prior to Permit Issuance" has been recorded, or recorded in the Private CC&R's for the Condominium Homeowner's Association.

H. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Staff Hearing Officer Resolutions 077-06 and 078-06.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.

5. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
6. **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 being notified of a lawsuit regarding 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.

III. **NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) and Modification TIME LIMITS:**

The Planning Commission / Staff Hearing Officer 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.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

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 land use 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 longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.


This motion was passed and adopted on the 12th day of January, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 0

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

PLEASE BE ADVISED:

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