

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA REGARDING THE APPEAL OF THE CITY PLANNING COMMISSION'S APPROVAL OF TWO ADDITIONAL RESIDENCES FOR 226 AND 232 EUCALYPTUS HILL DRIVE PURSUANT TO THE AUTHORITY OF SANTA BARBARA MUNICIPAL CODE SECTION 28.93.030(E) AND THE APPROVAL OF A LOT LINE ADJUSTMENT BETWEEN THE TWO ADJACENT APPLICANT PARCELS.

WHEREAS, Cynthia Howard, the owner of the real property located at 226 and 232 Eucalyptus Hills Road applied to the City pursuant to the City's Zoning Ordinance for the approval of a residential development project – hereinafter the Howard Project;

WHEREAS, the Howard Project consists of a Lot Line Adjustment between two parcels located at 226 and 232 Eucalyptus Hills Road. Newly proposed Parcel 1 (the upper parcel adjacent to the street) would be 2.47 acres and proposed Parcel 2 (lower parcel) would be 3.10 acres. The existing single-family residence and greenhouse foundation would be demolished. Two new single-family residences would be constructed on each parcel, for a total of four. Parcel 1 would include a new 6,129 square foot residence with an attached 743 square foot garage plus a new 1,150 square foot residence with a 320 square foot garage, and a detached 430 square foot garage. Parcel 2 would include a new 3,700 square foot residence with a 747 square foot attached garage plus a new 1,250 square foot residence with a 352 square foot subterranean garage. Proposed drainage facilities include a storm drain and concrete swale crossing 860 Woodland Drive, a property located south of the project site, also owned by the applicant. The project site is accessed from Eucalyptus Hill Drive, a private road. The total grading quantities for both parcels include 3,090 cubic yards of cut and 2,830 cubic yards of fill. Street Frontage Modifications are requested to allow less than the required 100 feet of frontage on a public street for each newly configured parcel. Performance Standard Permits are requested to allow an additional dwelling unit on each parcel;

WHEREAS, on November 17, 2009, the City Council met in regular session to hear the appeal filed by neighbors June Sochel, Tony and Caroline Vassallo and Ernie Salomon (hereinafter the "Appellants") of the Planning Commission's approval of an application filed by Brent Daniels, agent for Applicant, Cynthia Howard, for a Lot Line Adjustment, Street Frontage Modification, and Performance Standard Permits for the properties located at 226 and 232 Eucalyptus Hill Drive;

WHEREAS, having conducted a site visit on November 16, 2009, the Council held a duly noticed public hearing on the appeal, and after hearing and accepted the City staff report, as well as oral and written testimony from the Appellants, the applicant's representatives, and members of the public;

WHEREAS, the Appellants challenged the Planning Commission approval of the Project, citing, among other issues, their concerns as adjacent neighboring property owners regarding

drainage, the grading required for the Project, and the potential precedent created by an approval this application;

WHEREAS, the Applicant presented extensive information and diagrams regarding the drainage improvements for the neighboring properties and the neighborhood included in the Project, as well as information on how the nature of the grading was balanced on site, in addition to the details of the potential development that could occur even if the Howard application was denied, which distinguished this Project from other hillside properties;

WHEREAS, members of the public spoke both in favor and against the appeal; and

WHEREAS, after consideration of the evidence presented, the testimony received, and deliberation by the Councilmembers, the majority of the Council concluded that the Project's drainage improvements were appropriate and would be of benefit to the neighborhood and the neighboring properties since they would potentially result in a net decrease in site drainage to neighboring properties and that, as a result, the Project grading was acceptable and in keeping with the City's Zoning Ordinance and the General Plan, and that the appeal should be denied.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The City Council has read and fully considered the Project's Final Mitigated Negative Declaration and, in hereby adopting the Final Mitigated Negative Declaration, has determined, in the Council's independent judgment and analysis and on the basis of the whole record before the City Council, that there is no substantial evidence that the Howard Project, as mitigated, will have a significant effect on the environment.

