City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 039-06
601 E. MICHELTORENA STREET
REZONE, TENTATIVE SUBDIVISION MAP, MODIFICATIONS
SEPTEMBER 21, 2006

APPLICATION OF KEN MARSHALL FOR SANTA BARBARA COTTAGE HOSPITAL FOUNDATION, 601 E. MICHELTORENA STREET, 027-270-016, -17, -18, -19 AND -30, C-0, MEDICAL OFFICE AND R-2, TWO FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL/MEDICAL CENTER AND RESIDENTIAL 12 UNITS/ACRE (MST2003-00827)

The proposed Santa Barbara Cottage Hospital Foundation Workforce Housing Project would remove the existing St. Francis Hospital complex, including the main hospital, convent, central plant, and other ancillary structures, totaling approximately 189,000 square feet, and replace them with 115 residential condominiums that would cover 5.94 acres of the 7.39 acre site. The proposed mix of residential unit types is as follows: 10 one-bedroom units (approximately 655-810 square feet), 67 two-bedroom units (approximately 990 square feet), and 38 three bedroom units (approximately 1,150 – 1,340 square feet each). 81 of the units (70%) would be sold to Cottage Hospital employees at prices within the City's structure for affordable units and 34 units (30%) would be sold at market rates. Within the remaining 1.45 acres, the existing elderly care facility, Villa Riviera, would remain, but the parcel containing it would be adjusted to a size of approximately 31,500 square feet. The remaining lands zoned R-2, Two Family Residential, would be re-configured into three (3) lots of approximately 10,500 square feet each and the two existing residences on these R-2 parcels would remain. Although these R-2 lots have the potential for two residences on each lot, for a total of six residences, no development is proposed as part of this application.

Parking for the proposed Workforce Housing Project would be provided in accordance with Zoning Ordinance parking requirements. A total of 11 spaces would continue to be provided for the Villa Riviera facility and 254 parking spaces would be provided for the 115 proposed condominium units. As part of an existing shared-parking agreement six spaces would be provide for the adjacent office building located at 532 and 536 Arrellaga. Vehicular access to the three reconfigured R-2 parcels would be provided directly from Grand Avenue. Primary vehicular access to the Villa Riviera and to guest parking for this facility would continue to be provided from an existing private driveway connecting to the terminus of Arrellaga Street; existing secondary access to the facility from Grand Avenue would also be maintained. Internal vehicular circulation for the new residential development would be provided by a system of private drives and improvements to Salsipuedes Street connecting to Micheltorena and Arrellaga.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map to allow the creation of five lots (SBMC Chapters 27.07 and 27.13);
2. A Tentative Subdivision Map for a one-lot subdivision to create 115 residential condominium units (SBMC Chapters 27.07 and 27.13);
3. A Modification of lot area requirements to allow forty-two (42) bonus density residential condominium units (SBMC§28.21.080.E.);
4. A Modification to allow less than the required separation between buildings for twenty-one (21) of the forty-eight (48) buildings proposed (SBMC §28.18.070);

5. A Modification to allow less than the required front yard setback for buildings 01, 07, 11, 13, 31, 39, and 42 (SBMC §28.51.060.1 and §28.92.026.A);

6. A Modification to allow less than the required interior yard setback for buildings 43, 44, and 45 (SBMC §28.51.060.2 and §28.92.026.A);

7. Certification of the Final Environmental Impact Report for the Santa Barbara Cottage Hospital Workforce Housing project (CEQA § 15091); and

8. Recommendation to City Council to approve a rezone to adjust the C-O/R-2 zone line to follow the proposed property lines for the R-2 parcels.

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 hearings on September 14, 2006 and September 21, 2006, on the above application, and the Applicant was present.

WHEREAS, 37 people appeared to speak in favor of the application, and 23 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 3, 2006 and Memorandum with Attachments, September 20, 2006
2. Site Plans
3. Correspondence received:
    a. Randy Wright, via Email
    b. Jennifer Miller, via Email
    c. Mary Anderson, 1426 Alta Vista Road, SB, CA 93103
    d. Stephen Fountain, via Email
    e. Betsy Ingalls, via Email
    f. Lisa Hutchens, via Email
    g. Paul Hernadi, via Email
    h. Cheri Rae, via Email
    i. Brian Johnson, via Email
    j. Justin Thomas Rowe, via Email
    k. Mike Cahill, 810 Largura Pl., SB, CA 93103
    l. Annette Ordas, via Email
    m. Carol Keller, via Email
    n. Rick Wilson, via Email
    o. Arthur W. Barron, 1600 Oramas Rd., SB, CA 93103

p. Robert G. Pearson, 868 Via Granada, SB, CA 93103
q. Lisa Ann Kelly & Family, 1724 Olive Ave., SB, CA 93101
r. Erin R. Parks, via Email
s. John Wasson, via Email
t. S. A. Jordan, M.Ed., via Email
u. Phil Kirkpatrick, via Email
v. Jim Alexander, via Email
w. Linda A. Nelson, D. C., via Email
x. Kim and George Morales, via Email
y. John M. Richards, via Email
z. Julie Alpert, via Email
aa. Keith Coffman-Grey, via Email
bb. Judy McKee, via Email
cc. Marianne Tipton, via Email
dd. Patrick Corrigan, via Email
ee. Charles De Lisle, via Email
ff. Rochelle Schneider, via Email
gg. Christina Manos, via Email
hh. Julie Wood, 1225 North Salsipuedes St., SB, CA 93103
ii. Warren Wood, 1225 N. Salsipuedes St., SB, CA 93103
jj. Martha J. Franklin, SB
kk. Patrick J. McKinley, 1112 Santa Barbara St., SB, CA 93103
ll. Robert Cibull, SB
mm. Carl H. Williams, M.D., SB
nn. Dan and Sheryl Wheeler, via Email
oo. George Polchin, via Email
pp. Brad Parks, via Email
qq. Jane Fleischman, via Email
rr. Leslee Sipress, via Email
ss. Katharina Schreiber, via Email
tt. Peggy Lindt, via Email

