



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 020-11

457 N. HOPE AVENUE

TENTATIVE SUBDIVISION MAP, ANNEXATION, GENERAL PLAN AMENDMENT,
REZONE AND A STREET FRONTAGE MODIFICATION

OCTOBER 6, 2011

APPLICATION OF TRUDI CAREY AGENT FOR GIARDINI DI CIPRIANI, LLC, 457 N HOPE AVENUE, APN 057-170-012, RES 4.6 (COUNTY) ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL (COUNTY) (MST2006-00564)

The project consists of a nine-lot subdivision of a 2.96-acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. As part of the project, the site would be annexed to the City of Santa Barbara. A General Plan designation of Residential (5 units/acre) and Zoning designation of One-Family Residence E-3/S-D-2 (7,500 square feet minimum) is proposed. No development of the individual lots is currently proposed, but construction of infrastructure to serve all of the lots is part of the project. Infrastructure would include a new cul-de-sac road, which would be dedicated as a public road, and all utilities to serve each of the nine lots. Future development of the parcels would be single-family homes. Future development of homes would be reviewed individually through design review and building permit review. Based upon the proposed lot size, it can be assumed that development could be up to 30 feet in height and an approximately 4,000 square feet in size (includes garage, habitable space and hardscape).

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Local Agency Formation Commission (LAFCO):

1. General Plan Amendment to change the land use designation of project site from the Santa Barbara County Land Use Designation of Residential, Res 4.6 units per acre to City General Plan Designation of Residential, 5 units per acre, (SBMC §28.07);
2. Zoning Map Amendment to rezone the site from the Santa Barbara County zoning designation of Single-Family Residential 8-R-1 to the City Zoning designation of One-Family Residence/Special District E-3/S-D-2 (7,500 s.f. minimum) (SBMC, §28.92.020);
3. Detachment from County Service Area (CSA) No. 32 (Unincorporated Law Enforcement), Santa Barbara County Fire District, and Goleta Water District;
4. Annexation of the property from Santa Barbara County to the City of Santa Barbara;

Actions by the Planning Commission, contingent upon approval of the actions listed above:

5. A Modification to reduce the required street frontage of proposed Lot number 8 from 60 feet to 38 feet (SBMC §28.92.026.A);
6. A Tentative Subdivision Map to allow the division of one parcel (1) into nine (9) lots (SBMC 27.07);

The Planning Commission will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 3 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 29, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Lauren Saltman, via email
 - b. Jeff Devine, via email
 - c. Dan Dawson, via email
 - d. Ross Harris, via email
 - e. Dave Scott, via email
 - f. Judy Rattray, via email
 - g. Susan Rodriguez, via email
 - h. Diane Johnson, via email
 - i. Connie Townsend, via email
 - j. John and Ruth Rowe, via email
4. Correspondence received in opposition to the project or with concerns:
 - a. Laurie Shea, via email
 - b. Paula Westbury, Santa Barbara, CA
 - c. Chris and Marilee Bell, via email

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

- I. Recommended to City Council the Detachments, Annexation, General Plan Amendment and the Zoning Map amendment as outlined in the Staff Report of September 29, 2011.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs); and

- II. Directed to Public Works that the height of the light poles shall be 14 feet.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs); and

III. Approved the subject application making the following findings and determinations:

A. **Final Negative Declaration Adoption**

1. The Planning Commission has considered the proposed Final Negative Declaration, dated September 27, 2011, for the 457 North Hope Project (MST2006-00564), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Negative Declaration, dated September 27, 2011, is hereby adopted.
4. Recommended mitigation measures identified in the Negative Declaration that would further reduce all less than significant impacts have been included in the project or made a condition of approval.
5. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
6. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

This motion to certify the Final Negative Declaration was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs)

B. **Modification**

The proposed project includes a Modification request to reduce the required street frontage of proposed Lot 8 from 60 feet to 38 feet. Because of its location at the curve of the cul-de-sac, Lot 8's street frontage would be shortened, and the lot would be shaped similar to a flag lot. The interior of the lot is rectangular (99' X 98') and the overall size is over 11,000 square feet, which would provide adequate room for development without need for any further Modifications. Therefore, due to the location of this lot, and because there is adequate room on the lot to provide access and development consistent with the Municipal Code, this Modification is consistent with the purpose and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement.