SECTION 2. The appeal filed by neighbors June Sochel, Tony and Caroline Vassallo and Ernie Salomon did not present any evidence, in particular substantial evidence based on expert testimony, of any potentially adverse impact on the environment which might be caused by the Project and, as a result, their Appeal is hereby denied and the City Council upholds the decision of the Planning Commission, thereby approving the Howard Project and making the findings and determinations in support thereof contained in Planning Commission Resolution No. 031-09.

SECTION 3. The City Council approves the granting of the Howard request for a Street Frontage Modification pursuant to Santa Barbara Municipal Code Section 28.15.080, making the same findings in support of that modification as are necessary and as those described in Planning Commission Resolution No. 031-09 which support a determination that to require the Section 28.15.080 public street frontage in this case would create an unreasonable hardship on the Applicant since this project is located on a short quiet private street and since the re-configuration of the Howard parcels proposed by this Project (along with the new home development being proposed) will have more than adequate access from the City's Eucalyptus Hills Road by way of the private street Eucalyptus Hills Drive. As such, this modification is fully consistent with the purposes of and intent of this particular requirement of the City's Zoning Ordinance and it allows Ms. Howard to construct appropriate improvements on her property.

SECTION 4. The City Council also approves the requested Lot Line Adjustment pursuant to Santa Barbara Municipal Code Section 27.40, making the findings contained in Planning Commission Resolution No. 031-09 that the re-configures lots are fully consistent with the City's General Plan and Zoning Ordinance and, additionally, finding that this approval is fully consistent with the limited authority allowed by the State Subdivision Map Act with respect to the approval or disapproval of a lot line adjustments to two legal parcels of land.

SECTION 5. The Council also grants the Performance Standard Permits requested by Howard pursuant to Santa Barbara Municipal Code Section 28.93.030E, finding that the application for two separate homes on each new parcel meets the requirements of SBMC Section 28.93.030E that each parcel contain at least twice the minimum lot size required by the applicable residential zoning and that the ingress and egress driveways and plans for each these new parcels and the new homes to be constructed on those parcels will be more than adequate.

SECTION 6. The City Council also adopts the Howard Project Conditions of Approval (dated November 17, 2009 as amended by staff at the public hearing) as attached hereto as Exhibit A.

REVISED
CONDITIONS OF APPROVAL

226 & 232 EUCALYPTUS HILL DRIVE
LOT LINE ADJUSTMENT, STREET FRONTAGE MODIFICATIONS, PERFORMANCE STANDARD PERMITS
NOVEMBER 17, 2009

- I. In consideration of the project approval granted by the Planning Commission for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:
- A. **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 current fee required is \$1,993 for projects with Mitigated Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) 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 Single Family Design Board (SFDB). The SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
1. **Landscape Plan.** The final landscape plan shall adhere to the Fire Department Landscape Guidelines for properties that are in the high fire hazard area. The plan shall be reviewed and approved by the Single Family Design Board and the Fire Department. (H-2)
 2. **Oak Tree Replacement.** A replacement of the four oaks proposed for removal shall include the planting, management, and long-term maintenance of 70 1-gallon young saplings per the recommendations of the Oak Tree Protection Plan. (B-2)
 3. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure and watering of vegetation on the steep slope shall be kept to the minimum necessary for plant survival.
 4. **Permeable Paving.** Permeable/porous paving materials shall be utilized where possible to reduce the impermeability of hardscape surfaces. (W-3)
 5. **Drainage System.** The above grade drainage system proposed for 860 Woodland Drive shall be screened from public view and the private view from 850 Woodland Drive.
- 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 a written instrument, 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 August 20, 2009 is limited to a Lot Line Adjustment, Street Frontage Modifications, Performance Standard Permits and the improvements shown on the plans, including landscaping and hardscape work associated with the proposed residences and associated garages signed by the Chair of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate.
3. **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).
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) and the Fire Department. Such plan shall not be modified unless prior written approval is obtained from the SFDB and Fire Department. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
5. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
6. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tree Preservation and Removal Plan to be retained shall be preserved and protected.
7. **Habitat Protection.** The two eucalyptus trees identified as a great horned owl roost and an acorn granary, shall be retained and protected per the recommendations of the Biological Assessment dated October 26, 2006, and as noted on the Tree Preservation Plan. (B-3)
8. **High Fire Vegetation Management.** Residences located in the High Fire Hazard area are required to maintain vegetation to create an effective fuel break by thinning dense vegetation (mosaic style) and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or structures. The owner(s) shall perform the following maintenance annually for the life of the project:

