City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: March 31, 2010

AGENDA DATE: April 7, 2010

PROJECT ADDRESS: 814-816 W. Figueroa Street (MST2006-00271)

TO: Staff Hearing Officer

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The is a request for a three year extension of the expiration date of the Tentative Map and Condominium Conversion approved by the Planning Commission on May 17, 2007. The project consists of the conversion of seven residential apartments located on two adjacent parcels to seven residential condominium units on one lot. Six of the units are 2-bedroom units and one unit is a one-bedroom unit that would be sold as a moderate income affordable unit.

The discretionary applications approved for this project were:

1. A Lot Area Modification to allow the addition of square footage to a development that is non-conforming as to density (SBMC §28.18.075.D);
2. A Modification of the required front yard setback (SBMC §28.92.110);
3. A Modification of the required interior yard setback to allow the conversion of an existing non-conforming carport to storage space within the required interior yard setback (SBMC §28.92.110.A);
4. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and
5. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including a waiver of the parking and unit size requirements for Unit 816-D and a waiver of the storage space location requirement (SBMC 28.88).

II. SITE INFORMATION

Applicant:	Suzanne Elledge, SEPPS	Property Owner:	Elconin Family Trust
Parcel Number:	039-191-023 and 039-191-026	Lot Area:	19,836 square feet (0.455 acres)
General Plan:	Residential – 12 units per acre	Zoning:	R-2
Existing Use:	Multi-Family Residential	Topography:	Majority of lot slopes gently (less than 5%), with a steeper gradient for the western portion of the lot (approx. 30%). Average slope of the merged lots is 17.6%.
Adjacent Land Uses: North - Residential, South - Residential, East - Residential, West - Residential			

III. DISCUSSION

According to SBMC §27.07.110.A, B and D, *Expiration and Extension of Tentative Maps*, the approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved. The subdivider may request an extension of the tentative map approval or condition of approval by written application to the Staff Hearing Officer filed with the Community Development Department before the expiration of the tentative map. The Staff Hearing Officer may impose new conditions or revise existing conditions. An extension or extensions of tentative map approval or conditional approval shall not exceed in aggregate three (3) years beyond the expiration of the original twenty-four (24) month period.

On July 15, 2008, Governor Schwarzenegger signed SB 1185 into law, which extends approvals of Tentative Subdivision Maps by one year. This new law affected maps approved on or before July 15, 2008, by extending the initial approval period of two years by one year automatically, for a total of three years. Additionally, AB333 automatically extended the expiration dates for maps approved on or before July 15, 2009 for another two years. Therefore, the approval of this project would expire on May 17, 2012.

A three year extension is now being requested pursuant to SBMC 27.07.110.D. The applicant submitted the extension on February 22, 2010, thereby satisfying the City's requirements for an extension. The new expiration date will be May 17, 2015.

IV. RECOMMENDATIONS

Due to a variety of economic challenges the applicant is requesting to provide the maximum time allowable to finance and proceed with this project. The project continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the three-year time extension, to May 17, 2015, for the Tentative Map and Condominium Conversion Permit, subject to the original conditions of approval in Exhibit A.

Exhibits:

A. Planning Commission Resolution of Approval 022-07, dated May 17, 2007
B. Applicant's letter, dated February 22, 2010
C. Site Plan

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 022-07

814-816 WEST FIGUEROA

LOT AREA MODIFICATION, INTERIOR SETBACK MODIFICATION, FRONT SETBACK MODIFICATION, CONDOMINIUM CONVERSION AND TENTATIVE SUBDIVISION MAP

MAY 17, 2007

APPLICATION OF SUSAN McLAUGHLIN, AGENT FOR ELCONIN FAMILY TRUST, 814 & 816 WEST FIGUEROA STREET, APN: 039-191-023 AND -026, R-2 TWO FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE (MST2006-00271)

The proposed project involves the conversion of seven residential apartments to seven residential condominium units. Six of the units are 2-bedroom units and one unit is a one-bedroom unit that would be sold as an affordable unit. The project includes the addition of approximately 200 gross square feet to Unit 816-D, construction of a two-car garage, the conversion of an existing four-car carport to garage space, the conversion of an existing carport to storage and other related site improvements.

