



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 027-17
1626 SANTA BARBARA STREET
MODIFICATION
APRIL 12, 2017

APPLICATION OF KEITH RIVERA, AGENT FOR FULMER FAMILY TRUST, 1626 SANTA BARBARA STREET, APN 027-192-027, R-3 MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM-HIGH DENSITY RESIDENTIAL (15-27 DU/AC) (MST2016-00220)

The proposed project involves construction of a new 2,537 square foot, two-story, single-family dwelling with an attached 471 square foot, two-car garage. The proposed new dwelling unit will be the third dwelling unit on the site, which is currently being developed with a 3,686 square foot duplex and 719 square foot, three-car garage (under construction). The project also includes a Parking Modification request to relieve the requirement to add one uncovered parking space for the duplex, resulting in two covered parking spaces for the new unit, and three covered parking spaces for the duplex as previously approved.

A one-lot subdivision is proposed to create two condominium units for separate ownership: the duplex, and the new two-bedroom unit. Proposed alterations to the site include a new driveway, adjustments to the existing sandstone boundary wall, addition of a new perimeter wall averaging 5 ft. in height, new landscaping, addition of two new storage sheds totaling 110 sq. ft., and 150 cubic yards of fill.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC Chapters 27.07 and 27.13); and
2. A Parking Modification to allow the three existing parking spaces to continue to serve the duplex, without the addition of a fourth space (SBMC §28.90.100 and §28.92.110).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, April 5, 2017.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I.** Approved the subject application making the following findings and determinations:
- A. ENVIRONMENTAL REVIEW.** The project has been found to be consistent with the General Plan. Therefore, the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.
- B. THE TENTATIVE MAP (SBMC §27.07.100).** As described in Section VI of the Staff Report dated April 5, 2017, the Tentative Subdivision Map and proposed development is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara which provides for multi-residential development on lots designated as Medium High Residential and R-3, Multiple Family Zone. The site is physically suitable for the proposed development because sufficient lot area is available for three residential units on the 20,900 square foot parcel. The project is consistent with the base 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 because it provides a multi-residential project at a density of 6.25 units per acre in the Medium-High density (15-27 units/acre) residential area. The design of the project will not cause substantial environmental damage because the project is designed to incorporate tree protection measures, historic resource protection measures in relocating portions of the historic wall, and storm water management best management practices, and the associated improvements will not cause serious public health problems.
- C. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)**
1. The project complies with all provisions of the City's Condominium Ordinance, as described in Section VI of the Staff Report dated April 5, 2017.
 2. The project complies with density requirements, and each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space, as described in Section VI of the Staff Report dated April 5, 2017.
 3. The proposed development is consistent with the General Plan of the city of Santa Barbara because it provides a new residential unit, adequate tree protection, storm water management improvements, and protection of the historic resources on the site, as described in Section VI of the Staff Report dated April 5, 2017.
 4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood, as described in Section VI of the Staff Report dated April 5, 2017.
 5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources because adequate parking is provided, and the two-story development is compatible with surrounding development, as described in Section VI of the Staff Report dated April 5, 2017.

6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts because, once the minimal number of new trips (1 AM and 1 PM peak hour) are added to the street network, there will not be an impact at any of the City's identified year 2030 impacted intersections. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate, as described in Section VIII of the Staff Report dated April 5, 2017.

D. MODIFICATION (SBMC §28.92.110). The Staff Hearing Officer finds that the Parking Modification is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area because the parking demand for the duplex and new residential unit will be met on site with the five covered parking spaces because two parking spaces are provided for the new residential unit, and no new floor area is proposed for the existing duplex. Additionally, the subject property is located in close proximity to services and public transportation.

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

A. Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain a revision to Building Permit (BLD2015-02604) to perform all physical improvements necessary, if applicable, to bring the one-bedroom unit under construction up to new condominium standards prior to occupancy clearance, as described in SBMC 27.13.060.
2. Obtain a revision to Building Permit (BLD2015-01155) to perform all physical improvements necessary, if applicable, to bring the existing five-bedroom unit up to new condominium standards prior to occupancy clearance, as described in SBMC 27.13.060.
3. Obtain all required design review approvals.
4. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
5. Pay Inclusionary Housing In-Lieu Fee.
6. Submit an application for and obtain City Council approval of the Parcel Map and Agreement and record said documents.
7. Permits following recordation of Parcel Map.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of the new detached three-bedroom unit and garage.

- b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.

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

B. Recorded Conditions Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, excluding building permits necessary to bring the one-bedroom and five-bedroom residences up to condominium standards, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on April 12, 2017 is limited of construction of a new 2,537 square foot, two-story single-family dwelling with an attached 471 square foot two-car garage for a total of two condominium units; a new driveway, adjustments to the existing sandstone boundary wall, addition of a new perimeter wall averaging 5 ft. in height, new landscaping, addition of two new storage sheds totaling 110 sq. ft., and 150 cubic yards of fill; as well as public 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.

The proposed new dwelling unit will be the third dwelling unit on the site. The property contains a 2,999 square foot five-bedroom residence, known as the “Unity House” that has existed on the site since 1904. In 2015, the owner obtained approvals for a new 719 square foot three-car garage with 687 square foot one-bedroom unit above, which is currently under construction. For clarity, the two attached residential units—the existing 5-bedroom and the one-bedroom under construction—are referred to as the “duplex,” and the proposed detached two-bedroom unit is referred to as the “detached third unit.”