uu. Norma Riedell, SB
vv. Eralda Kogan, SB
ww. Jerome Bigotti, SB
xx. Betty Matthew, SB
yy. S. Nicholas, SB
zz. Gary and Kathleen Hoffman, 555 E. Arrellaga St. # 4, SB, CA 93103
aaa. Jim Westby, SB
bbb. James Westby, via Email
ccc. Kristin Anderson, via Email
ddd. Jennifer Miller, via Email
eee. Susan Badone, via Email
fff. Sayre MacNeil, 1231 State St., Suite 204, SB, CA 93101
ggg. Bill Cottingham, via Email
hhh. Jan Tyler, 1606 Oramas Rd., SB, CA 93103
iii. Joe King, via Email
jjj. Steve Rodriguez, via Email
kkk. Peter Cantle, via Email
lll. T. Dressler, via Email
mmm. Steve Dowty, via Email
nnn. John McKinney, SB
ooo. Allied Neighborhoods Assoc., P.O. Box 31045, SB, CA 93130
ppp. Monique Hartley, SB
qqq. Susan Petty, 611 E. Victoria St., SB, CA 93103
rrr. Matt Vaughan, SB
sss. Melinda Staveley, SB
ttt. Mitchel R. Stone, SB
uuu. Fermina B. Murray, 442 Danbury Court, Goleta, CA 93117
vvv. Susan Brandt-Hawley, P.O. Box 1659, Glen Ellen, CA 95442
www. Stephen Fountain, via Email
xxx. Jean Sedar, via Email
yyy. Ayesha Shaikh, Cottage Hospital, SB, CA 93101

zzz. Amy Wright, via Email

aaaa. Jeffrey Sipress, via Email

bbbb. Patricia Foley, Breamar Ranch Homeowners Assoc.,3463 State Street, # 446, SB, CA 93109

cccc. Shelley Bookspan, 1807 Lasuen Road, SB, CA 93103

dddd. Dr. and Mrs. Bob G. Black, via Email

eeee. Mickey Flacks, via Email

ffff. Marjorie F. Fairbanks, P.O. Box 50553, SB, CA 93150-0553

gggg. Carl and Leslie Gutierrez-Jones, 563 Mountain Dr., SB, CA 93103

hhhh. McDaniel Lambert Inc., via Email

iiii. Elly Bajor, via Email

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

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

A. Findings For Certification Of The Final Environmental Impact Report (persuant to Public Resources Code (PRC) Section 21081 And California Code Of Regulations (CCR) Section 15090)

The Planning Commission certifies the Final Environmental Impact Report (MST 2003-00827, SCH No. 2004061105) for the Santa Barbara Cottage Hospital Workforce Housing (Project), finding that:

1. The Final Environmental Impact Report for Santa Barbara Cottage Hospital Workforce Housing 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 comments received and responses to comments.

2. The Final Environmental Impact Report for Santa Barbara Cottage Hospital Workforce Housing Project has been completed in compliance with the California Environmental Quality Act and Guidelines, reflects the City of Santa Barbara Planning Commission's independent judgment and analysis, and constitutes adequate environmental evaluation and documentation for the Santa Barbara Cottage Hospital Workforce Housing Project.

B. FINDINGS OF SIGNIFICANT, UNAVOIDABLE (CLASS I) IMPACTS RESULTING FROM THE PROJECT, REDUCTION OF SIGNIFICANT IMPACTS, AND INFEASIBILITY OF MITIGATION MEASURES AND ALTERNATIVES (PURSUANT TO PRC SECTION 21081 AND CCR 15091)

The Planning Commission finds that the project would result in the following significant, unavoidable (Class I) impacts, as identified in the Final EIR:

1. Class I Noise Impacts

N-1 Construction Noise (Temporary Construction-Related, Project-Specific Impacts). Elevated noise levels at surrounding residential properties would occur during project construction taking place over an estimated 1.4 years in duration, including an estimated 18 weeks of demolition and 19 weeks of earthwork. These impacts would be partially reduced by application of identified mitigation measures N-1a (Construction Hours Limitations), which would limit noise-generating construction activities to weekdays (not City-observed holidays) between the hours of 8:00 a.m. and 5:00 p.m. except when written approval is obtained from the City Building Official; N-1b (Construction Notification to Neighbors); N-1c (Project Site Perimeter Barrier); N-1d (Construction Equipment Mufflers and Shields); N-1e (Construction Staging Area Locations); N-1f (Construction Noise and Vibration Complaints); N-1g (Noise Complaint Remediation); N-1h (Delivery and Storage of Materials and Equipment); N-1i (Radios and Alarms); N-1j (Limitations on Catering Trucks), N-1k (Portable/Stationary Equipment). N-1l (Construction Activity Scheduling); N-1m (Minimize Equipment Use); N-1n (Truck Routing); N-1o (Vehicle Noise); and N-1p (Limited Site Access). No feasible mitigation measures or alternatives have been identified that would fully mitigate these impacts to less than significant levels. Temporary construction-related noise and vibration impacts would be significant and unavoidable.

