



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 15, 2010
AGENDA DATE: January 27, 2010
PROJECT ADDRESS: 1006 & 1008 Chino St. (MST2007-00646)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Daniel Gullett, Associate Planner *DPG*

I. PROJECT DESCRIPTION

The proposed project consists of: the demolition of a 928 sf single-family residence, a 418 sf single-family residence, and a 532 sf detached garage; the construction of three two-story, three-bedroom residential condominiums varying in size from 1,132-1,232 sf, each with a 440 sf attached garage; new landscaping; public improvements; and archaeological monitoring during ground disturbance. Total grading is estimated to be 258 cubic yards consisting of 20 cubic yards of cut and 238 cubic yards of fill. 218 cubic yards of the fill will be imported material.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC Chapters 27.07 and 27.13).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning Ordinance and policies of the General Plan. In addition, the size and massing of the project are compatible with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.

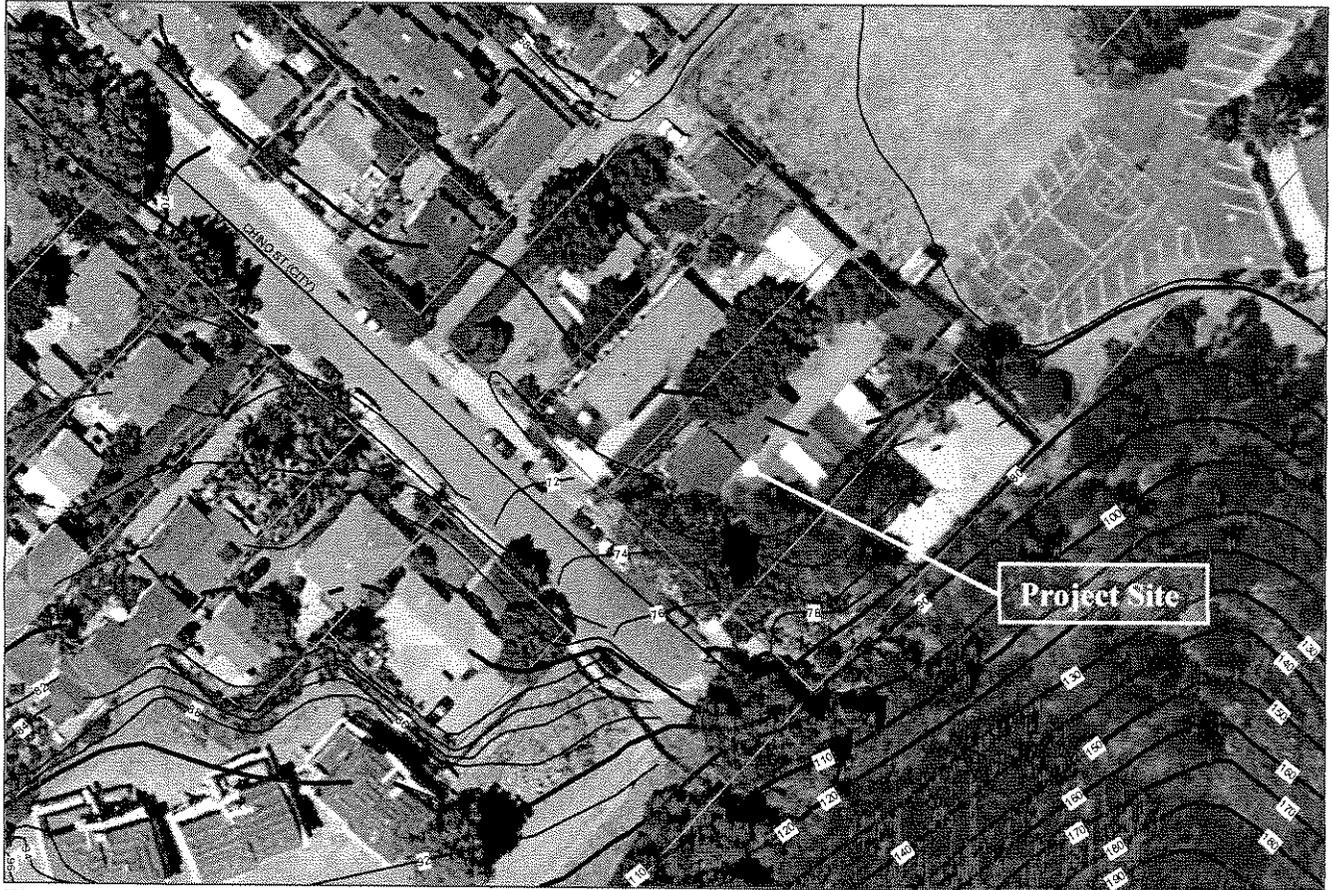


Figure 1: 2004 Aerial Photograph of Project Vicinity

APPLICATION DEEMED COMPLETE: January 5, 2010
DATE ACTION REQUIRED PER MAP ACT: February 24, 2010

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Ken Kruger	Property Owner: D.B. Partners
Parcel Number: 039-242-015	Lot Area: 11,250 sf
General Plan: Residential: 12 units/acre and Major Hillside Open Space	Zoning: R-2
Existing Use: Single Family Residential	Topography: 4.6% average slope
Adjacent Land Uses:	
North – Two Family Residential	East – Church
South – Single Family Residential	West – Single & Multiple Family Residential

B. PROJECT STATISTICS

	Existing		Proposed		
	<i>1006 Chino</i>	<i>1008 Chino</i>	<i>Unit A</i>	<i>Unit B</i>	<i>Unit C</i>
Unit Area	928 sf	418 sf	1,232 sf	1,232 sf	1,132 sf
Garage Area	532 sf		400 sf	400 sf	400 sf

