City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 046-09
3714 - 3744 STATE STREET
LOT LINE ADJUSTMENT, DEVELOPMENT PLAN, LOT AREA MODIFICATION AND TENTATIVE SUBDIVISION MAP
DECEMBER 17, 2009

APPLICATION OF BRENT DANIELS, L&P CONSULTANTS, AGENT FOR KELLOGG ASSOCIATES; 3714-3744 STATE STREET (APN: 053-300-023 AND -031); C-P/S-D-2 AND C-P/R-3/R-4/S-D-2 ZONES; GENERAL PLAN DESIGNATION: GENERAL COMMERCE, OFFICE, RESIDENTIAL – 12 UNITS PER ACRE, AND BUFFER (MST2007-00591)

The project consists of the demolition of the existing 113-room Sandman Inn Hotel, Downtown Brewing Co. restaurant building, and all site improvements, and the construction of a new office complex consisting of 13,075 square feet on Lot A, and two commercial condominiums totaling 1,537 square feet and 73 residential condominium units on Lot B. The project includes a total of 241 parking spaces (71 parking spaces for the commercial component, 163 parking spaces for the residential component and 7 common/shared spaces). Access would be provided from State Street.

The office development on Lot A would be contained within a two-story building with a maximum height of approximately 31 feet. A majority of the parking (46 of 63 required spaces) would be provided in an at-grade parking lot located behind the building. The remaining required parking spaces would be located along the at-grade driveway (3 spaces), in the existing adjacent parking lot on-site (4 spaces) and in the underground parking garage located on Lot B (10 spaces).

The commercial development on Lot B would have a maximum height of approximately 24 feet. Parking would be provided along the at-grade driveway (5 spaces) and in the underground parking garage (3 spaces).

The residential development on Lot B would have a maximum height of 35 feet above finished grade, with parking provided in an underground parking garage. Of the 73 residential condominium units, two units would be one-bedroom units of approximately 873 square feet, 52 units would be two-bedroom units of between 1,080-1,350 square feet, and 19 units would be three bedroom units of between 1,425-1,520 square feet. Eleven of the 73 units (2 one-bedroom units, 5 two-bedroom unit and 4 three-bedroom units) would be provided at sales prices targeted to middle-income households, pursuant to the City of Santa Barbara's Affordable Housing requirements. The residential development would also include a Community Center of approximately 1,200 square feet and common open space areas located east and west of the at-grade driveway turn-around.

The discretionary applications required for this project are:

1. A Lot Line Adjustment to transfer 2.22 acres from APN 053-300-031 to APN 053-300-023;
2. A Development Plan to allow construction of a building of 10,000 square feet or more of total floor area in the C-P Zone (SBMC §28.54.120);

3. A Modification of the lot area requirements to allow one over-density unit on a lot in the C-P/S-D-2, R-3/S-D-2 and R-4/S-D-2 zone districts (SBMC Section 28.92.110.A.2); and

4. A Tentative Subdivision Map (TSM) for a one-lot subdivision to create 73 residential condominium units and two commercial condominium units (SBMC Chapters 27.07 and 27.13).

A Final Environmental Impact Report (EIR) has been prepared, and, prior to an action on the project, the Planning Commission will consider certification of the EIR, and must make findings pursuant to the California Environmental Quality Act Guidelines Section 15091.

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

WHEREAS, no one appeared to speak in favor of the application, and 4 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 10, 2009
2. Site Plans
3. Correspondence received in opposition to the project or with concerns:
   a. Trey Pinner, Professional Investment Planning, Santa Barbara, CA
   b. Naomi Kovacs, Citizens Planning Association, via email
   c. James and Virginia Peterson, via email
   d. Paula Westbury, Santa Barbara, CA

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

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

A. **Environmental Findings Pursuant to the California Environmental Quality Act (CEQA) for Certification of the Final Environmental Impact Report (Per Public Resources Code (PRC) Section 21081 And California Code Of Regulations (CCR) Section 15090)**

The Planning Commission certifies that:

1. The Final Environmental Impact Report for the Sandman Inn Redevelopment Project was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the Final Environmental Impact Report, along with public comment and responses to comments, and determined that the document constitutes a complete, accurate, and good faith effort toward full disclosure of the project's impacts and is an adequate environmental analysis of the project.

2. The Final Environmental Impact Report for the Sandman Inn Redevelopment Project has been completed in compliance with the California Environmental Quality Act and Guidelines.

3. The Final Environmental Impact Report for the Sandman Inn Redevelopment Project reflects the City of Santa Barbara Planning Commission's independent judgment and analysis.

4. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based, is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.

5. A mitigation monitoring and reporting program (MMRP) is hereby adopted. Mitigation measures have been made enforceable through incorporation into the project description or are included as conditions of project approval.

6. The Planning Commission finds the project dated December 3, 2009 to be environmentally superior in terms of relative environmental impacts to all other alternatives evaluated in the EIR.