- a. Cut and remove hazardous brush, shrubs, and flammable vegetation such as dry grass and weeds within 100 feet of any structure and within 2 inches of the ground.
 - b. Thin brush from streets and driveways both horizontally and vertically along the property. Flammable vegetation must be cleared on each side of the street or driveway for a distance of 10 feet and a vertical distance of 13 feet, 6 inches. Vegetation must be cut to within 2 inches of the ground. This applies to the public or private driveway and any public or private streets that border the property.
 - c. Remove dead wood, trim the lower branches, and limb all live trees to 6 feet above the ground (or as much as possible with younger, smaller trees), especially trees adjacent to buildings.
 - d. Trim tree limbs back a minimum distance of 10 feet from any chimney opening.
 - e. Remove all dead trees from the property.
 - f. Maintain the roof of all structures free of leaves, needles or other vegetative debris.
 - g. Legally dispose of all cut vegetation, including any debris left from previous tree trimming and brush removal. Cut vegetation may be chipped and spread throughout the property as a ground cover, up to 12 inches in depth, and at least 30 feet from any structure. (H-1)
9. **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.
10. **Required Private Covenants.** Owners shall execute and record in the official records of Santa Barbara County appropriate and necessary covenants of easement to provide for access, utilities, and drainage for the adjusted parcels. The covenants

of easement shall provide express method for the appropriate and regular maintenance of the common improvements, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance should the parcels be sold into separate ownership.

11. **Participation in the Eucalyptus Hill Vegetation Management Unit.** Participate in the Eucalyptus Hill Vegetation Management Unit to reduce fire hazards in the area. If a community project is underway, the Owner shall participate in cooperative vegetation management, public education, or other community solutions to reduce hazard and risk.
- D. **Public Works Requirements Prior to Building/Grading 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. **Lot Line Adjustment Required.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
 2. **Easement(s).** Covenants of Easement 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. A variable width Covenant of Easement for Ingress, Egress, Drainage, Public and Private Utilities and Other Incidental Purposes, as shown on Lot Line Adjustment Map, and recorded by separate instrument.
 - b. A ten-foot wide Covenant of Easement for sewer and drainage for the benefit of Adjusted Lot 1, as shown on the Lot Line Adjustment Map, and recorded by separate instrument.
 - c. A ten-foot wide Covenant of Easement for sewer and drainage purposes for the benefit of Adjusted Lot 1 and Adjusted Lot 2 through the adjacent property known as 860 Woodland Drive, and recorded by separate instrument. The easement shall be located north of the pittosporum hedge (which is located north of both 850 Woodland Drive and the top of slope) on the south side of 860 Woodland Drive, to the extent feasible.
 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **Drainage Calculations.** The Owner shall submit drainage calculations 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.

5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. 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. (W-1)
6. **Alston Road and Woodland Drive Public Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along Alston Road and Woodland Drive. The C-1 plans shall be submitted separately from plans submitted for a Building Permit.

As determined by the Public Works Department, the Alston Road improvements shall include new and/or remove and replace to City Standards, the following: approximately sixty feet (60') of thirty-six inch (36") RCP storm drain; one (1) drop inlet; storm drain stenciling; connection to existing thirty-six inch (36") storm drain crossing Alston Road; approximately sixty feet (60') curb and gutter, asphalt concrete, and crack seal to the centerline of the street along entire new storm drain frontage and a minimum of twenty feet (20') beyond the limit of all trenching.