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing		Proposed	
Front Setbacks					
-Ground Floor	15 ft	27 ft		20 ft	
-Upper Story	20 ft	-		20 ft	
-Garage	15 ft	129 ft		24 ft	
Interior Setbacks					
-Covered Parking	3 ft	1 ft		3 ft	
-Other Buildings	6 ft	6 ft		6 ft	
Building Height	30 ft	?		22 ft	
Parking	6 covered spaces	2 covered spaces		6 covered spaces	
Lot Area Required for Each Unit	3,500 sf	5,625 sf		3,750 sf	
Open Yard	1,250 sf	?		1,314 sf	
Lot Coverage					
-Building	N/A	2,039 sf	18.1%	3,202 sf	27.3%
-Paving/Driveway	N/A	6,971 sf	62.0%	4,590 sf	40.0%
-Landscaping	N/A	2,240 sf	19.9%	3,458 sf	30.7%

The proposed project would meet all applicable requirements of the R-2 Zone.

Inclusionary Housing Ordinance

City Council adopted amendments to the Inclusionary Housing Ordinance (IHO) in May 2009 that apply to residential projects with two or more units. In accordance with the amended IHO (SBMC Chapter 28.43), if the project is approved prior to March 2010¹ the required in lieu fee would be \$28,800 payable prior to Certificate of Occupancy (see Condition H.2).

VI. NEW RESIDENTIAL CONDOMINIUM DEVELOPMENT

SBMC Chapter 27.13 provides for condominium projects in the R-2 Zone, subject to the Physical Standards for Condominiums provided in SBMC §27.13.060. The proposed condominiums are consistent with the Physical Standards for Condominiums and all other requirements of SBMC Chapter 27.13.

The Physical Standards require: two covered off-street parking spaces for each condominium, separate laundry facilities and gas and electricity metering for each unit, a density consistent zoning ordinance density requirements, and the outdoor living space consistent with SBMC §28.18.060. The standards also allow for a waiver of the 300 cubic feet of private storage space with the provision of enclosed garages for each unit. Since enclosed garages are provided for each unit, staff supports the waiver of the private storage space requirement.