Class II Impacts (Potentially Significant and Mitigated). Project elements incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels. These findings are supported by substantial evidence in the record including the Final EIR.

a. **Visual Aesthetics**. Removal of existing mature trees would affect the site's visual appearance. This impact would be reduced to a less than significant level by relocating existing mature trees on-site and replacing each mature tree removed with an appropriate replacement tree, as determined by the City's Architectural Board of Review.

b. **Geologic Hazards:** The proposed project has the potential to be affected by ground shaking and other seismic hazards. This impact would be reduced to a less than significant level with the implementation of the recommendations in the Soils Engineering Report prepared for the project, as well as compliance with building code requirements that would minimize potential hazards associated with ground shaking.

c. **Noise:** Residential units near State Street and/or the residential parking garage ramp may experience noise levels above 45 dBA (interior) and/or 60 dBA (exterior), and commercial uses adjacent to State Street and/or the commercial parking garage may experience noise levels above 50 dBA (interior). These impacts would be reduced to a less than significant level with the implementation of noise attenuation measures in building construction and in the parking ramp design. Construction noise also has the potential to impact adjacent residents, and mitigation

measures to address construction hours, construction equipment sound, noise barriers and improvement to adjacent residential units have been included.

d. **Public Services:** The project would result in the short-term generation of construction and demolition waste, and long-term generation of waste from residential and commercial uses. This impact will be reduced to a less than significant level with the implementation of a waste management plan and by designing adequate trash enclosures with recycling areas into the project.

e. **Transportation and Circulation.** The project would result in circulation impacts along San Remo Drive resulting from relocation of the Town and Country Apartment access driveway. These impacts would be reduced to a less than significant level by improving sight lines on either side of the new driveway through vegetation removal and additional red curb area.

f. **Water Environment:** The proposed project has the potential to result in significant short- and long-term water quality impacts. These impacts would be reduced to a less than significant level with the implementation of erosion control measures, compliance with standard City requirements, the use of storm drain surface pollutant interceptors, storm drain stenciling and incorporation of Best Management Practices.

Class III Impacts (Less than Significant). The proposed project would result in a less than significant impact in the following environmental issue areas, as identified in the Final EIR. Mitigation measures are incorporated as conditions of project approval to further reduce the level of impact, consistent with City policies. These findings are supported by substantial evidence in the record including the Final EIR.

a. **Air Quality:** Short-term project-related grading and construction activities would result in fugitive dust and emissions from construction equipment that would be well below the established threshold of significance. Standard dust and emissions control measures to further reduce potential impacts are included as recommended mitigation measures and in the Conditions of Approval. Therefore, the project is anticipated to have a less than significant long-term air quality impact.

b. **Biological Resources:** The project would result in the removal of trees from the project site. To minimize potential impacts to nesting birds, timing restrictions on tree removal are included as a recommended mitigation measure.

c. **Cultural Resources:** The project involves ground-disturbing activities, which means there is a remote possibility of encountering unknown buried deposits. Standard mitigation requiring contractor notification of this potential would further reduce potential impacts.

d. **Transportation/Circulation:** The proposed project would result in a short-term increase in traffic due to construction-related activities. This would constitute a change to existing conditions but would be a less than significant effect, and would be further reduced by construction haul route and parking mitigation measures. The project's proposal to include a left turn lane into the residential parking garage would result in less than significant impacts to circulation along State Street. To mitigate this impact, it is recommended that the existing median not be reduced to accommodate said left turn, and, further, that the median be extended to better restrict left-turns into the site. The project's long-term parking may not be fully utilized as designed, which may lead to future parking problems. This less than significant impact would be further reduced by assigning and signing specific parking stalls.

Findings for the Fish & Game Code

An Environmental Impact Report has been prepared by the lead agency (City of Santa Barbara), which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The proposed project has the potential for adverse effects on trees and mature vegetation and associated wildlife during project construction. Mitigation measures have been applied such that any less than significant impacts will be further reduced. The project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

B. **The Lot Line Adjustment (GOVERNMENT CODE §66412)**

The proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances. The lot line adjustment would adjust the line between the two parcels that are currently 3.22-acres (Lot 1) and 1.36-acres (Lot 2) in size by relocating the line such that the resultant parcels are 1.0-acre (Lot A) and 3.58-acres (Lot B) in size. The proposed parcels exceed the minimum lot area requirement, and satisfy all street frontage and setback requirements as identified in Section VI of the staff report.

C. **Lot Area Modification (SBMC §28.92.110)**

The Modification of the lot area requirement to allow one (1) bonus density unit as part of the overall residential development is consistent with the purposes and intent of the Zoning Ordinance and is necessary in order to construct an additional housing unit that is affordable to a middle-income household, as described in Section VI.C of the staff report. Staff is supportive of this lot area modification because it allows for the creation of an additional Middle Income housing unit in the City, while the overall site layout and design remains compatible with surrounding development.