2. Class I Traffic Impacts

TRF-1 Traffic Increases (Long-Term, Cumulative Impacts). The project would have a long-term, significant net contribution to cumulative vehicle traffic at the intersections of Anapamu Street/Laguna Street, Arrellaga Street/Garden Street, and Mission Street/ Bath Street. The EIR identifies that Mitigation Measure TRF-1a (Resident Shuttle Program), proposed by the applicant as part of the project, has the potential to fully reduce the significant impacts to a less than significant level, and is expected to at least partially mitigate the impacts. The EIR analysis has in fact demonstrated that, with reasonable assumptions for shuttle ridership, the shuttle program would fully mitigate the significant impacts. Further, as part of the Cottage Hospital Reconstruction Project, a parking cash-out program is being established at the hospital to pay employees the cost of parking fees if they choose not to use the parking facilities, which will also provide an incentive for workforce housing employee residents to use the shuttle. However, the level of participation in the proposed shuttle program cannot be predicted or mandated, and the level of mitigation therefore is not assured. The project contribution to cumulative traffic impacts therefore remains identified as significant and unavoidable.

C. FINDINGS OF REDUCTION OF POTENTIALLY SIGNIFICANT AND AVOIDABLE (CLASS II) IMPACTS OF THE PROJECT TO LESS THAN SIGNIFICANT LEVELS (PURSUANT TO PRC SECTION 21081 AND CCR SECTION 15091)

The Planning Commission finds that changes and/or alterations have been incorporated into or required in the proposed project that would avoid or reduce potentially significant impacts to less than significant levels (Class II impacts), as identified in the Final EIR and/or Initial Study.

The following mitigation measures are incorporated into the project design and/or project conditions of approval.

1. Class II Air Quality Impacts

AQ-1 Construction Dust (Temporary Construction-Related, Project-Specific Impacts). Potentially significant project construction-related fugitive dust and nuisance impacts to the surrounding area would be reduced to less than significant levels with application of mitigation measures AQ-1a (Site Watering); AQ-1b (Reclaimed Water Use); AQ-1c (Stockpiled Material); AQ-1d (On-Site Vehicle Speed Control); AQ-1e (Dust Emissions from Loading); AQ-1f (Covered Truck Loads); AQ-1g (Gravel Pads); AQ-1h (Street Sweeping); AQ-1i (Wind Erosion Control); AQ-1j (Expeditious Paving); AQ-1k (Construction Site Monitor); AQ-1l (Construction Dust Complaints); AQ-1m (Requirements on Grading Plans).

2. Class II Biological Resources Impacts

BIO-1 Tree Removal and Relocation (Construction-Related and Long-Term, Project-Specific and Cumulative Impacts). Potentially significant biological resource impacts of the project due to relocation of an estimated 77 trees and removal of an estimated 75 trees would be reduced to less than significant levels with application of mitigation measures BIO-1a (Tree Inventory); and BIO-1b (Tree Protection and Replacement Plan).

3. Class II Cultural Resources Impacts

CUL-1 Archaeological Resources Disturbance or Loss (Construction-Related and Long-Term, Project-Specific and Cumulative Impacts). Disturbance or loss of unknown subsurface archaeological resources could occur during project construction, however potentially significant impacts would be avoided or reduced to less than significant levels with application of mitigation measures CUL-1a (Archaeological Monitoring Contract); CUL-1b (Archaeological Procedures); CUL-1c (Archaeological Monitoring); CUL1d (Archaeological Resource Discovery Procedures); CUL1e (Archaeological Mitigation); and CUL1f (Archaeological Monitoring Report).

CUL-2 Historic Resources (Construction-Related and Long-Term, Project-Specific Impacts). The site and past hospital use of the Saint Francis Medical Center complex is historically significant in the history of Santa Barbara, although the existing hospital structures themselves are not considered to be historically or architecturally significant due to substantial modifications over time. The potentially significant historic impact from project demolition of the Saint Francis hospital complex would be reduced to a less than significant level with the incorporation of mitigation measures CUL-2a (Historic Display), and CUL-2b (Historic Landmarks Commission Review).

4. Class II Geological Impacts

G-1 Earthquake, Geologic, and Soil Hazards (Long-Term, Project-Specific Impacts). Potentially significant seismic, geologic, and soil hazards associated with earthquake ground shaking, liquefaction, settlement, perched groundwater, corrosive soil, oversized

rocks, compressible soils, and expansive soils are mitigable and would be reduced to less than significant levels with application of identified mitigation measure GEO-1a (Earthwork, Foundation, and Structural Design) providing for geotechnical investigations and project design addressing these physical conditions per public safety regulations.

5. Class II Hazardous Materials Impacts

HAZ-1 Demolition Hazards (Construction-Related, Project-Specific Impacts). With implementation of identified mitigation measures HAZ-1a (Building Demolition Hazardous Materials Management), HAZ-1b (Hazardous Material Removal Certification), HAZ-1c (Lead-Based Paint Remediation), and HAZ-1d (Hazardous Materials Safety), consistent with regulatory requirements, potentially significant impacts associated with demolitions of buildings containing asbestos, lead, mercury, and PCBs would be reduced to less than significant levels.

HAZ-2 Soil Contamination Hazards (Construction-Related, Project-Specific Impacts). Potentially significant hazards associated with soils contaminated with diesel fuel would be reduced to less than significant levels with implementation of mitigation measure HAZ-2a (Soil Remediation), consistent with regulatory requirements.

6. Class II Noise Impacts

N-2 Construction Vibration (Temporary Construction-Related, Project-Specific Impacts). Potentially significant impacts associated with ground vibration impacts to residents and structures surrounding the project site during demolition, grading, and construction activities would be reduced to less than significant levels with implementation of mitigation measure N-2a (Structural Crack Survey and Video Reconnaissance and Damage Repair).

N-3 Construction Truck Noise (Temporary Construction-Related, Project-Specific Impacts). Potentially significant noise effects from construction truck traffic would be reduced to less than significant levels with implementation of mitigation measures N-1h (Delivery and Storage of Materials and Equipment) and N-1n (Truck Routing).