The discretionary applications required for this project are:

1. A Lot Area Modification to allow the addition of square footage to a development that is non-conforming as to density (SBMC §28.18.075.D);

2. A Modification of the required front yard setback (SBMC §28.92.110);

3. A Modification of the required interior yard setback to allow the conversion of an existing non-conforming carport to storage space within the required interior yard setback (SBMC §28.92.110.A);

4. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and

5. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including a waiver of the parking and unit size requirements for Unit 816 D and a waiver of the storage space location requirement (SBMC 28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

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:

EXHIBIT A

1. Staff Report with Attachments, May 10, 2007
2. Site Plans
3. Correspondence received in support of the project:
   a. Glaude Quillematto and Fabrice Allain. Santa Barbara, CA
   b. Ryan and Terra Casper, Santa Barbara, CA
   c. Melissa Belles, 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**

The Planning Commission finds that the requested lot area modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot, and construct a housing development which is affordable to moderate-income households. The existing development of the project site exceeds the maximum density provisions of the R-2 zone. The proposed conversion to condominium units includes minor square footage additions to two of the residential units. This modification can be supported because the additional square footage is proposed in order to make these two units more livable and consistent with the City's condominium standards. The project also includes one residential unit that is affordable to a moderate-income household, and the additional square footage will make this unit more consistent with the City's minimum unit size requirements as outlined in the Affordable Housing Policies and Procedures manual and the Condominium Conversion Ordinance, as well as more consistent with the size of the other units on site.

B. **Front Yard Modification**

The Planning Commission finds that the requested front yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The front yard setback modification allows the new trash enclosure to encroach into the required 15' setback from West Figueroa Street. This modification can be supported because the proposed trash enclosure would be located farther back than the existing two-story building on site; the modification is only necessary because of the right-of-way dedication required for future street improvements, which are a public benefit; and the enclosure satisfies the minimum 15' setback from the existing property line and will appear to satisfy the setback requirement until such time as a cul-de-sac is developed at the terminus of West Figueroa Street.

C. **Interior Yard Modification**

The Planning Commission finds that the requested interior yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The interior yard modification allows

the existing carport located on the property line to be converted to storage space. This structural encroachment can be supported because it is an existing structure, the new use as storage is not be more intensive than the current use, relocating the parking to another area will reduce the amount of paving on the site and create better vehicular and pedestrian circulation, and provides storage in an area that is easily accessible to residents of the development.

D. **For the Condominium Conversion (SBMC §28.88.120)**

1. The project is consistent with the provisions of the Condominium Conversion Ordinance and the project will not be detrimental to the health, safety, and general welfare of the community. The overall design (including project amenities) and physical condition of the conversion will result in a project which is aesthetically attractive, safe, and of quality construction.

2. The proposed conversion is legally nonconforming to the density requirement of the Land Use Element of the General Plan (Residential- 12 units/acre). The unit density of the project is 15.38 units/acre.

3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.

4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.

5. The conversion has mitigated impacts to the City's low and moderate income housing supply by agreeing to record an affordability control covenant (price restricted to a moderate-income homebuyer) on the one unit (816-D) that was rented as an "affordable rental unit".

6. The applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.

7. The owner has made a reasonable effort to assist those tenants wishing to purchase their units for purposes of minimizing the direct effect on the rental housing market created by relocating such tenants.

8. The requirements of Section 28.88.130 have been met because there are fewer than 50 units proposed for conversion this year.

9. The use of the site as condominium units will not be detrimental to the public peace, health, safety, comfort or general welfare, nor will it decrease property values in the neighborhood. Adequate consideration has been given to setbacks, visibility, amenities and parking such that there will be no impact on surrounding properties or the neighborhood in general.