VII. ISSUES

A. DESIGN REVIEW

This project was reviewed twice by the Architectural Board of Review (ABR): August 25, 2008 and May 4, 2009. Meeting minutes are attached as Exhibit D. On May 4, 2009, the ABR provided comments regarding landscaping, hardscape, and architecture and continued the project review indefinitely to return following consideration of the project by the Staff Hearing Officer. This project is scheduled to be reviewed by the ABR on January 25, 2010 for Consideration of Project Compatibility pursuant to SBMC §22.68.045, 27.07.080.B, and 28.05.010.B. Staff will report on ABRs discussion and motion regarding the Project Compatibility Considerations at the January 27, 2010 SHO Hearing.

B. GENERAL PLAN COMPLIANCE

Approval of a Tentative Map for the project requires a finding of consistency with the City's General Plan. Staff's position is that the proposed project is consistent with the City's General Plan as discussed below.

Land Use Element

The project site is located in the Lower West neighborhood, which is bounded on the north by Carrillo Street; on the south by Montecito Street; on the east by Highway 101; and on the west by Loma Alta Drive and the base of the Mesa Hills. According to the Land Use Element, this neighborhood is the City's most densely-settled residential area. The Land Use Element states that future residential growth in this neighborhood will result in part from the development of

¹ The in lieu fee requirement is recalculated each March.

some existing vacant land into apartments, and from the redevelopment of some single-family residential and duplex areas into multiple-family use. The proposed redevelopment of the site with a three residential condominiums is consistent with the Land Use Element's vision for this neighborhood.

According to the General Plan Land Use Map, it appears that the project site has a split General Plan land use designation of Residential, with a maximum density of twelve units per acre, and Major Hillside Open Space. A twelve unit per acre density equates to 3,630 sf per unit. The proposed density of 3,750 sf per unit is less than an average of twelve units per acre and, thus, consistent with the General Plan land use density.

The boundaries on the current General Plan Land Use Map are broad brush and not parcel specific. The discussion of the Mesa Hills Major Hillside area in the Land Use Element, indicates that area generally includes the north slope of the Mesa Hills between City College and Hope Ranch. Considering the relatively flat topography of the site and the location of the site at the base of the Mesa Hills, the General Plan's hillside policies do not apply to this lot.

The Conservation Element provides a project relevant goal and policy addressing cultural and historic resources:

Cultural and Historic Resources Goal

Sites of significant archaeological, historic, or architectural resources will be preserved and protected wherever feasible in order that historic and prehistoric resources will be preserved.

Cultural and Historic Resources Policy 1.0

Activities and development which could damage or destroy archaeological, historic, or architectural resources are to be avoided.

A sparse deposit of fragmented shellfish was identified on the project site during the archaeological site investigation. The Conservation Element is clear that the protection of significant archaeological sites is an important goal of the City. As discussed in the environmental review section below, the applicant's archaeologist and the City's Environmental Analyst concluded that this project with the applicant-proposed monitoring during ground disturbance sufficiently protects archaeological resources on the site. As conditioned with the proposed monitoring and standard conditions addressing the potential discovery of archaeological resources, the proposed project is consistent with these Cultural and Historic Resources policies.

C. ENVIRONMENTAL REVIEW

The City's Environmental Analyst determined that this project is categorically exempt from further environmental review pursuant to California Code of Regulations (CCR) Sections 15303 (New Construction of Small Structures) and 15315 (Minor Land Divisions). The Environmental Analyst has reviewed the potential environmental issues associated with the project site and determined that the project would not significantly affect archaeological, historical or other environmental resources.

Archaeological Resources: The project site is located within the American Period, (1870-1900), and the Early 20th Century, (1900-1920) Cultural Resource Sensitivity Zones. In accordance with the requirements of the City's Master Environmental Assessment, an Archaeological Letter Report was prepared by Stone Archaeological Consulting on July 8, 2009 and accepted by the City's Environmental Analyst. Prior to submitting the Letter Report, the applicant agreed to retain an archaeologist and Barbareño Chumash observer during ground disturbances associated with the project as part of the project description. The report concludes that the proposed project is not considered to have the potential to impact intact, potentially significant or important prehistoric or historic cultural remains as defined in the City's MEA Guidelines for Archaeological Resources and Historic Structures and Sites. The applicant's agreement is reflected in the project conditions.