7. Class II Solid Waste Impacts

SW-1 Construction and Demolition Waste (Construction-Related, Project-Specific Impact). Potentially significant impacts due to substantial project demolition and construction waste would be reduced to a less than significant level with application of mitigation measures SW-1a (Solid Waste Management Plan) and SW-1b (Material Salvage/ Recycling) which would provide for at least 70% recycling of waste materials. The project has also proposed to utilize some recycled content building materials as part of their effort to incorporate "sustainable" or "green" building techniques.

8. Class II Traffic, Circulation, and Parking Impacts

TRF-2 Tandem Parking (Long-Term, Project Specific Impact). The proposed design of project Garage No 3 with tandem parking spaces could result in significant impacts to

access and circulation, however this effect would be reduced to a less than significant level by implementation of mitigation measure TRF-2a (Tandem Parking Space Assignment), which provides that each pair of tandem spaces are to be assigned to the same residential unit.

TRF-3 Bicycle Parking (Long-Term, Project-Specific Impact). The project as proposed would provide an inadequate number of bicycle parking facilities, however this potentially significant effect would be reduced to a less than significant impact by mitigation measure TRF-3a (Bicycle Parking Spaces), which requires a revised project site plan providing parking facilities for at least 33 bicycles.

TRF-4 Construction Parking and Materials/Equipment Storage (Temporary Construction-Related, Project-Specific Impact). Potentially significant parking effects to the neighborhood as a result of project construction worker parking and building materials and equipment storage would be reduced to less than significant levels by implementation of mitigation measure TRF-4a (Construction Parking and Materials/ Equipment Storage), which provides for City approval of adequate on-site or off-site parking facilities for construction workers, and no storage of construction materials or equipment within the public right-of-way.

TRF-5 Pedestrian Circulation (Long-Term, Project-Specific Impact). As proposed, the project design could result in significant pedestrian circulation impacts due to inadequate internal pedestrian circulation per American Disabilities Act (ADA) requirements, however this impact would be reduced to a less than significant level by implementation of mitigation measure TRF-5a (Pedestrian and ADA Circulation), which requires revised internal circulation design providing at least one access connection between the northern and southern portions of the project site per ADA standards.

9. Class II Water Impacts

WQ-1 Construction Run-Off (Temporary Construction-Related, Project-Specific Impacts). Project demolition, grading, and construction activities have the potential to result in significant water quality impacts due to erosion, sedimentation, and fuel or other substance releases, however these potential effects would be reduced to insignificant levels by the implementation of mitigation measures WQ-1a (General Construction Activity Permit), and WQ-1b (Erosion Control Plan) and additional conditions of approval requiring best management practices for storm water quality protection, consistent with federal, State, and City storm water quality protection regulations.

WQ-2 Storm Water Run-Off (Long-Term, Project-Specific and Cumulative Impacts). Project storm water run-off has the potential to result in significant effects to water quality and quantity, however implementation of mitigation measures WQ-2a (Strom Drain Markings) and WQ-2b (Site Runoff) and additional conditions of approval requiring best management practices for storm water would reduce these potential effects to less than significant levels, consistent with federal, State, and City storm

water regulations. The project also proposes a number of "sustainable" practices that would reduce water run-off effects, including permeable surfaces, rainwater harvesting (cistern), drought-tolerant landscaping, and high efficiency fixtures.

D. FINDINGS OF LESS THAN SIGNIFICANT (CLASS III) IMPACTS OF THE PROJECT

The Planning Commission finds that the following environmental impacts of the project would not be significant, as identified in the Initial Study and Final EIR. Changes and/ or alterations have been applied in some cases that further reduce impacts identified as adverse, but less than significant (Class III), consistent with policy direction to minimize environmental effects where feasible to do so.

1. Class III Visual Aesthetics Impacts

Scenic Views and Visual Aesthetics (Long-Term, Project-Specific and Cumulative Impacts). Project demolition of the existing hospital complex and development of residences would involve substantial grading for site preparation, but would result in only minor changes to finished topography with grading balanced on site. Development would involve a reduction in average building heights, a reduction in building massing, and change in style to one more compatible with the surrounding neighborhood. Project architecture and landscaping would require approval by the City Architectural Board of Review. No significant adverse impacts associated with important public scenic views or changes to neighborhood character would occur.

Lighting (Long-Term, Project-Specific and Cumulative Impacts). The proposed outdoor residential lighting would be subject to compliance with the City Outdoor Lighting and Design Ordinance and would not result in significant lighting impacts to surrounding residents, roads, habitat areas, or aircraft.

2. Class III Air Quality Impacts

Construction Equipment Emissions (Temporary Construction-Related, Project-Specific and Cumulative Impacts). Construction equipment emissions, including diesel toxics, would not be significant in quantity or hazard, and would be further reduced to the extent feasible by implementation of the following measures recommended by the Santa Barbara County Air Pollution Control District: AQ-2a (Diesel Engines) which requires use of diesel equipment manufactured after 1996; AQ-2b (Engine Size) which requires that construction equipment with the minimum practical engine size shall be used; AQ-2c (Equipment Use Management) which requires minimizing the number of pieces of equipment operating simultaneously; AQ-2d (Equipment Maintenance) which requires proper equipment maintenance per manufacturers' specifications; AQ2e (Engine Timing) which requires use of four degree engine timing retard or pre-combustion changer engines to reduce emissions; AQ-2f (Catalytic Converters) which requires catalytic converters on all gasoline-powered equipment; AQ-2g (Diesel Emission Reduction) which requires installation of diesel emission reduction equipment; AQ-2h (Diesel Equipment Replacement) which requires use of electric rather than diesel equipment whenever feasible; AQ-2i (Minimize Employee Trips) which requires the project developer to minimize construction worker trips through carpooling and on-site

lunch opportunities; AQ-2j (Low VOC Coatings) which requires use of low volatile organic compound (VOC) architectural coatings whenever feasible; AQ-2k (Low Sulfur Fuels) which requires that all diesel-powered equipment shall use ultra-low sulfur diesel fuel; and AQ-2l (Bio-Diesel Fuels) which requires that diesel-powered construction equipment shall be fueled using bio-diesel fuels if feasible.