E. **Exceptions To The Physical Standards For Condominium Conversions (SBMC §28.88.040.N)**

1. Unit Size – The project includes one unit that is less than 600 square feet. This unit is provided as an affordable housing unit and the project includes amenities, such as ample outdoor living space and an open floor plan, which offset the project's failure to meet the 600 square foot unit size minimum.

2. Parking – The project includes the provision of an affordable for-sale housing unit and design features which offset the project's failure to meet the standard of providing fourteen parking spaces (two parking spaces per unit). The unit for which only one parking space is provided is a moderate-income affordable unit with one-bedroom and less than 600 square feet, thus making it more conducive to fewer residents and therefore fewer vehicles. Additionally, the project is providing one parking space within a garage for six of the seven units, which is above and beyond the requirements of the condominium conversion ordinance, and, providing an additional parking space to serve the unit would reduce common open space, which is an amenity that benefits the entire development.

3. Location of Storage – The project's design features, such as providing storage in a location that is easily accessible to all affected residents, offsets the fact that the storage is not accessible directly from that unit's parking space.

F. **Tentative Map (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "*Agreement Relating to Subdivision Map Conditions Imposed on Real Property*" reviewed and approved as to form and content by the City Attorney, Community Development Director and Public Works Director that shall be executed by the Owners concurrent with the Final Map, and recorded by the City prior to issuance of a Certificate of Occupancy for the condominium conversion permit. Said agreement(s) shall be recorded in the Office of the County Recorder:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Ownership Unit Affordability Restrictions.** The dwelling unit designated as unit number 816-D on the Tentative Subdivision Map shall be designated as an Affordable Moderate Income Unit with a price targeted to 110% of Area Median Income and sold only to households who, at the time of their purchase, qualify as Moderate Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale price upon initial sale shall not exceed the following:

   Unit No. 816-D (1-bedroom unit) = $186,600

   The Affordable Unit shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures (AHP&P). The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 17, 2007 is limited to the conversion of seven

(7) apartment units on two lots to seven (7) condominium units on one lot, including construction of a new garage, conversion of a carport to garages, conversion of a carport to storage units, and minor residential additions and improvements as shown on the Tentative Subdivision Map and architectural plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

7. **Public Improvement Agreement.** "Agreement for Land Development Improvements", and associated Securities.

8. **Dedication(s).** "Irrevocable Offer of Street Easement Deed" for an easement described as follows:

   "Easement for all Street Purposes along the proposed roadway, as shown on the Tentative Map, in order to expand an existing right of way to accept a 25 foot radius cul-de-sac (1975 Interim Design And Improvement Standards), 18 inch gutter, 6 inch curb, 4 foot parkway, and 6 foot sidewalk (Pedestrian Master Plan) terminating an existing 60 foot wide public right of way."

9. **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.

10. **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan shall be preserved, protected, and maintained. The following provisions shall apply to any oak trees to remain on the property:

a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.

b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

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

1. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:

a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).

b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:

(1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under 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 three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.

2. **Pedestrian Pathway.** A pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk using a different paving material or design.

3. **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.

C. **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. **West Figueroa Street Public Improvement Plans.** The Owner shall submit C-1 building plans for construction of improvements along the property frontage on West Figueroa Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk; driveway apron modified to meet Title 24 requirements; curbs; gutters; asphalt concrete; crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching; underground service utilities; connection to City water and sewer mains; public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.; supply and install 1 residential standard street light, style to be determined by the Public Works Department and the appropriate design review board; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs. The existing private sewer laterals serving the property are subject to the Sewer Line Inspection Program (S.L.I.P.) and shall be repaired before new dwellings are occupied. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer. Any work in the public right-of-way requires a Public Works Permit. The owner shall work with Public Works Staff to incorporate the initiation of public improvements to allow for the future cul-de-sac.