Water Quality: The applicant submitted a Preliminary Storm Drainage Report prepared by Mike Gones dated September 2009. Site Drainage has been designed to meet the City's Storm Water Management Program requirements.

D. RECOMMENDED CONDITIONS OF APPROVAL

The staff-recommended Conditions of Approval are attached as Exhibit A. These include conditions related to archaeological monitoring, and timing of public improvements.

Please be advised that Note P10 on Sheet TM.2 indicates that some future sidewalk improvements would be installed at the time the neighbor at 1004 Chino St. develops. Staff recommends that all public improvements depicted in the plans be completed, including sidewalk fronting 1004 Chino, prior to Certificate of Occupancy for the project. This recommendation is reflected in Condition H.4.

VIII. FINDINGS

The Staff Hearing Officer finds the following:

A. THE TENTATIVE MAP (SBMC §27.07.100)

As conditioned, the Tentative Subdivision Map complies with all requirements and conditions imposed by the Subdivision Map Act and the City's Municipal Code. As discussed in Section VI.B of the staff report dated January 15, 2010, the proposed map is consistent with the City's General Plan. The site is physically suitable for the type and density of the proposed development. The design of the project and type of development are not likely to cause substantial environmental damage, substantially and unavoidably injure fish or wildlife in their habitat, or cause serious public health problems. The design of the development would not conflict with public easements for access through or use of the property.

B. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

There is compliance with the provisions of Municipal Code Chapter 27.13 (Residential Condominium Development).

The project complies with all provisions of the City's Condominium Ordinance including the Physical Standards for Condominiums contained in SBMC §27.13.060. Each unit includes laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space. The proposed conditions are consistent with the requirements contained in SBMC §27.13.050.

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

The project is consistent with policies of the City's General Plan including the Land Use and Conservation Elements as discussed in Section VI.B of the staff report dated January 15, 2009. The project will provide infill residential development that is compatible with the surrounding neighborhood.

The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area where residential development is a permitted use. The project, as conditioned, is adequately served by public streets, would not cause an increase in the demand for parking in the immediate area, and will not result in traffic impacts. The design has been reviewed by the City's Architectural Board of Review, which indicated that the architecture and site design were appropriate for the neighborhood.

Exhibits:

- A. Conditions of Approval
- B. Grading, Drainage, and Utilities Plan (Sheet TM.2)
- C. Applicant's letter dated January 12, 2010
- D. ABR Minutes



STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1006 & 1008 CHINO STREET
TENTATIVE SUBDIVISION MAP, CONDOMINIUM DEVELOPMENT
JANUARY 27, 2010

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) 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. **Design Review.** The project is 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 Staff Hearing Officer land use conditions have been satisfied.
1. **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.
 2. **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 Public Works Director/Transportation Manager.
- B. **Recorded Conditions 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. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on January 27, 2010 is limited to three residential condominium units and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **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.
 5. **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 prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). 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 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.

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.
- C. **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 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, 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.** 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. All street purposes along Chino Street in order to establish variable width public right-of-way as shown on the approved tentative subdivision map.
 - 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 draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 - 5. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer 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.
 - 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 Program. 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.

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.