Residential Land Use (Long-Term, Project-Specific and Cumulative Impacts). The project residential uses would not result in significant long-term project-specific or cumulative air quality, health risk, or odor impacts, and no mitigation measures are required.

3. Class III Biological Resources Impacts

Habitat and Wildlife (Long-Term and Construction-Related, Project-Specific and Cumulative Impacts). The proposed project would not result in significant impacts to protected special status wildlife or vegetation species, and no mitigation measures would be required. Mitigation measures BIO-1 and BIO-2 for tree protection and replacement would also benefit biological habitat and wildlife.

4. Class III Hazards Impacts

Fire and Hazardous Materials Use. (Long-Term, Project-Specific and Cumulative). The project site is not located in a High Fire Hazard area or other source of safety risk, and with adherence to Uniform Fire Code requirements, safety hazards would be less than significant. Use and storage of hazardous materials by future residents of the project would be limited to small amounts of common household, office, and gardening supplies, and disposal would be subject to State regulations for disposal, such that no significant hazard impacts would be created. No mitigation measures are required.

5. Class III Hydrology and Drainage Impacts

Drainage and Flooding (Long-Term, Project-Specific and Cumulative Impacts). The project proposes adequate drainage facilities, and no significant flooding or drainage impacts would result.

6. Class III Noise Impacts

Residential Noise (Long-Term Project-Specific and Cumulative Impacts). Vehicular traffic noise and other typical urban noise from project residential use and cumulatively with other projects would be less than significant, and no mitigation measures would be required.

7. Class III Public Services and Energy Impacts

Public Services (Long-Term, Project-Specific and Cumulative Impacts). The project site is located in an urban area where all public services are available. No significant impacts to roads, governmental services, utilities, fire and police protection, schools, park and recreation facilities, water supply, or sewer service would result, and no mitigation measures are required. Potential project effects due to natural gas and electricity consumption would be less than significant, and would be reduced by

implementation of proposed project features incorporating "sustainability" or "green" building techniques, including energy efficient fixtures, passive lighting and ventilation; building materials to include recycled content; and drought-tolerant landscaping.

8. Class III Transportation and Circulation Impacts

TRF-6 Transit Service (Long-Term, Project-Specific and Cumulative Impacts). The project has the potential to create an increased demand for transit services, an adverse but not significant impact. This potential effect would be reduced with implementation of measure TRF-6a (Bus Stop Improvement Bond), which requires a bus stop improvement bond from the applicant, and monitoring of transit demand changes prior to use of the bond.

TRF-7 Construction Traffic (Temporary Construction-Related, Project-Specific Impacts). Project construction has the potential to generate approximately 50 vehicle trips per day, which would vary depending on the stage of construction. This temporary traffic would be adverse but not significant. Traffic effects would be further minimized by Measure TRF-7a (Construction Traffic Routes), which requires City approval of truck routes to minimize disturbance of residential areas, and the use of temporary traffic control measures such as signage, flag persons, and barriers.

Access, Circulation, Circulation Safety, Emergency Access, Parking (Long-Term, Project-Specific and Cumulative Impacts). Proposed access drives and parking structures provide adequate widths and line of sight distances per standards and for emergency vehicle maneuvering; changes in access and circulation would not create hazards for vehicles, bicyclists, or pedestrians; and adequate parking would be provided. No significant impacts would result and no mitigation measures are required.

E. FINDINGS FOR MITIGATION MONITORING AND REPORTING PROGRAM (PERSUANT TO PRC SECTION 21081.6 AND CCR SECTION 15097)

The Mitigation Monitoring and Reporting Program from the Final Environmental Impact Report has been incorporated into project conditions of approval to provide an identified process to ensure compliance with environmental mitigation measures required as part of the project and conditions of approval.

F. FINDINGS OF INFEASIBILITY OF ALTERNATIVES (PERSUANT TO PRC SECTION 21081 AND CCR SECTION 15091)

The Planning Commission makes the finding that specific economic, legal, social, technological, environmental, or other considerations, make infeasible the project alternatives identified in the Final Environmental Impact Report for the Santa Barbara Cottage Hospital Workforce Housing Project for the following reasons:

1. No Project Alternative – No Development Scenario

The No Development alternative provides a baseline scenario for purposes of comparison, under which the existing hospital building complex would remain largely vacant, similar to existing conditions. The No Development alternative would avoid

environmental impacts of the project, but also would not achieve basic project objectives for feasible reuse of the property, development of affordable housing as opportunities for Cottage Hospital employees, development of housing in the City of Santa Barbara to reduce vehicle miles traveled by South Coast employees, development of market rate residential units to providing housing opportunities in Santa Barbara and subsidize development of affordable housing for employees, and provision of quality architecture and "green" design elements compatible with the character of the surrounding neighborhood.

2. No Project Alternative – Reestablishment of Medical Uses Scenario

Under the Reestablishment of Medical Uses alternative, the existing hospital buildings would remain and would again be used for medical uses permitted under zoning. Environmental impacts of the Reestablishment of Medical Uses alternative would be similar or slightly reduced compared to the proposed project. The Reestablishment of Medical Uses alternative would not implement basic project objectives for development of affordable housing as opportunities for Cottage Hospital employees, development of housing in the City of Santa Barbara to reduce vehicle miles traveled by South Coast employees, development of market rate residential units to providing housing opportunities in Santa Barbara and subsidize development of affordable housing for employees, and provision of quality architecture and "green" design elements compatible with the character of the surrounding neighborhood.