3. **Hydrology Calculations.** All drainage conveyance systems shall be designed to convey the 25-year storm event. If additional drainage conveyance structures are needed based on the review of the results of the hydrology calculations, the improvements shall be shown on the improvement plans and constructed prior to Certificate of Occupancy for the improvements permit, and prior to recordation of the Final Map, at the sole expense of the Owner.

4. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.

5. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.

6. **Handicapped Parking**. The owner shall include space allocation for future handicapped parking.

7. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each

condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

1. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

2. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.

3. **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:

   a. **Initial Sale Price Restrictions.** The dwelling units designated as unit number 816-D on the Tentative Subdivision Map shall be designated as Affordable Moderate Income Unit and sold only to households who, at the time of their purchase, qualify as Moderate Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

      Unit No. 816 D (1-bedroom unit) = $186,600

   b. **Resale Restrictions.** The Affordable Unit shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and

Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

4. **Noise Measurements.** Submit an interior noise analysis from a licensed acoustical engineer, verifying that interior noise levels for future conditions (20 years) are no more than 45 dBA CNEL. As part of the structural and seismic upgrades, any deficiencies in noise mitigation shall be remedied.

E. **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88) (including adjustments to the tenant assistance specified in Subsection 28.88.100.G as specified below):

1. **Notice of Approval of Conversion.** Owner shall deliver written notice to each tenant household within 15 days of the approval of the conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.

2. **Notice of Final Map.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval.

3. **Notice of Department of Real Estate Report.** Owner shall deliver written notice to each tenant household that an application for a public report has been submitted with the California Department of Real Estate within 10 days of the submission of such application.

4. **Exclusive Right to Purchase (Right of First Refusal).** Prior to issuance of a Certificate of Occupancy on the Conversion Permit, Owner shall provide evidence of the extension of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.

5. **Notice of Vacation of Unit.** Each non-purchasing tenant household that is not in default shall have not less than 180 days from the date of approval of the conversion in which to find substitute housing and to relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100.E of the Municipal Code.

6. **Tenant Displacement Assistance.** In the place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89. Evidence of compliance with this condition shall be submitted prior to the issuance of a Certificate of Compliance for the conversion permit.

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.

1. **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.

2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Saturday before 7:00 a.m. and after 5:00 p.m., and all day on Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval.

4. **Oak Tree Protection.** The following provisions shall apply to existing oak trees on site:

   a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.

b. Grading within the dripline of any oak tree shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

c. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.

d. 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.

5. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

G. **Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to recordation of the Final Map:

1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the seven units to condominiums.

2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.

3. **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.

4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.10 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.

5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

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

H. **Prior to Certificate of Occupancy for the Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Conversion Permit, the Owner of the Real Property shall complete the following:

1. Recordation of Final Map.

2. Recordation of the Agreement Relating to Subdivision Map Conditions Imposed on Real Property.

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.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.

5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

6. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).

7. **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.

8. **Recordation of Final Map and Agreements.** After City Council approval of the Map and Agreements, the Owner shall provide evidence of recordation to the Public Works Department.

I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's

Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 17th day of May, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Jostes, Larson) ABSTAIN: 0 ABSENT: 1 (White)

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

Julie Rodriguez, Planning Commission Secretary

June 21, 2007

Date

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

S U Z A N N E E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S, I N C.

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ

RECEIVED
FEB 22 2010
CITY OF SANTA BARBARA
PLANNING DIVISION

22 February 2010

City of Santa Barbara Planning Division
Staff Hearing Officer
Attn: Allison DeBusk
630 Garden Street
Santa Barbara CA 93102

RE: Condominium Development- 814-819 West Figueroa, MST#2006-00271

Dear Staff Hearing Officer:

On behalf of the Elconin Family Trust, we request a time extension of the Tentative Subdivision Map (TSM) approval granted by the Planning Commission on May 17, 2007 (MST#2006-00271). The approved project converts 7 existing residential units to condominiums one of which will be designated as an affordable unit.