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

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Section VII.C of the staff report and in Section 5 of the EIR. The site is physically suitable for the proposed development due to its flat topography and soil composition, the project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Section VI of the staff report, and the proposed use is consistent with the vision for this neighborhood of the General Plan because it provides additional office and/or commercial development and additional in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems, as identified in the EIR.

E. **The New Condominium Development (SBMC §27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance.

2. The project complies with density requirements as described in Section VI of the staff report. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.

3. The proposed development is consistent with the General Plan of the city of Santa Barbara as described in Section VII.C of the staff report.

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, as described in Section VII.C of the staff report and Section 5.0 of the Environmental Impact Report. The project will provide infill residential development that is compatible with the surrounding neighborhood.

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 as explained in Section VIII of the staff report and in the Environmental Impact Report.

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, as analyzed in the staff report and Environmental Impact Report. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

F. **Development Plan (SBMC §28.54.120)**

1. The proposed non-residential development complies with all of the provisions of the Zoning Ordinance, as identified in Section VI of the staff report.

2. The proposed non-residential development is consistent with the General Plan and the principles of sound community planning, as identified in Section VII.C of the staff report and the Policy Consistency Analysis contained in the Environmental Impact Report.

3. The total area of the site and the setbacks of all facilities from the property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that major detrimental impact on surrounding properties is avoided to the greatest extent possible, as identified in Section VII.C of the staff report and in the Environmental Impact Report.

4. The design and operation of the project and its components, including outdoor lighting and noise-generating equipment, will not be a nuisance to the use of property in the area, particularly residential use, as analyzed in the Environmental Impact Report. Final review of outdoor lighting and mechanical equipment will be provided by the Architectural Board of Review.

5. Adequate access and off-street parking is provided in a manner and amount so that the demands of the development are met without altering the character of the public streets in the area. As identified in Section VI of the staff report, the project is providing all required parking on site, and additional parking spaces are proposed along the entry driveway. Access to the site is provided by two driveways, and a complete analysis of access and circulation is contained in the Environmental Impact Report.

6. The appearance of the developed site in terms of the arrangement, height, size, bulk, scale and architectural style of the buildings, location of the parking areas, landscaping, and other features is compatible with the character of the area and of the City. Please refer to the analysis contained in Section VII.A of the staff report and in Sections 5.0, 8.0 and Appendix 5.0 of the Environmental Impact Report, as well as the comments provided to-date by the Architectural Board of Review.

II. Said approval is subject to the following conditions:

A. **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 $2,768.25 for projects with Environmental Impact Reports and $1,993.00 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.

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

1. **Exterior Residential Areas.** Usable residential exterior areas (patios, balconies, courtyards) shall be oriented away from State Street to the extent feasible, and preferably shielded from roadways by the structures themselves. (N-3)

2. **Pavement.** The residential parking lot driveway shall be paved with a coating to reduce tire squeal. This coating would consist of granulate rubber made from used tires as its aggregate and urethane resin as its binder, or similar current industry standard. (N-4)

3. **Tree Removal and Relocation.** Prior to removal of any trees, a landscape plan accommodating the relocation of existing mature palm trees to the maximum extent reasonably feasible, particularly those considered "skyline trees" (tall [55 to 65 foot] Mexican Fan palms [Washingtonia robusta]), shall be submitted to and approved by the ABR. This plan shall include planter design specifications to ensure the long-term growth and survival of the relocated trees. (VA-1)

4. **Tree Removal.** The landscape plan approved by the ABR shall include one significant replacement tree for each major mature (as determined by the City arborist) tree that is to be removed. (VA-2)

5. **Storm Water Management Plan.** An approved drainage plan, consistent with the City's Storm Water Management Plan, that utilizes natural Best Management Practices to the maximum extent feasible, as determined by the Creeks Division and Community Development Department, shall be incorporated into the project plans.

6. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

7. **Trash Enclosure Provision and Design.** A trash enclosure with adequate area for recycling containers shall be provided on each 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 5 feet of combustible walls, openings, or roofs unless protected with fire sprinklers. Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste Department that incorporate long-term structural BMPs for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect them at least annually and report to the City annually. (PS-2)

8. **Green Building Elements.** The Architectural Board of Review shall evaluate the green building elements of plans submitted for final review and approval and provide the Planning Commission with an information report as to what those elements are so that the Planning Commission can benefit from knowing how the Applicant has met the intent to make this a green and sustainable project.

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, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 17, 2009 is limited to the following:

   a. A lot line adjustment creating Lot A (1.00 acre) and Lot B (3.58 acres).

   b. A Tentative Subdivision Map for a one-lot subdivision of Lot B for 73 dwelling units (2 one-bedroom units, 52 two-bedroom units and 19 three bedroom units; 11 of the units are affordable to middle-income homebuyers) totaling approximately 91,081 net square feet (including a 1,185 net square foot community room), and two commercial condominiums totaling approximately 1,686 square feet.

   c. A development plan approval for approximately 14,104 square feet of commercial building area on Lot A.

   d. Lots A and B will also be developed with a total of 241 parking spaces and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

   e. Offer of pedestrian access through the site to neighbors to the north and east.