3. Adaptive Reuse Alternative – Use Existing Buildings to Develop New Residences

Under the Adaptive Reuse alternative, the existing main hospital building and convent building would be converted to 89 residential units (compared to 115 residential units under the project scenario). Long-term environmental impacts of the Adaptive Reuse alternative would be generally similar to those of the proposed project. Construction noise and long-term traffic impacts (significant impacts of the project) would be incrementally less under the Adaptive Reuse alternative compared to the project, but would not be reduced to less than significant levels. Temporary construction-related impacts of the Adaptive Reuse alternative would generally be less than under the project scenario, however, all construction-related impacts of the project except for construction noise would also be less than significant or reduced to less than significant levels with identified mitigation measures. The Adaptive Reuse alternative would produce less housing overall and less affordable employee housing compared to the project, and would not meet the project objective of providing quality architecture and "green" design elements compatible with the character of the surrounding neighborhood with periphery building massing similar to adjacent patterns.

4. Project Redesign Alternative – Reduced Number of Units

Under the Redesign/Reduced Units alternative, 89 housing units would be developed on the site. Environmental impacts of this alternative would be similar or less than impacts of the project. The Redesign/Reduced Units alternative would incrementally reduce construction-related noise impacts, but not to a less than significant level. The

Redesign/Reduced Units alternative would produce less housing overall and less affordable employee housing compared to the project.

5. Mixed Use Alternative – Residential and Commercial Office Use

Under the Mixed Use alternative, approximately 77,000 square feet of commercial office space and 51 residential units would be provided on the project site. The Mixed Use alternative would result in short-term construction-related environmental impacts that are similar to impacts under the project scenario. The long-term traffic, air quality, and noise impacts of the Mixed Use Alternative would be increased compared to the project impacts because of the more intensive office uses.

G. FINDINGS FOR RECORD OF PROCEEDINGS (PERSUANT TO PRC SECTION 21081.6 AND CCR SECTION 15091)

The location and custodian of documents that constitute the record of proceedings upon which this decision is based are the City of Santa Barbara Community Development Department, and the Department office is located at 630 Garden Street, Santa Barbara, California.

H. STATEMENT OF OVERRIDING CONSIDERATIONS (PURSUANT TO PRC SECTION 21081 CCR SECTION 15093)

The Final EIR for the Santa Barbara Cottage Hospital Workforce Housing Project identifies potential unavoidable significant impacts associated with temporary construction-related noise impacts, and project contribution to cumulative long-term peak-hour traffic conditions at the intersections of Anapamu Street/Laguna Street, Arrellaga Street/ Garden Street, and Mission Street/ Bath Street.

Pursuant to Section §21081 of the California Environmental Quality Act, after careful consideration of the environmental documents, staff reports, public testimony, and other evidence contained in the administrative record, the Planning Commission makes the following Statement of Overriding Considerations, setting forth the specific overriding economic, legal, social, technological and other benefits of the proposed Project that warrant approval notwithstanding that all identified environmental impacts are not fully mitigated. Remaining significant effects on the environment are deemed acceptable due to these findings:

1. Approval of the Project will provide 81 affordable ownership housing units for the benefit of Cottage Hospital employees.
2. This Project will demonstrate how large employers in our community can provide affordable housing for their employees.
3. To the extent that the employees who buy this housing currently commute from out of the area, the benefits of the reduced commuting for these employees will benefit the entire community.
4. To the extent that the employees who buy this housing currently rent in the community, the community will benefit by the vacation of existing rental units.

5. The approval of the Project will result in the generation of short term construction employment.

6. The approval of the Project will result in the transfer to the City of approximately 158,000 square feet of Existing Community Priority Commercial Development Rights for use as the City deems appropriate.

7. Approval of the Project will result in improvements and upgrades to the property frontage on Grand Avenue, Micheltorena Street and California Street.

8. Approval of the Project will result in the construction of a new public road to public standards extending North of the present end of Salsipuedes Street between Micheltorena Street and Arrellaga Street.

9. Approval of the Project will assist Cottage Hospital in retaining employees who provide health services to the residents of the City and the South Coast.

I. FINDINGS FOR THE CALIFORNIA FISH & GAME CODE (SECTION 711.4) AND CCR SECTION - 735.5) AND PRC SECTION 21089 (B)

An Environmental Impact Report has been prepared by the lead agency (City of Santa Barbara), which has evaluated the potential for the proposed Cottage Hospital Workforce Housing 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 native specimen trees and associated wildlife during project construction. Mitigation measures have been applied such that project impacts will be less than significant. The project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

J. 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. The site is physically suitable for the proposed development, the project is consistent with the density provisions of the Municipal Code and the General Plan, including bonus density policies and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause long-term substantial environmental damage, and associated improvements will not cause serious public health problems.

K. The New Condominium Development (Sbmc §27.13.080)

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

   Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required open space.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.

3. 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.

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. The benefits of the project outweigh the cumulative traffic impacts associated with the proposed Workforce Housing project and statement of overriding considerations will be required to approve the project. The design has been conceptually reviewed by the City's design review board, which found the architecture and site design well conceived and successful. The project will require final approval from the Architectural Board of Review to ensure that the project design and architectural style is appropriate for the site and neighborhood.

L. The Lot Area Modification (SBMC §28.21.08092.110)

The modification is consistent with the purposes and intent of the Zoning Ordinance and policies of the City's Housing Element, and is necessary to provide 42 bonus density housing units affordable to moderate, middle and upper-middle income households.

The project includes 42 residential units available for sale to moderate, middle and upper middle-income to Santa Barbara Cottage Hospital employees. The project is consistent with the City's Affordable Housing Policies. Therefore the lot area modification is necessary in order to provide the affordable units.

M. Front Yard Setback Modification (SBMC §28.51.060)

The Planning Commission must find that the requested front yard setback modifications are consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot, prevent unreasonable hardship, or promote uniformity of improvement.