Since the approval in 2007, a variety of economic challenges have prevented the applicants from being able to fund the costs associated with Final Map recordation. Due to the national economic downturn, the State passed legislation in 2008 and 2009 providing automatic time extensions for qualifying tentative maps. The subject project qualified for these automatic time extensions which together extend the subject map expiration date to May 17, 2011.

In order to provide the maximum time to finance and proceed with this project, we respectfully request an extension of the map for an additional three years in accordance with the provisions contained in SBMC §27.07.110.D and §66463.5 of the Subdivision Map Act. Approval of this request will extend the map to May 17, 2014.

We appreciate your consideration of this request. Should you have any questions or require additional information, please call me at (805) 966-2758.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

FOR...

Suzanne Elledge
Principal Planner

800 SANTA BARBA FORNIA 93101
TEL 805 966-2758 fo@sepps.com

EXHIBIT B

EXHIBIT C

MAPPING INFORMATION:

1) **PROPOSAL: MERGER OF PARCELS AND CREATION OF A ONE (1) LOT SUBDIVISION (FINAL MAP) FOR CONVERSION TO CONDOMINIUMS SEVEN (7) RESIDENTIAL UNITS, WITHIN BLOCK D OF THE PACKARD ADDITION BEING APNs: 039-191-023 & 26 LOCATED AT 814 & 816 W. FIGUEROA ST. IN THE CITY OF SANTA BARBARA STATE OF CALIFORNIA.**

2) ORIGINAL APN 23 PARCEL A OF CITY L/S C-80 AREA 10,050 SQFT/0.23 ACRES
ORIGINAL APN 26 PARCEL D OF CITY L/S D-80 AREA 9,525 SQFT/0.218 ACRES
PROPOSED LOT 1 AREA: 19,575 SQFT/0.449 ACRES
EXISTING COMPLEX CONTAINS 7 UNITS/ PROPOSED PROJECT TO HAVE 7 UNITS

3) SITE AND DRAINAGE PLANS PREPARED BY OTHER AND ATTACHED TO THIS APPLICATION. ARCHITECTURAL PLANS CONTAIN STATISTICAL DATA

4) ZONING: CURRENT SITE ZONE — R-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN DESIGNATION — TWELVE UNITS PER ACRE.

5) APPLICANTS/OWNERS: GORDON V. ELCONIN AND ROBBIE S. ELCONIN, TRUSTEES, OF THE ELCONIN FAMILY TRUST DATED APR 15, 2005
c/o OASIS REALTY (ATTN: DON ELCONIN
55 HITCHCOCK WAY, #206 SANTA BARBARA, CA 93105 (805) 452-1221

GORDON V. ELCONIN, Trustee DATE: ROBBIE S. ELCONIN, Trustee DATE

6) AGENT: SUZANNE ELLEDGE/PLANNING & PERMITTING SERVICES, INC.
809 SANTA BARBARA STREET SANTA BARBARA, CA 93101
(805)966-2758/FAX (805)966-2759

7) CIVIL ENGINEER: MAC DESIGN ASSOCIATES/MICHAEL CACCESE, R.C.E.#26687
1933 CLIFF DRIVE #6 SANTA BARBARA, CA 93109
(805)957-4748 PH/(805)-4746 FAX

8) DESIGNER: THE LINE ONE/TALL PENABER,
5280 OVERPASS ROAD, SUITE 105 SANTA BARBARA, CA 93111
(805 964-4825

9) SURVEYOR: WATERS LAND SURVEYING, INC /JT WATERS, PLS 3804
5553 HOLLISTER AVE., SUITE 7 GOLETA, CA 93117 (805)967-4416/967-3536 FAX

10) UTILITY DATA: WATER & SEWER: CITY OF SANTA BARBARA
POWER – SOUTHERN CALIFORNIA EDISON. CABLE – COX CABLE OF SANTA BARBARA,
GAS – SOUTHERN CALIFORNIA GAS COMPANY, PHONE – VERIZON PHONE COMPANY

11) ALL EXISTING AND PROPOSED OVERHEAD OR ABOVE GROUND UTILITIES THAT PROVIDE EXCLUSIVE SERVICE TO THE PROJECT SITE SHALL BE PLACED UNDER GROUND PER MUNICIPAL CODE CHAPTER 27 "UNDER GROUNDING OF UTILITIES".