The proposed left-turn access from eastbound State Street into Lot B, as described in the Applicant Letter, is not included as part of the approved project in order to reduce potential conflicts with opposing traffic on State Street, reduce the potential for queuing left-turn vehicles to block through traffic and reduce potential impacts on pedestrians and bicyclists. (T-3)

2. **Lot Line Adjustment – Non-residential Development (Measure E).** As part of the lot line adjustment approval, all existing non-residential development rights for the real property (113 hotel rooms and accessory non-residential space, totaling approximately 52,000 square feet) are allocated to Lot A. Lot A and Lot B will each retain their respective minor and small addition allowances. A formal Agreement to this effect shall be recorded in the Office of the County Recorder as part of the Lot Line Adjustment.

3. **Lot Line Adjustment – Residential Density.** As part of the lot line adjustment approval, all rights to residential development on the real property are allocated to Lot B. A formal Agreement to this effect shall be recorded in the Office of the County Recorder as part of the Lot Line Adjustment.

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

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

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

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

8. **Ownership Unit Affordability Restrictions.** The eleven dwelling units identified as Affordable on the Site Plan shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

   a. Unit Type H (2 units) (1-bedroom units @ 130%AMI) = $247,200

b. Unit Type A (1 unit) (2-bedroom unit @ 130% AMI) = $309,500

c. Unit Type D (1 unit) (2-bedroom unit @ 120% AMI) = $280,800

d. Unit Type E (3 units) (2-bedroom units @ 120% AMI) = $280,800

e. Unit Type C, C-1 (2 units) (3-bedroom units @ 130% AMI) = $350,800

f. Unit Type G (2 units) (3-bedroom units @ 120% AMI) = $319,100

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

9. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.

d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

10. **Off-Site Parking Agreement.** The Owner shall provide evidence of off-site parking agreements for the four parking spaces on the adjacent property to the west and for the 13 office spaces on Lot B for the benefit of the uses on Lot A. Said agreements shall be prepared consistent with the provisions outlined in SBMC Sub-Section 28.90.001.18.

11. **Parking Access Drive and Ramp.** Due to potential vehicle queuing conflicts with State Street circulation, gates or similar obstructions shall not be permitted on the driveway or underground access ramp.

D. **Community Development Requirements Prior to Lot Line Adjustment.** The following shall be submitted as a part of processing the Lot Line Adjustment:

1. **Existing Building Inventory.** An accounting of all existing building square footage and hotel rooms shall be provided prior to demolition of the existing structures and prior to recordation of the Lot Line Adjustment. The Inventory shall be reviewed and approved by the Planning Division. This Inventory shall be reflected in all agreements related to the Lot Line Adjustment for proper accounting relative to the City's Non-residential Development (Measure E) regulations.

E. **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. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* to the Public Works Department, including the legal description of the existing subject properties, and the legal description of the adjusted parcels as a part of processing the Lot Line Adjustment. A licensed surveyor shall prepare the legal description and said Agreement shall be recorded in the Office of the County Recorder. *The Lot Line Adjustment shall be recorded prior to recordation of the Final Map.*

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

3. **Final Map for One-lot Subdivision on Lot B (Designated on Tentative Map as Lot 1).** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.

4. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map or the Lot Line Adjustment and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

   a. All street purposes along State Street across Lots A and B in order to establish four additional feet of public right-of-way in order to establish a minimum of a twelve-foot wide strip for sidewalk, parkway and all street purposes.

   b. An Easement in Gross to the City of Santa Barbara for Water Meter Reading Purposes, as shown on the approved Tentative Map.

   c. An Easement in Gross to the City of Santa Barbara for Public Utility Purposes as shown on the approved Tentative Map.

   d. A variable width easement across Lot B for ingress, egress, parking, private storm drainage, public and private utilities (sewer and water) purposes, and emergency access for the benefit of Lot A as shown on the approved Tentative Map.

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.

6. **Hydrology Report.** The Owner shall submit a final hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

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

   The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan

shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

8. **State Street Public Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage for both the condominium site (Lot B), and the site for the office buildings (Lot A) on State Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *an extension of the State Street center median by approximately 75 linear feet, an MTD approved lighted bus stop with trash receptacle, eight-foot sidewalk, four-foot parkway, curb and gutter, two commercial style driveway aprons modified to meet Title 24 requirements, right-turn only striping and signage, replace two existing Cobra Head street lights with two commercial Dome Style street lights, slurry seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations or hydrology report for installation of on-site drainage improvements, on-site detention, and connection to City storm drain, preserve and/or reset survey monuments and contractor stamps, on-site retention sized per drainage calculations, supply and install directional/regulatory traffic control signs per 2006 CA MUTCD, new street trees species (Lophostemon Conferta) and box size (36-inch) as determined by the City Arborist, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.

