

CITY COUNCIL DRAFT CONDITIONS OF APPROVAL

415 ALAN ROAD

*TENTATIVE SUBDIVISION MAP, MODIFICATION, GENERAL PLAN & LOCAL COASTAL PLAN AMENDMENT
ZONING MAP AMENDMENT & COASTAL DEVELOPMENT PERMIT*

NOVEMBER 15, 2011

- I. In consideration of the project approval granted by the City Council and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all additional land use approvals. Refer to condition B “Approval Contingent Upon Adoption of General Plan/Local Coastal Plan Amendment.”
 2. Make application and obtain a Public Works Permit (PBW) for all required public improvements as identified in condition D.3 “Alan Road Public Improvements,” and **complete** said improvements. Refer to condition E “Requirements Prior to Permit Issuance.”
 3. Make application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents. Refer to conditions D “Public Works Submittal for Parcel Map Approval” and F “Prior to Recordation of Map.”
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Approval Contingent Upon Adoption of Local Coastal Program Amendment.** Approval of the subject project is contingent upon California Coastal Commission approval of the Local Coastal Program Amendment.
- C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the City Council on November 15, 2011 is limited to a two lot subdivision, creating one 45,056 square foot lot, with an existing single family residence remaining on this lot, and one 14,601 square foot lot, which would be vacant. No additional development is proposed, as shown on the tentative subdivision map signed by the Mayor of the City Council on said date and on file at the City of Santa Barbara.
 2. **Future Development.** All future development on Proposed Parcel B shall be subject to the following conditions:
 - a. All future construction shall comply with the applicable conditions of approval contained in Sections F. “Requirements Prior To Permit Issuance.”
 - b. All future development shall be located between the forty foot contour line and the public street.

- c. Future development of the lot shall be limited to following: 1) A single story residence not to exceed 2,000 square feet, 2) A garage not to exceed 500 square feet, 3) A driveway providing access to the development and 4) hardscape, landscaping and other at grade type of uses (e.g. pool).
3. **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.
- D. **Public Works Submittal For 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:
 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. **Alan Road Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Alan Road. As determined by the Public Works Department, the improvements shall include the following: saw-cut and replace a minimum of 6 panels of cracked, uplifted or otherwise damaged sidewalk, and grind the edges of approximately 6 additional panels of sidewalk that are uplifted at the joints under the direction of the Public Works Inspector. All work in the public right-of-way requires a Public Works Permit.
 4. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$15,500 to the Community Development Department prior to Certificate of Occupancy of the future development of Proposed Parcel B.
- 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 departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for public improvement permits pulled prior to recordation of the Parcel Map. Please note that these conditions are in addition to the standard submittal requirements for each department.
 1. **Public Works Department.**
 - a. **Public Improvement Plans.** A site plan showing required public improvements, identified in condition D.3 "Alan Road Public

Improvements”, shall be submitted to the Public Works Department for review, approval, and issuance of a Public Works permit.

2. **Community Development Department.**

- a. **Conditions on Plans/Signatures.** The final City Council 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 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.

F. **Prior to Recordation of the Map.** Prior to recordation of the Map, the Owner of the Real Property shall complete the following:

- 1. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and/or installation of street trees and street lights, shall be completed.

G. **General Conditions.**

- 1. **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.
- 2. **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 City Council.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the City

Council 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.

3. **Litigation Indemnification Agreement.** 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.

NOTICE OF APPROVAL TIME LIMITS:

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

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. 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.

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

The City Council'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.

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.