12) FLOOD ZONE "X" AND FLOOD HAZARD PER FEMA MAP 06083C 1366F
DATA OBTAINED FROM S.B. COUNTY FLOOD CONTROL DEPT

13) MODIFICATION REQUESTS: (a) TO ALLOW CONVERSION OF THE EXISTING CARPORT AT REAR OF SITE TO A STORAGE SPACE (CHANGE IN USE) BECAUSE IT DOES NOT COMPLY WITH THE REQUIRED INTERIOR YARD SETBACK [SBMC 28.18.060.B]
(b) LOT AREA MODIFICATION TO ADD SQUARE FOOTAGE TO A DEVELOPMENT THAT EXCEEDS THE MAXIMUM DENSITY PERMITTED [SBMC 28.18.075.B]. (c) FRONT YARD MODIFICATION TO LOCATE A TRASH ENCLOSURE WITHIN THE REQUIRED SETBACK AREA [SBMC 28.18.060.A]

14) EXCEPTION REQUEST: TO PROVIDE ONE, INSTEAD OF THE REQUIRED 1.5 PARKING SPACES, FOR A ONE BEDROOM UNIT. [SBMC 28.90.040.A]

15) SLOPE DENSITY CALCULATION FOR MERGED PARCEL IS 19.18% PER SBMC 28.15.080

16) 7.0'** INDICATES PROPOSED SEVEN (7) FOOT WIDE "DEDICATION OF EASEMENT" FOR FUTURE PUBLIC IMPROVEMENTS ALONG PROPERTY FRONTAGE PER THIS MAP.

CONSTRUCTION NOTES:

1. CONSTRUCT 4"SP STORM DRAIN PVC PIPE.
2. CONSTRUCT 1,500 GALLON PRECAST CONCRETE STORM DRAIN HOLDING TANK WITH STORM DRAIN SUMP PUMP. ACCESS COVER TO BE SLOTTED. BOTTOM OF TANK SHALL HAVE 4" DIA DRAIN HOLE. SUBGRADE OUTLAY DRAIN HOLE IN HOLE 60 2' X 2' X 12" CLEAN ROCK WRAPPED IN FILTER FABRIC FOR STORM DRAIN FLOWS TO TANK DRAINAGE.
3. INSTALL (1) 1-1/2" STANDARD - TYPE C FIRE DIV STD. DTL. 3-403.6 EXACT LOCATION TO BE COORDINATED WITH THE CITY'S FACILITIES DIVISION
4. REMOVE EXISTING WATER METERS AND INSTALL NEW WATER SERVICES AND METERS PER CITY STANDARDS.
5. CONSTRUCT SIDEWALK DRAIN PER STANDARD CITY DETAIL (SEE CIVIL PLANS)
6. CONSTRUCT STANDARD CURB AND GUTTER PER CITY STD. DTL. 1-000.0
7. CONSTRUCT 6" WIDE P.C. CONC. SIDEWALK PER CITY STD. DTL. 1-001.0 1-005.0 & 1-005.1.
8. CONSTRUCT 18' WIDE RESIDENTIAL DRIVEWAY - TYPE C WITH 5' FLARE HEIGHTS PER CITY STD. DTL. 1-010.0 & 1-010.1. MINIMUM WIDTH OF SIDEWALK IS 4'-0".