C. **The Tentative Map (SBMC §27.07.100)**

With the approval of the requested Street Frontage Modification for Lot 8, the Tentative Subdivision map is consistent with the General Plan, as described in Section V.C. Development of the houses is not proposed at this time; however, the layout of the proposed subdivision is consistent with the applicable General Plan and Zoning requirements. The site is physically suitable for the proposed development, as there are no physical constraints, such as steep slopes, extensive vegetation or watercourses, that would prevent future development or require exceptions from the Municipal Code. The site is physically suitable for the proposed density of development, because it is relatively flat (except for Lot 8), and the proposed density of development of 3.8 units per acre is less than the density allowable under the proposed General Plan designation (5 units per acre). The design of the project will not cause substantial environmental damage because a grading plan was provided that demonstrates drainage being conveyed in a manner consistent with adopted regulations and guidelines. The design of the development is not likely to cause public health problems, as the future development would be single-family residences, consistent with the surrounding neighborhood. Finally, the design of the development will not conflict with any public easements; the existing sewer easement at the northern property line will be relocated to the centerline of the new public street. The project includes the development and dedication of a new public street and improvements to the sidewalk along Hope Avenue.

IV. Said approval is subject to the following conditions:

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

1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
2. Obtain all additional land use approvals. Refer to condition B "Approval Contingent upon Annexation, Adoption of General Plan Amendment and Rezone." After all City approvals are obtained, submit Annexation Map to LAFCO, provide City staff with a copy of *Certificate of Completion & LAFCO Resolution*, pay Annexation Buy-In fees to City Public Works for public infrastructure prior to recordation of Final Map.
3. Obtain all required design review approvals.
4. Pay Land Development Team Recovery Fee.
5. Make application and obtain City Council approval of the Final Map and Agreements and record said documents.
6. Permits following recordation of Final Map.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements, and an Encroachment Permit for private drainage system in the public Right of Way.

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

- B. **Approval Contingent Upon Annexation, Adoption of General Plan, and Rezone.** Planning Commission approval of the proposed subdivision is contingent upon approval of the Annexation, Zoning Ordinance and General Plan Amendment by the City Council and completion of that annexation by the Local Agency Formation Commission.
- C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Final Map, and shall include the following:
1. **Approved Development.** A nine lot subdivision of a 2.92 acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. The site would be annexed to the City of Santa Barbara and would be given a General Plan designation of Residential (5units/acre) and Zoning designation of Residential (E-3 - 7,500 square feet/lot). No structural development of the individual lots is proposed, but infrastructure serving all of the lots would be either constructed or bonded. The infrastructure includes, but is not limited to, new water lines, sewer lines, a public road and drainage improvements, which are shown on the Tentative Subdivision Map and signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Future Residential Development.** All future development on the property 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," G. "Construction Implementation Requirements," and H. "Prior to Certificate of Occupancy" of the Planning Commission resolution.
 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.
 4. **Private Drainage.** The Owner shall also provide drainage easements across the newly created lots to facilitate drainage.
 5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
 6. **Landscape Plan Compliance.** The Homeowner(s) shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the Homeowner(s) are responsible for its immediate replacement.
 7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Homeowner(s) shall maintain the common drainage system and storm water pollution control devices as shown on the approved Tentative Map intended to intercept siltation and other potential

pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state as outlined in the private CC&R's (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual).

- a. 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 Home Owner(s) shall be responsible for any necessary repairs to the system and restoration of the eroded area.
 - b. 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.
 - c. The Homeowner(s) are 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.
 - d. Drainage from individual detention basins on each lot, as depicted on the Tentative Map, shall not be impeded by neighboring parcels.
8. **Required Private Covenants (CC&R's).** The Owner shall record in the official records of Santa Barbara County private covenants or a similar agreement which, among other things, shall provide for all of the following:
- a. **Common Landscape Area Maintenance.** The Homeowners shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for the areas located between the northern property line and the new public right-of-way road easement, the detention basin within the center of the cul-de-sac and the detention basin located on Lot No. 1.
 - b. **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.
9. **Pesticide or Fertilizer Usage Near Drainage Facilities.** The use of pesticides or fertilizer shall be prohibited within the detention basin area located in the cul-de-sac, which drains directly into an offsite concrete V-ditch that leads to a natural water course as outlined in Municipal Code §16.15.
- D. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City *Survey Control Ordinance*.