7. **Chino Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Chino Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following: *five-foot wide sidewalk to the centerline of Chino, two driveway aprons modified to meet Title 24 requirements, +/-50 linear feet of curb & gutter, asphalt concrete pavement on aggregate base to complete the second half of the existing ½ width cul-de-sac to the 2006 or latest adopted version of the Greenbook Specifications, City Standards, crack seal previously constructed portion of cul-de-sac, and pave the entire surface of the entire cul-de-sac, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of drainage pipe & curb drain, supply and install one residential Dome Style City standard street light near the terminus of the cul-de-sac, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/CA supplements during construction, new street trees, the number, box-size and species as specified by the City Arborist and Parks Commission, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
 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, and prior to recordation of the Parcel Map.
- 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 Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department prior to issuance of building permits for individual parcels.
- E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:
1. **Archaeological Monitoring Contract.** A draft contract with the archaeologist from the most current City Qualified Archaeologists List shall be reviewed and

approved by the Environmental Analyst and proof of final contract approval and execution shall be submitted prior to issuance of any building permit. Said contract shall provide, at a minimum, the following:

- a. A City-qualified archaeologist and a Barbareño Chumash representative from the most current City-qualified Barbareño Chumash Site Monitors List shall be retained to monitor ground disturbances during construction.
 - b. If substantial cultural resources are encountered beyond the very low density shellfish fragments previously identified, work shall be halted immediately and the City Environmental Analyst 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 with a Barbareño Chumash representative from the most current City Qualified Chumash Site Monitors List (if the resource is prehistoric), etc.
 - c. The contract shall clearly state that the archaeologist and/or Barbareño Chumash monitor shall have the authority to halt construction.
 - d. 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.
 - e. The archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric or historic remains, consistent with a Phase 3 Data Recovery excavation as defined in the City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.
 - f. Costs which result because of any delays due to archaeological findings and investigation shall be borne by the owner and/or construction contractor.
2. **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.

3. **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.
- 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 B above.
 2. **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 employ 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 Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
 3. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
 4. **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.
 5. **Conditions on Plans/Signatures.** The final Staff Hearing Officer 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.

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-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.
3. **Haul Routes.** 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, shall be approved by the Transportation Manager.
4. **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
Cesar Chavez Day	March 31 st *
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.

5. **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.
6. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. 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.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. 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.
7. **Expeditious Paving.** The new cul-de-sac, shall be paved as soon as possible and prior to issuance of any Building Permits for on-site improvements. 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.
 8. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 9. **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.
 10. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 11. **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.
 12. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 13. **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.

- 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. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to issuance of the Certificate of Occupancy.
 2. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The City's Inclusionary Housing Ordinance requires that Residential Development projects of greater than one unit and less than ten units are required to pay an inclusionary housing fee. As of the date of project approval the inclusionary housing fee is \$18,000 for each unit in the project. For new construction projects of two, three or four units not involving condominium conversions, the first unit is exempt from the fee requirement. For this project, two units are subject to the inclusionary fee, and a 20% reduction in the inclusionary fee applies since the average unit size is between 1,100 and 1,399 sf. The required inclusionary fee is therefore \$28,800.
 3. **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.
 4. **Complete Public Improvements.** Complete all public improvements, as shown in the separate C-1 improvement plans, including utility service undergrounding and installation of public sidewalk.
 5. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 6. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 7. **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.
 8. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section C have been recorded.
- I. **Litigation Indemnification Agreement.** In the event the approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to

indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Staff Hearing Officer'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. Notwithstanding the time limit specified in Santa Barbara Municipal Code §27.07.110.D, the time limit for the Tentative Map may be extended for up to a total of six (6) years pursuant to Government Code §66452.6(e).

LEGEND

100 1" = 10' SCALE
 101 1" = 20' SCALE
 102 1" = 40' SCALE
 103 1" = 80' SCALE
 104 1" = 160' SCALE
 105 1" = 320' SCALE
 106 1" = 640' SCALE
 107 1" = 1280' SCALE
 108 1" = 2560' SCALE
 109 1" = 5120' SCALE
 110 1" = 10240' SCALE
 111 1" = 20480' SCALE
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 115 1" = 327680' SCALE
 116 1" = 655360' SCALE
 117 1" = 1310720' SCALE
 118 1" = 2621440' SCALE
 119 1" = 5242880' SCALE
 120 1" = 10485760' SCALE