As determined by the Public Works Department, at the time of permit issuance, the Woodland Drive improvements shall include new and/or remove and replace to City Standards, the following: any modifications to the on-site retention/detention stormwater system necessary to reduce point discharge to the Public right-of-way to meet the City Construction Standard Details for Drain Outlets (In the event that on-site modifications are unable to achieve the City Standard for flow rate at Drain Outlets, as measured at the time of construction of the modifications, the Owner will install approximately five hundred feet (500') of eighteen inch (18") RCP storm drain); approximately twenty (20') feet curb and gutter, asphalt concrete, and crack seal adjacent to the area of improvement, the width of the 800 block of Woodland Drive.

For both Alston Road and Woodland Drive: public drainage improvements shall include supporting drainage calculations and/or hydrology report for installation of drainage pipe, erosion protection (provide off-site storm water BMP plan) etc.; preserve and/or reset survey monuments and contractor stamps; and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed Agreement to Construct and Install 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.
8. **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.
9. **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. The C-1 public improvement plans may be bonded for prior to concurrent Building permit issuance.
10. **Landscape Plan Approval Required.** The landscape plan shall be reviewed and approved by the Transportation Planning Division to ensure compliance with sight visibility requirements.

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

1. **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 biweekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/case planner.

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. **Nesting Native Birds.** Construction activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the owner shall conduct a minimum of four weekly bird surveys, using a qualified biologist with experience in conducting breeding bird surveys, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees to be removed and within 300 feet of the construction work area. The surveys shall begin 30 days prior to the disturbance of suitable nesting habitat and conducted on a weekly basis with the last survey conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation clearing and tree removal shall be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. This shall be confirmed by the qualified biologist. Nesting areas to be avoided during construction shall be marked and protected with flagging and stakes or construction fencing at least 300 feet or 500 feet (if applicable) from the nest.
3. **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 450 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 Project Environmental Coordinator (PEC) and Contractor(s), 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. 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.
4. **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.
5. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work within the dripline of all oak trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
6. **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 be held within twenty days of the commencement of construction and shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Landscape Architect, the Biologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.

7. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.

F. **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 Single Family Design Board, outlined in Section B above.
2. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration 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, as outlined in Condition C.9 above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program. (W-2)
5. **Grading and Foundation Recommendations.** Site preparation, grading and project construction related to soil conditions shall be in accordance with the recommendations contained in the Engineering Geology and Geotechnical Engineering Report, prepared by Earth Systems Southern California, and dated July 14, 2006. Compliance shall be demonstrated on plans submitted for grading and/or building permits. (G-1)
6. **Mechanical Parking System.** The upper platform of the mechanical parking system shall be equipped with a barrier or a guide designed to ensure that vehicles parked on the upper deck will not interfere with the access to the garage parking spaces. The lift system shall include a pressure sensitive electric safety edge. The location of the Key-operated control switch for security and safety shall be reviewed and approved by staff prior to issuance of a Building Permit for this residence.
7. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field 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 (Arborist, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.
2. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
3. **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. (T-1)
4. **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. (T-1)

5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager. (T-1)
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine. (N-1)

7. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-2)
8. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. 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 Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. 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

- c. 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-2)
9. **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-1)
 10. **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 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 in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)
 11. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
 12. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. (AQ-4)
 13. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is complete, 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. (AQ-5)
 14. **Construction Equipment Requirements.** The following shall be adhered to during project grading and construction to reduce NOx and particulate emissions from construction equipment:

- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible.
 - b. The engine size of construction equipment shall be the minimum practical size.
 - c. 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.
 - d. Construction equipment shall be maintained in tune per the manufacturer specifications.
 - e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - f. Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-6)
15. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 16. **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, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
 17. **Oak Tree Protection.** Tree protection measures for oaks, as recommended in the Oak Tree Protection Plan dated September 21, 2006, shall be followed for the duration of all grading and construction activities associated with the project. (B-1) The oak tree located on the adjacent property at 850 Woodland Drive shall be protected. (This condition assumes that the property owner at 850 Woodland Drive grants temporary access to install and remove appropriate tree protection upon reasonable notice to owners.)
 18. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.
 19. **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.

20. **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 an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

- 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 damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

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

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

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission’s action approving the Lot Line Adjustment, Street Frontage Modifications and Performance Standards Permits shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.