2. **Dedications.** Public Easements, as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department:
 - a. A 23-foot wide easement for all street purposes along Hope Avenue in order to establish a 60-foot wide public right-of-way.
 - b. Dedicate a new public road to the City of Santa Barbara shown on the Tentative Map as *Whiterose Lane* with a 40-foot wide public right-of-way, abutting to the existing City sewer easement along the northerly property line. The 40-foot wide easement shall accommodate a sidewalk and parkway along the southern side of Whiterose Lane, curbs, gutter, travel lanes and an area along the northern side of Whiterose Lane to accommodate “no parking” signs.
 - c. The existing sewer easement along the northern property line shall be reduced from ten (10) feet to eight (8) feet in width.
3. **Private Agreement to Extend Private Sewer Laterals from Individual Properties Located to the North of the Subject Subdivision** Developer shall advise the owners of the seven (7) existing homes to the north of the project site (counting from east to west, starting at Hope Avenue) of the opportunity to connect to the proposed sewer main on the project site at the owners’ cost. During construction of the proposed sewer main, Developer shall accommodate the connection of private sewer laterals from any interested owners. Developer shall execute and record any documentation necessary to enable the connection and future use and maintenance of such private laterals. Developer’s obligation to facilitate such connections shall cease upon construction of the proposed public road on the project site.
4. **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.
5. **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 Final Map.
6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations, and 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.

- a. The Homeowner(s) shall maintain the private drainage system and storm water pollution control methods in a functioning state.
7. **New Public Road (“Whiterose Lane”) Improvements.** The Owner shall submit separate C-1 public improvement plans to the Public Works counter for construction of public improvements along the interior property frontage for the proposed new public road identified as *Whiterose Lane* on the Tentative Map. Public Works C-1 plans shall be submitted separately from plans submitted for Building Permits, and shall be prepared by a civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the following according to City standard details, ADAAG (*ADA Guidelines for the public R/W*), the 1975 *Interim Design and Improvements Standards*, the most current publication of the *Greenbook*, and current Municipal Codes:
- a. *Construct to Greenbook standards:* (N) asphalt concrete pavement on aggregate base for a 28-foot paved roadway measured from curb to curb. *Construct to City standards:* 6-inch high curb and gutter on both sides of the new road, 5-foot wide sidewalk and 4-foot wide parkway on the southerly side only of *Whiterose Lane*, supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the Street Tree Advisory Committee. Construct nine (9) residential driveway aprons to new lots modified to meet Title 24 requirements, construct 2 single-directional access ramps at entrance to *Whiterose Lane*, supply and install (N) street name sign, supply & install (N) stop sign at southerly exit lane, a stop bar, and a minimum of three (3) No Parking signs on the northerly side of the new road behind curb.
 - b. Construct (N) 8-inch sewer main at centerline of *Whiterose Lane* and connect (N) main to (E) sewer main along northerly property line through an easement on proposed lot 9 as shown on the Tentative Map. Construct three (3) (N) sewer manholes, and construct nine (9) (N) sewer laterals to proposed lots behind the sidewalk as a part of construction of the (N) sewer main.
 - c. Construct (N) 8-inch Ductile Iron water main & appurtenances including installation of two (2) new residential fire hydrants, nine (9) new 2-inch water service lines, one to each new lot, and connect (N) water main to City water main in Hope Avenue.
 - d. Submit a Final hydrology report for installation of public & private drainage pipe. Construct three (3) (N) drop inlets with gutter depressions, and provide storm drain stenciling on (N) drop inlets. In addition, each lot shall submit separate hydrology calculations depicting how the 100-year storm event will be retained as recommended in the Preliminary Hydrology Report prepared by MAC Designs dated 10-12-10. The public improvement plans shall indicate the 100-year overland escape routes.
 - e. Supply and install three (3) - Type B residential Dome Style City standard street lights (*one 70 watt at mid-block, one 70 watt at end of cu-de-sac & one 200 watt at the intersection of new road & Hope Ave*), with final location to be determined by the Public Works Department. Show underground conduit and point of

connection for new street lights on civil plans. Contractor shall coordinate with Edison and the Public Works Inspector to energize new lights.

- f. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.
8. **Hope Avenue Public Improvements.** The Owner shall submit C-1 public improvement plans to the Public Works counter for construction of public improvements along the property frontage along Hope Avenue. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall be combined on same plans as the separate C-1's for *Whiterose Lane*. As determined by the Public Works Department, the improvements shall include the following to City standards:
- a. Construct (N): Concrete cross gutter across entrance of Whiterose Lane in Hope Avenue right-of-way, 6-foot wide sidewalk and 4-foot parkway along entire property frontage, +/- 20 LF curb and gutter, a minimum of two (2) Alhambra A470 curb drain outlets, slurry seal to the centerline of the Hope Avenue along entire subject property frontage, *and* slurry seal a minimum of 20 feet beyond the limits of all trenching. Submit a Final hydrology report with determination of sizes for new curb drain outlets.
 - b. Supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the *Street Tree Advisory Committee*.
 - c. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.
9. **Land Development Agreement** (to Secure Public Improvements). The Owner shall submit an executed *Land Development Agreements*, 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.
10. **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 requires an Encroachment Permit. The Owner shall obtain a separate Encroachment Permit for private drainage improvements located in the cul-de-sac of the (N) public right-of-way and all private drainage facilities shall be maintained by the private Home Owner's Association.
11. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$15,500/lot to the Community Development Department.