SYMBOLS

A 1" = 10' SCALE
 B 1" = 20' SCALE
 C 1" = 40' SCALE
 D 1" = 80' SCALE
 E 1" = 160' SCALE
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12 January 2010

Staff Hearing Officer
City of Santa Barbara Planning Division
SHO Hearing: 1-27-2010
635 Garden Street, Santa Barbara, CA

RECEIVED
JAN 12 2010

CITY OF SANTA BARBARA
PLANNING DIVISION

Subject: 1006 & 1008 Chino Street, MST # 2007-00646, APN 039-242-015

Dear Hearing Officer:

As indicated in the MST # above, we have been working on this project for over 2 years. During that time, we have met with the Pre-Application Review Team (Dec. 26, 2007, and Jan 29, 2008), the Architectural Board of Review (Aug. 25, 2008 and May 4, 2009), the Development Review Team (July 8, 2009), the 30 Day Development Application Review Team (Aug. 11, 2009), the DART Review Team Comments #2, and the Dart Final Letter (Nov. 6, 2009).

In addition, because the first half of the cul-de-sac at the end of Chino Street was improperly constructed by the property owner on the opposite side of the street, we found it necessary to meet with the Fire Department on numerous occasions in order to satisfy their requirements and resolve this issue. Also, the configuration of the final design of the cul-de-sac necessitated the removal of several existing trees at the front of our property, all of which have been approved by the City Arborist.

After all of these reviews and resolution of related problems, we are now anxious to move ahead with the project. We have been working with Dan Gullett (see letter dated 11-3-'09) who replaced our previous planner, Suzanne Riegler, with whom we had worked for 2 years. We trust that the most recent request for Project Compatibility will be addressed by the ABR on 1-25-2010, since we have previously provided the Board with photographs on both sides of Chino Street at our previous meetings with them. We will also provide "story poles" prior to the DART final review at the project site as requested.

Please advise us about any additional information which is necessary for the approval of our project.

Sincerely,



Kenneth C. Kruger, Project Architect

cc: Ed Bertling, Owner

ABR Minutes of August 25, 2008 – First Concept Review

1006 CHINO ST

Assessor's Parcel Number: 039-242-015

Application Number: MST2007-00646

Owner: DB Partners, LLC

Architect: Ken Kruger

(Proposal to demolish two existing residential units and a detached garage and storage shed, with an existing total building footprint of 1,878 square feet, and construct three new two-story, single-family residences with three attached two-car garages, for a proposed total footprint of 2,778 square feet, on an 11,250 square foot lot in the R-2 Zone. The proposal will result in a two-unit duplex and one single detached unit. The proposed residential units will be 1,178 square feet each and will include three bedrooms and two and one-half bathrooms. The project requires Staff Hearing officer Review of a Tentative Subdivision Map.)

(Comments only; Project requires Environmental Assessment and Staff Hearing Officer review of a Tentative Subdivision Map.)

Present: Ken Kruger, Architect, and Chuck McClure, Landscape Architect.

Public comment opened at 4:35 p.m.

- 1) Mr. Derek Johnson commented on maintaining privacy for available patio areas and driveway areas, retaining avocado trees, fencing and potential shade on the property, and potential solar impacts from TV hill.
- 2) Ms. Alexandra Morelli expressed concern regarding previous demolition of large avocado tree, fresh air flow from fencing and potential shade and solar impacts from TV hill.
- 3) Mr. Terry Bower expressed concern regarding rental housing, impacts to soil erosion (sink holes) from heavy construction and renovation which the contractor is required to relocate soil.
- 4) Ms. Jeana Morelli expressed concern regarding previous demolition of large avocado tree which cannot be replaced by the existing messy date tree.

A letter from Garrett Glasgow was read into the record.

A letter from the Morelli's was acknowledged by the Board.

Public comment closed at 4:46 p.m.