9. **Hitchcock Way Improvement Plans.** Flow calculations modeling the existing capacity and proposed impacts on the existing sewer main shall be required prior to issuance of any permits. If current flow is found to exceed design capacity, *and* project contribution adds more than 10% to the existing flow, then an upgrade to the existing sewer system shall be required. If the existing flow is found to be less than the design capacity, but the new flow exceeds the design capacity by more that 10%, then an upgrade to the existing sewer system shall be required. Analysis and design for a +/-420 *linear foot extension of 18 inch sewer main, and construct a City standard manhole at the intersection of Hitchcock and State Street shall be prepared, subject to the most current version of the City of Santa Barbara Engineering Design Guidelines.* In the event of a required upgrade of existing infrastructure, the Owner shall submit new C-1 public improvement plans. Any work in the public right-of-way requires a Public Works Permit.

10. **State Street Median.** The Owner shall submit C-1 public improvement plans for construction of extending the existing raised median in front of the site on State Street identified in condition D.8 above, *which shall be extended to the*

east, to restrict left-turns into the site. The applicant shall work with City Transportation staff to determine what modifications to the existing raised median are required to adequately accommodate the extended median, and shall confer with the City Arborist to see if new street trees are appropriate for the median. A new "No U Turn" sign shall be provided at the new eastern end of the raised median. The revised median design shall be reviewed and approved by the City's Transportation Division and the City Engineer. (T-5)

11. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report annually. (W-3)

12. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.

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

F. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

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

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.

3. **Bicycle Parking.** At least 10 bicycle parking spaces shall be provided in close proximity to the non-residential development, subject to approval by the Transportation Division.

4. **Commercial Parking Spaces.**

a. Commercial parking spaces located in the residential parking garage should be assigned to specific users to ensure greater use of the spaces. (T-8)

b. Spaces located along the office access driveway that are included in the total number of spaces required to meet the parking code requirement for the office use, should be marked as "for office use only" during business hours. (T-9)

c. The underground off-site commercial parking spaces shall be constructed and available for use, or an off- site parking agreement must be accepted by the City and recorded with the County Recorder, prior to Certificate of Occupancy of the commercial building.

5. **Traffic Control Plan.** A traffic control plan for project construction shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

6. **Construction Parking/Storage/Staging.** Prior to issuance of building permits, the applicant shall prepare a management plan for review and approval by City staff for employee parking to eliminate intrusion into area on-street parking spaces and maximize use of available on-site parking.

Construction parking and storage shall be provided as follows:

- During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined below.

- Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

- Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

(T-12)

7. **Construction Management Plan.** Prior to issuance of building permits, the applicant shall prepare a construction management plan for review and approval by City staff. Prior to beginning the next phase of construction, review the plan with City Engineering staff and modify as needed to ensure coordination with other area construction projects to minimize any lane closures or traffic intensive activities.

   The construction management plan shall provide for:

   - No hauling of bulk materials and waste shall occur during peak traffic hours.
   - Hauling of materials shall be limited along streets that have fronting residential land uses or near school sites.
   - Flagmen shall be provided at the project's truck entrance to expedite movements into and out of the site.
   - Access of all but essential construction traffic on San Remo Drive shall be limited.
   - Any lane closures required along State Street for construction should be done during off-peak hours and all lanes should be open for travel during the peak commute hours and on weekends.

   (T-11)

8. **Solid Waste Management Plan.** To reduce trips associated with export of site debris, prior to issuance of grading and/or demolition permits, the applicant shall develop and implement a solid waste management plan for review and approval by the City to reduce waste generated by construction and demolition activities (see condition H.3 for additional information). In addition, the applicant shall work with other development projects in the area to minimize the distance that export material is hauled from the site and manage the hours during which that hauling occurs to minimize the effects on area traffic. (T-10)

9. **Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The owners association shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to City annually. (W-2)

G. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:

   a. The frequency and/or schedule of the monitoring of the mitigation measures.

   b. A method for monitoring the mitigation measures.

   c. A list of reporting procedures, including the responsible party, and frequency.

   d. A list of other monitors to be hired, if applicable, and their qualifications.

   e. Submittal of weekly reports during demolition, grading and excavation, and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.

   f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

2. **Neighborhood Notification Prior to Construction.** At least thirty (30) days prior to commencement of construction, the contractor shall provide written notice to all property owners and building occupants within 450 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the project, a construction schedule including days and hours of construction, a description of noise-reduction measures, and the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented, and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas. (N-6)

   The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

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

4. **Window Replacement.** The applicant shall offer to have a minimum 4-millimeter-thick, double-paned glass installed in the first- and second-story windows of the residences that face the project site. (N-11)

   Evidence of the offer shall be provided to the Planning Division, and any residences that accepted the offer shall have their replacement windows installed prior to issuance of a building permit. Evidence of any window replacements shall be provided to the Planning Division.