AGENT'S CERTIFICATE:

WE HEREBY APPLY FOR THE APPROVAL OF THE SUBDIVISION OF REAL PROPERTY AS SHOWN ON THIS PLAT AND CERTIFY THAT WE ARE THE AUTHORIZED AGENT OF THE LEGAL OWNERS AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

SIGNED:

SUSAN McLAUGHLIN, AGENT DATE
c/o SUZANNE ELLEDGE, PLANNING & PERMITTING SERVICES, INC.
809 SANTA BARBARA STREET SANTA BARBARA, CA 93101
(805) 966-2758 PH. (805) 966-2759 FAX

TENTATIVE MAP: TM-1

MERGER OF PARCELS AND CREATION OF A ONE (1) LOT SUBDIVISION (FINAL MAP) FOR CONVERSION TO CONDOMINIUMS, SEVEN (7) RESIDENTIAL UNITS, BEING APNs: 039-191-023 & 026/814 & 816 W. FIGUEROA STREET, IN BLOCK D OF THE PACKARD ADDITION IN THE CITY OF SANTA BARBARA, STATE OF CALIFORNIA

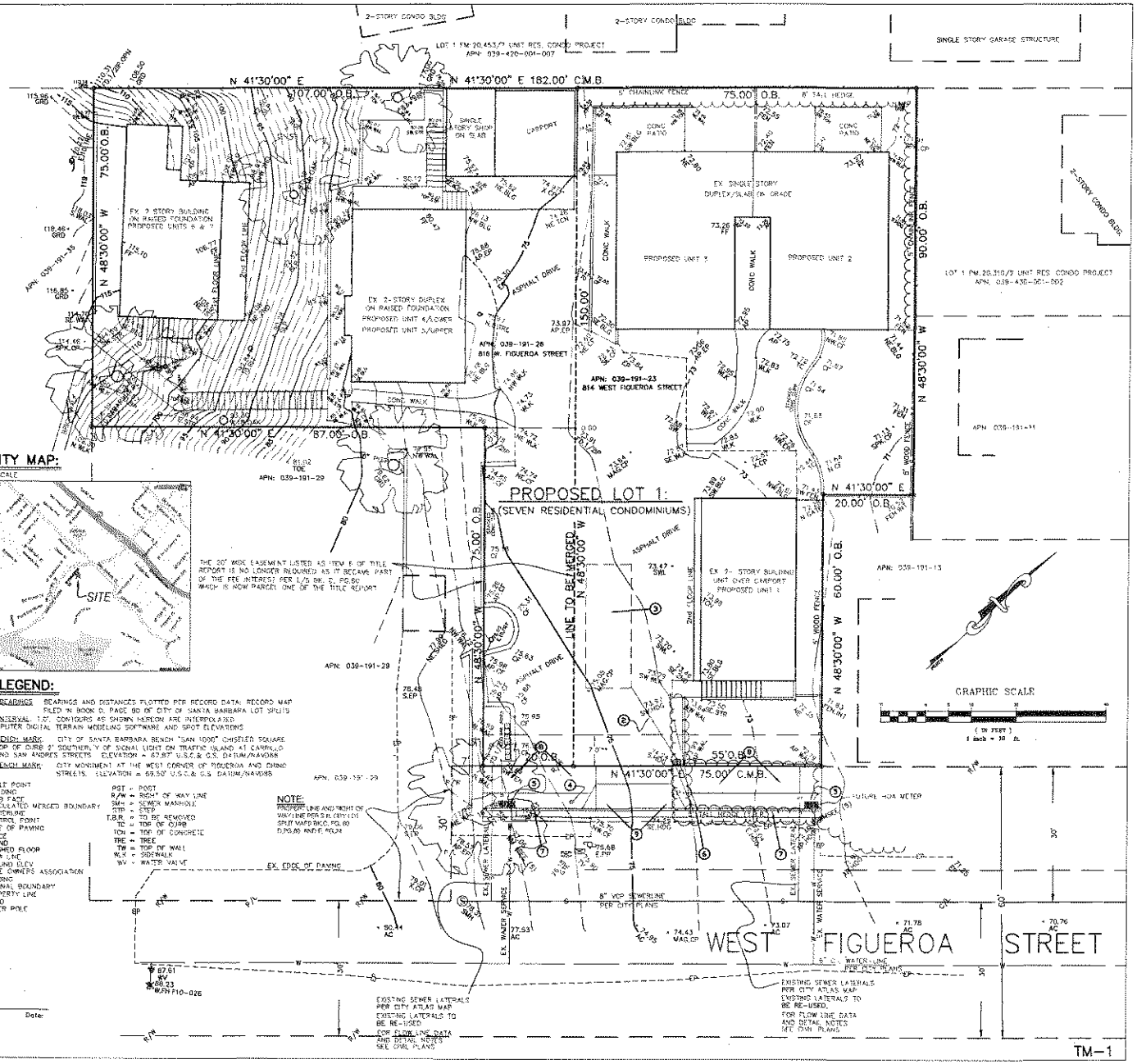
REQUEST OF: GORDON V. AND ROBBIE S. ELCONIN
c/o OASIS REALTY DON ELCONIN
55 HITCHCOCK WAY SANTA BARBARA, CA. 93105