2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Morton Bay Fig Tree Protection.** The existing Morton Bay Fig tree shown on the Tentative Subdivision Map and Site Plan is a historic resource and shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist’s report prepared by Bill Spiewak, dated November 8, 2016 and the findings of the follow-up investigation suggested by that report and required in Condition D.1 below.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
7. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** 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. **Parking Space Assignment.** Parking spaces within the project shall be allocated.
 - d. **Landscape Maintenance.** Landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - e. **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.

- f. **Public Improvement Districts.** A waiver to protest formation of public improvement districts.
- g. **Covenant Enforcement.** The ability of 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 on the Real Property, excluding building permits necessary to bring the one-bedroom and five-bedroom residences up to condominium standards

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
3. **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, concurrently with the Parcel Map.
4. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations, a hydrology report, and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
5. **Santa Barbara Street Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Santa Barbara Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and remove/replace to City standards, the following: an estimated 40 LF of sidewalk, 10 LF of curb and gutter, truncated

domes on corner access ramp, crack/slurry seal a minimum of 20 feet beyond the limits of all trenching, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction. Any work in the public right-of-way requires a Public Works Permit. The owner shall apply for an "as-built" permit for the existing steel plate drainage structure and include the structure in the Public Works plans.

6. **Valerio Street Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Valerio Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and remove/replace to City standards, the following: 10 LF of Sidewalk, 1 driveway apron, 10 LF curb and gutter, crack/slurry seal a minimum of 20 feet beyond the limits of all trenching, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction. Any work in the public right-of-way requires a Public Works Permit.
 7. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
 8. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
- D. Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant project design approval until the following Staff Hearing Officer land use conditions have been satisfied.
1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved Tentative Subdivision Map, Site Plan, and Landscape Plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the trees shall be compatible with the preservation of the trees, as determined by the ABR.

- c. **Arborist's Report.** Prior to submittal to the ABR for Project Design Approval, the recommendations contained in the arborist's report prepared by Bill Spiewak, dated November 8, 2016 shall be implemented. Any additional recommendations, including a requirement for monitoring of the construction activities adjacent to the Moreton Bay Tree, shall be implemented.
- (1) **Arborist Monitoring.** If monitoring by a certified arborist is required, the following conditions apply:
- (a) Prior to the issuance of any permit for the project the Owner shall submit, for review and approval by the Planning Division, an executed contract with a qualified arborist for monitoring of all excavation and grading work near trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- (b) Prior to issuance of the Certificate of Occupancy or final Building Inspection, the Owner of the Real Property shall submit to the Planning Division a final tree monitoring report with the findings of the monitoring activities including additional recommendations that were carried out in the field during excavation and grading work near trees.
- d. **During Construction.**
- (1) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- (2) No grading shall occur within three feet of the driplines of the existing trees, except as indicated on the arborist report for construction of the southern portion of the house, patio, and patio wall.
- (3) A qualified Arborist shall be present during any excavation beneath the dripline of the Morton Bay Fig tree which is required to be protected. All excavation within the dripline of the Morton Bay Fig tree shall be minimized and shall be done with hand tools.
- (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
- (5) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- (6) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree, or within five (5) feet of the dripline of the Morton Bay Fig tree.

2. **Landscape Screening.** Landscaping with low water use plants shall be provided to buffer the historic low sandstone wall from the new plaster patio wall.
 3. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
 4. **Water Meters.** Each dwelling unit must be served by a separate City water meter located in the public right of way. Dedicated irrigation meter required if irrigated area exceeds 1,000 square feet.
 5. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.
 6. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (at least 50 percent of the total area) shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
- E. Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition C.5 "Santa Barbara Street Public Improvements" and C.6 "Valerio Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement for Land Development Improvements*.
 - b. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
 2. **Community Development Department.**
 - a. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for the detached two-bedroom unit.
 - b. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$21,700 to the Community Development Department.

- c. **Physical Standards for Condominiums.** Prior to issuance of building permits for the detached two-bedroom unit, the applicant must demonstrate how the unit complies with new condominium standards described in SBMC 27.13.060.
- d. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of the Morton Bay Fig tree during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- e. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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F. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- 2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.

3. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
4. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
 - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
5. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

- G. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B "Recorded Conditions Agreement" have been recorded.

H. General Conditions.


1. **Prior Conditions.** These conditions are in addition to the conditions identified in Staff Hearing Officer Resolution 018-15, with the exception of Condition No. 3 of Resolution 018-15 which shall be superseded to read as follows: "If future projects propose additional bedrooms or units to the duplex, parking requirements will be subject to review."
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the

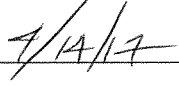
agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

This motion was passed and adopted on the 12th day of April, 2017 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Architectural Board of Review (ABR)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF MODIFICATION APPROVAL TIME LIMITS:**
The Staff Hearing Officer action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:
 - a. An extension is granted by the Community Development Director prior to the expiration of the approval; or
 - b. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

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

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

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

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