5. **Air Conditioning.** The applicant shall offer to install temporary air conditioning in those residential units adjacent to the project site that do not already have this feature to allow residents to keep their windows closed during construction activities. (N-12)

   Evidence of the offer shall be provided to the Planning Division, and any residences that accepted the offer shall have their temporary air conditioning installed prior to issuance of a building permit. Evidence of compliance shall be provided to the Planning Division.

6. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of all trees located within the required front setback and street trees.

7. **Geotechnical Recommendations.** Site preparation and project construction related to soil conditions and seismic hazards shall be in accordance with the recommendations contained in the Soils Engineering Report, prepared by Earth Systems Pacific, dated September 25, 2003. Compliance shall be demonstrated on plans submitted for grading and building permits. (G-1)

8. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:

   a. **Initial Sale Price Restrictions.** The eleven (11) dwelling units identified as Affordable on the Site Plan shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

      (1) Unit Type H (2 units) (1-bedroom units @ 130% AMI) = $247,200

(2) Unit Type A (1 unit) (2-bedroom unit @ 130% AMI) = $309,500

(3) D (1 unit) (2-bedroom unit @ 120% AMI) = $280,800

(4) Unit Type E (3 units) (2-bedroom units @ 120% AMI) = $280,800

(5) Unit Type C, C-1 (2 units) (3-bedroom units @ 130% AMI) = $350,800

(6) Unit Type G (2 units) (3-bedroom units @ 120 % AMI) = $319,100

b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

9. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect, the Landscape Architect, the Biologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.

H. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.

2. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Environmental Impact Report for the project.

3. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation 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 Planning Division 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 Planning Division grants authorization.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Construction Erosion/Sedimentation Control Plan.** Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the duration of site preparation, earthwork, and construction process. Prior to the issuance of a demolition or building permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined

in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented, and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site.

At a minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation, and/or maintenance of each of the following water resource protection strategies: paving and grinding, sandbag barriers, spill prevention/control, solid waste management, storm drain inlet protection, stabilize site entrances and exits, illicit connections and illegal discharges, water conservation, stockpile management, liquid wastes, street sweeping and vacuuming, concrete waste management, sanitary/septic waste management, vehicle and equipment maintenance, vehicle and equipment cleaning, and vehicle and equipment fueling. (W-1)

6. **Dust Mitigation - Plan Specifications.** Prior to grading permit clearance, the applicant shall include all dust control requirements as notes on construction grading and building plans. (AQ-9)

7. **Interior Noise Reduction for Office and Residential Units Near State Street.** The walls, doors, and windows of office units adjacent to State Street shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 50 dB(A). (N-15) The walls, doors, and windows of residential units closest to State Street shall be constructed to include sufficient noise attenuation to reduce interior noise levels to a CNEL of 45 dB(A). (N-14)

   The applicant shall submit an updated Noise Report demonstrating that the project satisfies the above-referenced noise levels. Said Report shall identify any noise attenuation measures needed to satisfy the noise requirement, which may include:

   a. Windows shall have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated.

   b. Doors with a minimum STCof 35 shall be used for doorways facing State Street and shall be insulated in conformance with California Tital 24 requirements.

   c. Roof or attic vents facing State Street shall be baffled.

   d. Air conditioning or a mechanical ventilation system shall be installed in any dwelling units outside the 60 dB noise corridor so that windows and

doors may remain closed. Ventilation systems shall be installed and operable prior to Certificate of Occupancy.

8. **Left Turns.** Prohibit left turns onto State Street from the residential parking lot to eliminate sudden car accelerations that could otherwise occur when making this turn. (N-5)

9. **Stop Sign.** A "STOP" sign and a painted stop bar and legend shall be provided at each driveway exit.

10. **Street/Traffic Control Sign.** The Owner must furnish and install traffic control sign(s) to Public Works Department construction standards, as determined by the Transportation Division.

11. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

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

Signed:

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

I. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring

requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

2. **Seasonal Restriction.** Removal of trees during initial site development should be limited to the time period between September 1 and January 31. If tree removal or construction is to occur during the bird nesting season (February 1 through August 31), a City-approved biologist shall conduct a survey at the site for active nests two weeks prior to any scheduled tree removal, tree pruning, development, or grading. If active nests are located, setbacks for construction work would be required until the nest is no longer active or the young have fledged. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply. (BIO-1)

3. **Waste Management Plan.** The applicant shall develop and implement a solid waste management plan to reduce waste generated by construction and demolition activities. Consistent with City of Santa Barbara ordinances, and in order to achieve the waste diversion goals required by state law, the contractor may choose to separate waste and recyclables on site or use a combination of source separation and a construction and demolition (C&D) sorting facility. The solid waste management plan shall include the following:

   a. Contact information: The name and contact information of who will be responsible for implementing the solid waste management plan.