~ APRIL 2007 ~

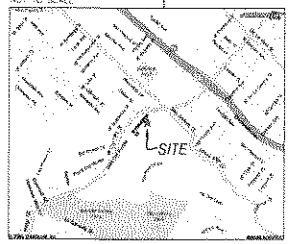
PREPARED BY
WATERS LAND SURVEYING INC.
5553 HOLLISTER AVENUE - SUITES 7 & 8
GOLETA, CALIFORNIA 93117 (805) 967-4416

SCALE: 1" = 10' W.O. No. 26124 SHEET 1 OF 1

Joseph P. Waters, PLS 3804 Date:
INITIAL MAPPING DEC. 2006
TENT MAP JAN 2007
TENT MAP UPDATE FEB 2007
TENT MAP UPDATE FEB 28, 2007
TENT MAP UPDATE APR 9, 2007



VICINITY MAP:
NOT TO SCALE



MAP LEGEND:

BASIS OF BEARINGS: BEARINGS AND DISTANCES PLOTTED PER RECORD DATA: RECORD MAP FILED IN BOOK D, PAGE 80 OF CITY OF SANTA BARBARA LOT SPLITS

CONTOUR INTERVAL: 1.0'. CONTOURS AS SHOWN HEREON ARE INTERPOLATED USING COMPUTER DIGITAL TERRAIN MODELING SOFTWARE AND SPOT ELEVATIONS

INITIAL BENCH MARK: CITY OF SANTA BARBARA BENCH "SAN 1006" CHISELED SQUARE TOP OF CURB 2' SOUTHERLY OF SIGNAL LIGHT ON TRAFFIC ISLAND AT CARRILLO AND SAN ANDRES STREETS. ELEVATION = 67.87' U.S.C.& G.S. DATUM/NAVD88

LOCAL BENCH MARK: CITY MONUMENT AT THE WEST CORNER OF FIGUEROA AND CHINO STREETS. ELEVATION = 63.50' U.S.C.& G.S. DATUM/NAVD88

AP = ANGLE POINT
BLG = BUILDING
CF = CURB FACE
C.M.B. = CALCULATED MERGED BOUNDARY
℄ = CENTERLINE
CP = CONTROL POINT
EP = EDGE OF PAVING
FEN = FENCE
FD = FOUND
FF = FINISHED FLOOR
FL = FLOW LINE
GRD = GROUND ELEV.
HOA = HOME OWNERS ASSOCIATION
LDG = LANDING
O.B. = ORIGINAL BOUNDARY
P/L = PROPERTY LINE
PTO = PATIO
PP = POWER POLE
PST = POST
R/W = RIGHT OF WAY LINE
SMH = SEWER MANHOLE
STP = STEP
T.B.R. = TO BE REMOVED
TC = TOP OF CURB
TCN = TOP OF CONCRETE
TRE = TREE
TW = TOP OF WALL
W.X = SIDEWALK
WV = WATER VALVE

NOTE:
PROPERTY LINE AND RIGHT OF WAY LINE PER S.B. CITY LOT SPLIT MAP BOOK, PG. 80 D.P.06.80 AND P. 90.24