- E. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to any landform alterations, public improvements, private/common improvements, and landscaping, shall be subject to the review and approval of the SFDB prior to recordation of the Map.
- F. **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 D.6 “(*Whiterose Lane*) Public Improvements” and D.7 “(*Hope Avenue Public Improvements*)” shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has submitted securities for the public improvements and executed the *Land Development Agreement*.
 - b. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager. (T-1)
 - c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways. (T-2)
 - d. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager. (T-3)
 2. **Community Development Department.**
 - a. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.
 - b. **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 E “Design Review,” and all elements/specifications shall be implemented on-site.
 - c. **Geotechnical Studies.** All recommendations contained in the foundation report prepared by Coast Valley Testing, Inc (August 21, 2009) shall be implemented.

These recommendations shall include, but are not limited to requirements for inspections of excavated areas during vegetation clearing, grubbing prior to grading, grading, and review of design of foundations. Scarification and wetting of recompacted areas to receive fill. Also, requirements for asphalt concrete flatwork, and concrete hardscape shall be followed. Grading and foundation plans shall be reviewed by a Geotechnical Engineer and Engineering Geologist to ensure compliance with the recommendations in the Coast Valley Testing, Inc. studies and comply with the findings of any additional subsurface exploration. Compliance shall be demonstrated on plans submitted for grading and building permits and subject to City Building and Safety Division review and approval.

- d. **Conditions on Plans/Signatures.** The final Planning Commission or 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.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, 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 name, contractor telephone number, 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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor, site rules and Conditions of Approval pertaining to construction activities, and any additional information that will

assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-1).

3. **Temporary Traffic Control Plan.** A Temporary Traffic Control (TTC) plan shall be submitted to the Public Works counter, as specified in the DRAFT *City of Santa Barbara Traffic Control Guidelines*, and the 2006 California MUTCD. Traffic Control Plans are subject to approval by the Public Works Director and the City's Traffic Engineer.
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact 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 said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.(N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit. (T-4)
7. **Construction Dust Control** – Throughout grading and other ground disturbance, the following conditions shall be followed:
 - a. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to

achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)

- b. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-2)
- c. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-3)
- d. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-4)
- e. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by: (AQ-5)
 - (1) Seeding and watering until grass cover is grown;
 - (2) Spreading soil binders;
 - (3) Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - (4) Other methods approved in advance by the Air Pollution Control District.
- f. **Construction Dust Control – Surfacing.** All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)
- g. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
- h. **Construction Dust Control – Project Environmental Coordinator (PEC).** 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 construction 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 for the structure. (AQ-8)

- i. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-9)
- j. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-10)
- k. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-11)
- l. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-12)
- m. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-13)
- n. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-14)
- o. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-15)
- p. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-16)
- q. **Asbestos & Lead-Containing Materials.** Pursuant to APCD Rule 1001, the applicant is required to complete and submit an APCD Asbestos Demolition and Renovation Compliance Checklist at least 10 working days prior to commencing any alterations of the buildings. Any abatement or removal of asbestos and lead - containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained for the Air Pollution Control District prior commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate land fills that are certified to accept this material. (AQ-17)
- r. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)
- s. **Mobile construction equipment** - 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, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-

fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm. (AQ-19)

8. **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.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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.** Complete public improvements, as shown in the separate public improvement plans, including utility service undergrounding required by Municipal Code 27.028.025, .

3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if irrigation meters, pools, spas or solar panels are installed on any of the individual lots.
4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section C "Recorded Conditions Agreement" have been recorded.
6. **Evidence of Detention Basins and Northerly Landscape Strip Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that maintenance of the detention basins and the landscape strip are recorded in an *Agreement for Shared Maintenance* or private CC&R's required in Section F.2 "Requirements Prior to Permit Issuance"

I. **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 Planning Commission.
 - 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.
3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,044.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.

4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.
5. **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.

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

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

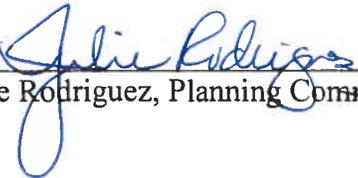
NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

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

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Bartlett, Jordan) ABSTAIN: 0 ABSENT: 1 (Jacobs)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary



Date

PLEASE BE ADVISED:

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