Motion: Continued indefinitely to Full Board with the following comments:

- 1) Show the cul-de-sac on the site plan.
- 2) Provide a conceptual drainage plan for the project, including the bioswale and retention areas in the back of the property.
- 3) Provide a cross-section through the site to assist in describing the sidewalk and cul-de-sac, the proposed front yard area and continuing through the entire site to the neighboring rear yard.
- 4) Verify neighboring zoning and show compliance with the solar access ordinance.
- 5) The front yard 6-foot fence, front street elevation, and the frontage of the front unit, are not street friendly enough for neighborhood compatibility; therefore, restudy use of either a front door or other type of front elements, including a possible one-story element or porch, to assist in bringing them into scale with the neighborhood.
- 6) Show location of trash and recycling.
- 7) The front unit's master bedroom on the second level could potentially have more windows on the northwest side.
- 8) The entire driveway should have an enhanced paving system and be more like a courtyard, not just as a strip of walking surface.
- 9) The mixture of the exterior wall finishes, including the board and batten, shingles, stone, and stucco is acceptable. Chimney elements should be stone or brick. The design style is harmonious yet differing slightly, and should be reflected on the color board and material palette.
- 10) Show all the existing trees and their type and which ones are to be removed on the site plan. Trees that are to be saved but moved, such as the rear Palm tree, shall be noted as such. Preserve as many mature trees as possible.
- 11) Use a smaller more stately landscape palette with less variety and possibly fewer trees.

12) Follow good neighbor policies to provide landscape screening or relocate second-story decks in order to promote privacy between neighbors.

Action: Zink/Mosel, 7/0/0. Motion carried. (Manson-Hing absent.)

ABR Minutes of May 4, 2009 – Second Concept Review

1008 CHINO ST

Assessor's Parcel Number: 039-242-015

Application Number: MST2007-00646

Owner: DB Partners, LLC

Architect: Ken Kruger

(Proposal to demolish two existing residential units and a detached garage and storage shed, with an existing 1,878 square foot building footprint, and construct three new two-story, single-family residential condominiums with three attached two-car garages, on an 11,250 square foot lot in the R-2 Zone. The proposed residential units will be 1,362 square feet each and will include three bedrooms and two and one-half bathrooms. The project requires Staff Hearing Officer Review of a Tentative Subdivision Map.)

(Second Concept Review. Comments only; Project requires Environmental Assessment and Staff Hearing Officer review of a Tentative Subdivision Map.)

Present: Ken Kruger, Architect; Robert Bartlein, Contractor; and Chuck McClure, Landscape Architect.
Public comment opened at 6:47 p.m.

Alexandra and Kim Morelli, opposition: concrete curb cut issue in cul-de-sac (directed to Public Works), avocado tree at the front in the center site has been scheduled for removal, and the water conservation situation for 18 avocado trees on her property.

An opposition letter from Paula Westbury was acknowledged by the Board.

Public comment closed at 6:53 p.m.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:

ARCHITECTURE:

- 1) Provide a resolution to the vehicular crossing over the proposed landscape strip to the garage of Unit A.
- 2) Eliminate one of the two separate proposed walkways to Unit A.
- 3) Study the enhanced separate paving adjacent to the driveway as a separate walkway, and add additional landscaping.
- 4) Confirm the size of the detention basin to minimize drainage sheet flow onto adjacent properties.
- 5) All units, especially the front unit, need to be restudied to provide additional charm-giving elements, such as the break-up of the stacked two-story elements.
- 6) Restudy the cantilevered balconies and possibility of adding windows on the blank walls.
- 7) Confirm the fenestrations on the north facing elevations of the adjacent parcel to the south to maintain privacy from the second unit balcony.

LANDSCAPING:

- 1) The Board expressed concern regarding the proposed "deodara" tree at the northwest corner of the property. Study an alternative to the proposed tree.
- 2) Study the delineated walkway, and study adjacent landscaping at the narrowing of the driveway.

Action: Zink/Mosel, 6/0/0. Motion carried. (Aurell/Blakeley/Manson-Hing absent).