   b. Waste assessment: A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project. Demolition and construction materials shall be recycled or reused, consistent with ordinance Chapter 7

   c. Recycling and waste collection areas: Waste sorting and/or collection and/or recycling areas shall be clearly indicated on the project plans and approved by the City Solid Waste Specialist.

   d. Transportation: A description of the means of transportation of recyclable materials and waste (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed) and destination of materials.

   e. Landfill information: The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled.

   f. Meetings: A description of meetings to be held between applicant and contractor to ensure compliance with the site solid waste management plan.

g. Alternatives to landfilling: A list of each material proposed to be salvaged, reused, or recycled during the course of the project.

h. Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume).

i. Implementation and documentation of solid waste management plan:

(1) Manager: The permit applicant or contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the solid waste management plan for the project site foreman. The contact will notify the Public Works Department immediately should any deviance from the solid waste management plan be necessary.

(2) Distribution: The contractor shall distribute copies of the solid waste management Plan to the job site foremen, impacted subcontractors, and the architect.

(3) Instruction: The permit applicant or contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.

(4) Separation and/or collection areas: The permit applicant or contractor shall ensure that the approved recycling and waste collection areas are designated on site.

(5) Construction of recycling and waste container facilities: Inspection shall be made by Public Works to ensure the appropriate storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and City of Santa Barbara Zoning Ordinances.

(6) Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state, and local regulations.

(7) Documentation: The contractor shall submit evidence at each inspection to show that recycling and/or reuse goals are being met and a summary of waste generated by the project shall be submitted on a monthly basis. Failure to submit this information shall be grounds for a stop work order. The summary shall be submitted on a form acceptable to the Public Works Department and shall contain the following information:

- Disposal information: amount (in tons or cubic yards) of material landfilled; identity of the landfill; total amount of tipping fees

paid at the landfill; weight tickets, manifests, receipts, and invoices (attach copies).

- Recycling information: amount and type of material (in tons or cubic yards); receiving party; manifests, weight tickets, receipts, and invoices (attach copies).
- Reuse and salvage information: list of items salvaged for reuse on project or campus (if any); amount (in tons or cubic yards); receiving party or storage location.

(8) Contingency Plan: The permit applicant or contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a contingency plan.

4. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.

5. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager

6. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.

7. **Traffic Control Plan.** All elements of the approved Traffic Control Plan and Construction Management Plan shall be carried out by the Contractor.

8. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 AM and 5:00 PM, excluding holidays observed by the City of Santa Barbara as legal holidays, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day 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.

Occasional night work may be approved for the hours between 8:00 PM and 7:00 AM weekdays by the Chief of Building and Zoning (per Section 9.16.015 of the Municipal Code). These occasional work efforts may include concrete pours for the underground garage footings, floor and deck, if approved by the Chief of Building and Zoning. In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends or holidays. (N-7)

9. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a STC rating of 25. (N-8)

10. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (N-9)

11. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (N-10)

12. **Construction Sound Barrier Wall.** Install a temporary construction sound barrier wall along the northern half of the western edge of the project site, the entire northern end of the site, and the northern half of the eastern edge of the project site. The barrier should be made of sound-attenuating material (not landscaping). The noise barrier can be constructed from concrete, masonry, wood, metal, or other materials determined to be appropriate by the City. To effectively reduce sound transmission through the barrier, the material chosen must be rigid and sufficiently dense (at least 20 kilograms/square meter). All noise barrier material types are equally effective, acoustically, if they have this density. The barrier shall be of sufficient height to block direct line of sight to the first story of adjacent residential uses. It is estimated that a noise barrier of the prescribed density would reduce average noise levels to sensitive receptors by up to 5 dB if the barrier blocks direct line of sight, and an additional 1.5 dB for each meter of barrier height for those uses blocked from direct line of sight. (N-13)

13. **Dust Mitigation - Site 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. Water trucks or sprinkler systems shall be used in the late morning; during clearing, grading, earth moving, or transportation of cut and fill materials; and after work

is completed for the day to prevent dust from leaving the project site and to create a crust after each day's activities cease. Reclaimed water shall be used if available. 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 in the late morning and after work is completed for the day. Frequency of construction site watering shall be increased when wind speeds exceed 15 miles per hour (mph) to reduce PM10 emissions. (AQ-1)

14. **Dust Mitigation - Speed Limit.** An on-site speed limit of 15 miles per hour shall be imposed for operation of construction vehicles on dirt surfaces. (AQ-2)

15. **Dust Mitigation - Gravel Pad/Street Sweepings.** Gravel pads shall be installed at all access points prior to beginning construction to prevent tracking of mud onto public roads.

    Streets adjacent to the project site shall be inspected daily for accumulation of mud, dirt, or silt on streets. Affected road segments shall be cleaned daily. (AQ-3)

16. **Dust Mitigation - Stockpile Treatment.** All stockpiled soil materials shall be watered regularly as needed to inhibit dust generation. Excavated material and stockpiled soil shall be covered if not being used within the next 48 hours. (AQ-4)

17. **Dust Mitigation - Grading Suspension.** Grading and scraping operations will be suspended when wind speeds exceed 20 mph to reduce PM10 emissions. (AQ-5)

18. **Dust Mitigation - Site Stabilization.** Disturbed areas will be permanently stabilized with landscaping ground cover or site improvements as soon as practicable following the completion of earthwork.

    After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by

    a. seeding and watering until grass cover is grown;

    b. spreading soil binders;

    c. 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;

    d. other methods approved in advance by the Air Pollution Control District.

All roadways, driveways, sidewalks, etc., shall be paved 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)

19. **Dust Mitigation - Truck Covering.** All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) section 23114 ("freeboard" means vertical space between the top of the load and top of the trailer). (AQ-7)

20. **Dust Mitigation - Monitor.** The contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. 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 City and SBCAPCD prior to permit clearance for grading. (AQ-8)

21. **Diesel Vehicle Emissions Control.** Operators of diesel-powered vehicles should turn off the engine after 5 minutes when the vehicle is not in motion, keep the vehicles well-tuned and maintained, and retrofit engines with pollution-control devices. Consideration should be given to purchasing trucks and buses that meet new US EPA standards ahead of schedule. Vehicle owners should use ultra-low-sulfur fuel in combination with pollution control equipment such as particulate matter filters. (AQ-10)

22. **Construction Equipment Emissions.** As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel particulate matter and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. The following shall be adhered to during project grading and construction to reduce NOX and PM2.5 emissions from construction equipment:

- All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the district by September 18, 2008.
- Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- The engine size of construction equipment shall be the minimum practical size.
- 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.

- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating on site shall be equipped with two- to four-degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by US EPA or California shall be installed on equipment operating on site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

(AQ-11)

23. **Construction Equipment Operations.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number of equipment is operating at any one time. The construction contractor shall ensure that work crews shut off equipment when not in use. In addition, California's more recent anti□idling regulations (with some exemptions) require that drivers of diesel□fueled commercial vehicles weighing more than 10,000 pounds (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, and (2) shall not use diesel□fueled auxiliary power units for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle equipped with a sleeper berth, at any location. (AQ-12)

24. **Architectural Coating Emissions.** Compliance with the SBCAPCD Rules and Regulations on the use of architectural coatings shall be implemented as applicable, including using pre-coated/natural-colored building materials, using water-based or low-ROC coating, and using coating transfer or spray equipment with high transfer efficiency. (AQ-13)

25. **Asbestos.** The project applicant shall complete and submit a SBAPCD Asbestos Demolition and Renovation Compliance Checklist at least 10 days prior to the commencement of any demolition activities. (AQ-14)

26. **Construction Worker Trips.** Construction worker trips should be minimized by requiring carpooling and by providing for lunch on site. (AQ-15)

27. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.

28. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

29. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.

30. **Town and Country Apartment Access.** Vehicular access to the Town and Country Apartment parking spaces, located at 3730 State Street, shall be provided throughout construction, if alternative access to San Remo Road has not already been obtained.

31. **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) and Project Environmental Coordinator's (PEC's) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

32. **Tree Relocation.** All trees identified for relocation on-site shall be appropriately protected following removal to ensure their replacement and future survival.

33. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

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

35. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for

archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. (CR-1)

J. **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 damaged public improvements *caused by construction* (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the improvement plans, including utility service undergrounding and installation of street trees, shall be completed.

3. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.

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

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

6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.

7. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.

8. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those used for the photosimulations contained in the Sandman Inn Redevelopment Project EIR shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

9. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

10. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section D have been recorded.

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

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

NOTICE OF APPROVAL TIME LIMITS:

In general, Development Plan approvals have a time limit of four (4) years pursuant to Municipal Code section 28.87.350. Tentative Map approvals have an initial time limit of two (2) years in accordance with Municipal Code section 27.07.110 (but such initial period may be extended up to three (3) years by local ordinance pursuant to Government Code section 66452.6). When the Planning Commission approves multiple discretionary approvals, Municipal Code section 28.87.370 extends the term of each discretionary approval to correspond to longest approval, unless such an extension would conflict with state law. Therefore, the time limits for the Planning Commission approvals are as follows:

1. LOT LINE ADJUSTMENT AND TENTATIVE MAP. The Planning Commission approval of the Lot Line Adjustment and the Tentative Subdivision Map shall expire three (3) 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.
2. DEVELOPMENT PLAN APPROVAL. The approval of the Development Plan shall expire four (4) years from the date of approval. The developer may request an extension of the Development Plan approval for one additional year pursuant to Municipal Code section 28.87.350.
3. MODIFICATION APPROVAL. The approval of the lot area modification is coterminous with the approval of the Tentative Subdivision Map.

This motion was passed and adopted on the 17th day of December, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

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

Julie Rodriguez

Julie Rodriguez, Planning Commission Secretary

January 21, 2010

Date

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