The requested front yard setback modifications for the Workforce Housing project is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot and promote uniformity of improvement on the project site. Front yard setback encroachments for buildings 01, 07, 11, 13, 31, 39 and 42 are necessary in order to accommodate the proposed residential density on the project site. This density will allow Santa Barbara Cottage Hospital Foundation to secure a 70% affordable housing project that is appropriate for the site and will accommodate a new public street dedication, and a number of open space and pedestrian access features.

N. Interior Yard Setback Modification (SBMC §28.51.060)

The Planning Commission must find that the requested interior yard setback modifications are consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot, prevent unreasonable hardship, or promote uniformity of improvement.

The requested interior yard setback modifications for the Workforce Housing project is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot and promote uniformity of improvement on the project site. Interior yard setback encroachments by buildings 43, 44 and 45 are necessary in order to accommodate the proposed residential density on the project site. This density will allow Santa Barbara Cottage Hospital Foundation to secure a 70% affordable housing project that is appropriate for the site and will accommodate a new public street dedication, and a number of open space and pedestrian access features.

O. Distance Between Buildings Modification (SBMC §28.21.070)

The Planning Commission must find that the requested distance between buildings modifications are consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot, prevent unreasonable hardship, or promote uniformity of improvement.

The requested distance between buildings modifications for the Workforce Housing project is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot and promote uniformity of improvement on the project site. Provide less than the distance between buildings for 21 of the 48 proposed residential buildings on the project site is necessary in order to accommodate the proposed residential density on the project site. This density will allow Santa Barbara Cottage Hospital Foundation to secure a 70% affordable housing project that is appropriate for the site and will accommodate a new public street dedication, and a number of open space and pedestrian access features.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

A. Recorded Agreement for Five-Lot Final Map. 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales,

natural watercourses, conduits, and any access road, as appropriate. 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.

2. **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 Architectural Board of Review (ABR).

3. **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.

4. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail 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.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 21, 2006 is limited to five lots and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

7. **Oak and Specimen Tree Protection.** The existing oak and specimen trees proposed to be retained on-site shall be preserved, protected, and maintained, subject to review and approval by the Architectural Board of Review. Per the Tree Protection Plan, the following provisions shall apply to any oak and specimen trees to remain on the property:

   a. No irrigation systems shall be installed within the drip line of any oak tree.

   b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak or specimen tree.

8. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.

9. **Storm Water Pollution Control Systems Maintenance.** The Owners of each lot shall maintain the drainage system, storm drain water interceptor, and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director. The Owner shall provide verification of maintenance provisions through a signed statement, as part of the project application, accepting responsibility for all structural and treatment control BMP maintenance until the time the property is transferred.

10. **Park Space.** Park space, as described in condition C.13, shall remain available to the public for the life of the project.

B. Recorded Agreement for Condominium Project Final Map. 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. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

2. **Ownership Unit Affordability Restrictions.**

a. Nineteen (19) dwelling units, to be designated by the Owner, are density bonus unit that are within the first 25% of the density bonus approved on the Real Property and shall be designated as Affordable Middle Income Units and sold only to and occupied only by households who qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. However, Owner may choose to restrict some or all of these units as Moderate Income Units or as Middle Income units as defined in the City's Affordable Housing Policies and Procedures. Owner shall restrict ownership of these units to Owner's employees according to policies and procedures to be developed by Owner and approved by the Community Development Director. The maximum sale prices upon initial sale shall not exceed the following:

1-bedroom = $237,800

2-bedroom units = $294,400

3-bedroom duplex or luxury units = $351,200

b. Twenty-three (23) dwelling units, to be designated by the Owner, are density bonus units that are above the first 25% of the density bonus approved on the Real Property and shall be designated as Affordable Upper-Middle Income Units and sold only to and occupied only by households who qualify as Upper-Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures.

However, Owner may choose to restrict some or all of these units as Moderate Income Units or as Middle Income units as defined in the City's Affordable Housing Policies and Procedures. Owner shall restrict ownership of these units to Owner's employees according to policies and procedures to be developed by Owner and approved by the Community Development Director. The maximum sale prices upon initial sale shall not exceed the following:

1-bedroom units = $325,000

2-bedroom units = $399,000

3-bedroom = $473,200

c. Thirty-nine (39) dwelling units, to be designated by the Owner, are not density bonus units but are units that the Owner wishes to restrict as affordable units under the City's policies. These units shall be designated as Affordable Upper-Middle Income Units and sold only to and occupied only by households who qualify as Upper-Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. However, Owner may choose to restrict some or all of these units as Moderate Income Units or as Middle Income units as defined in the City's Affordable Housing Policies and Procedures. Owner shall restrict ownership of these units to Owner's employees according to policies and procedures to be developed by Owner and approved by the Community Development Director. The maximum sale prices upon initial sale shall not exceed the following:

1-bedroom units = $325,000

2-bedroom units) = $399,000

3-bedroom units = $473,200

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 the entire useful life of the project. No affordable unit may be rented prior to its initial sale, subject to approval of a waiver by the Community Development Director.

3. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 21, 2006 is limited to 115 dwelling units, 254 parking spaces, and the improvements shown on the Tentative Subdivision Map, site plans, and landscape plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

4. **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 parcels.

   b. **Garages Available for Parking.** A covenant that includes a requirement that all garages and uncovered parking spaces be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces 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.** Adequate space shall be provided and maintained for trash and recycling purposes.

   e. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain all common area BMP's to ensure their continued effectiveness.

   f. **Site Drainage Facilities Maintenance.** The Owner(s) shall maintain all common area drainage facilities to ensure their continued effectiveness.

   g. **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.

5. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Owner shall be responsible for insuring that all tenants comply with the provisions of the approved Transportation Management Plan.

   a. **Resident Shuttle Program.** The project applicant shall implement and operate a shuttle program designed to serve project residents and to reduce the project's peak hour trip generation. The objective of the program shall be to reduce the proposed project's significant cumulative contribution of traffic to the intersections of:
      - Anapamu Street/Laguna Street
      - Arrellaga Street/Garden Street
      - Mission Street/Bath Street

Prior to the issuance of building permit for the Cottage Hospital Foundation Housing project, the project applicant shall submit a proposed Project Resident Shuttle Program Plan to the City Public Works Department for review and approval. At minimum, the following elements shall be specified by the Plan.

(1) Operation Hours. At minimum, the shuttle program shall provide service during the A.M. and P.M. peak traffic hours, and during shift changes at Cottage Hospital. The plan shall indicate the specific hours that the shuttle service is to be provided.

(2) Shuttle Routes. Routes to be used by the shuttle to transport project residents to Cottage Hospital and other Cottage Health Systems facilities shall be described. To the extent possible, proposed shuttle routes shall avoid intersections that operate at unacceptable levels of service during peak hour periods. A procedure for obtaining City approval to modify proposed shuttle routes to accommodate the needs of project residents that wish to participate in the program shall also be included in the Plan.

(3) Shuttle Ridership Monitoring. The Project Resident Shuttle Program Plan shall include a monitoring program to quantify ridership characteristics. Shuttle ridership and peak hour trip reduction data shall be provided to the Public Works Department within six months of the start of the shuttle program and once annually thereafter.

The Project Resident Shuttle Program Plan shall also contain a range of measures that may be implemented to increase participation in the shuttle program. Such additional measures may include, but are not limited to: expanding the shuttle service times and/or routes to make it more convenient for program participants, or offering other incentives to program participants.

(4) Shuttle Bus. The type and size of vehicle(s) to be used to implement the shuttle bus program shall be specified. Using alternative fuels for the shuttle bus, if feasible, is strongly encouraged.

(5) Program Implementation. A shuttle program shall be initiated in accordance with the provisions in the approved Project Resident Shuttle Program Plan before more than 75% of the affordable residential units are occupied. (TRF-1a)

b. **Bicycle Parking.** Thirty-three bicycle parking spaces shall be provided. The required bicycle parking facilities shall be distributed throughout the project site. (TRF-3a)

C. **Design Review for the Condominium Project.** The following is subject to the review and approval of the Architectural Board of Review (ABR), unless otherwise stated:

1. **Historic Landmarks Commission (HLC) Review.** The following is subject to review by the HLC:

   a. **Historic Display/Area.** A commemorative display or area for the education of the public detailing the history of St. Francis Hospital shall be integrated within the open space area located at the corner of Micheltorena and Salsipuedes Streets. All text for the display shall be written by a City-qualified Historian and approved by the HLC. Additionally, at least one of the art pieces from the former St. Francis Hospital shall be incorporated into the on-site display, if available. The display shall include decorative elements from the building. *(C-7)*

   b. **HLC Courtesy Review.** Advisory comments shall be provided by the HLC to the ABR regarding the Santa Barbara Cottage Hospital Foundation Workforce Housing Project with respect to the architectural style of the project and its compatibility with the neighborhood and the design of the commemorative display area. *(C-8)*

2. **Tree Removal and Replacement.** With the exception of fruit trees, all trees removed shall be replaced on-site on a one-for-one basis with a minimum 15-gallon size tree of an appropriate species or like species. Street trees proposed for removal shall be replaced per Parks and Recreation Department requirements.

3. **Tree Inventory and Relocation.** A further inventory of existing specimen trees on the project site shall be performed by a qualified arborist, noting health of the trees and suitability for transplanting or removal. Based on the arborist's recommendations, as reviewed by the City Arborist, the City would make a final determination regarding which trees can be feasibly transplanted or need to be removed. The existing trees shall be relocated on the Real Property and shall be fenced and protected during construction. *(B-1)* (BIO-1a)

4. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:

   a. **Fencing.** Fencing or protective barriers around the trees during construction.

   b. **Landscaping Under Trees.** Landscaping under the trees that is compatible with the preservation of the trees.

   c. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report referenced in Condition C.3 shall be implemented.

b. d. **Tree Protection and Replacement Plan**. The applicant shall submit a tree protection and replacement plan with project landscape plans for City approval. The plan shall identify trees to be preserved, measures to be taken during grading and construction to protect trees, measures for replacement of trees in the event of inadvertent damage or loss, and irrigation and maintenance plans. Trees shall be maintained for the life of the project. The tree protection plans shall incorporate the following measures *(B-2)* (BIO-1b):

(1) Prior to grading, temporary protective fencing (4 feet high) shall be installed three feet outside the dripline of all trees to be preserved. Trees in close proximity may be fenced as a group. All fencing shall be maintained during the entire construction period. *(B-2)* (BIO-1b)

(2) No grading shall occur under any oak or specimen tree dripline. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist. *(B-2)*

(3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.

(4) Heavy equipment shall not be used or parked within three (3) feet of oak tree driplines, except where approved by a qualified arborist, and after protective fencing has been installed. Soil, rocks, or construction material shall not be stored or placed within the dripline of oak trees. *(B-2)* (BIO-1b)

(5) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the ABR. No irrigation system shall be installed under the dripline of any oak tree.

(6) Specimen trees slated for preservation that are inadvertently damaged (25% or more of root area) or lost due to construction processes shall be replaced prior to issuance of occupancy permits. Tree replacement shall be according to the following replacement ratios: Oak Trees – 10:1 (using 5-15 gallon saplings); other native trees and ornamental species at 3:1 with replacement trees at no less than ¼ the diameter of the existing

tree). The applicant shall submit an annual report on establishment and success of replacement trees. *(B-2)* (BIO-1b)

(7) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible, as determined by the Arborist in consultation with the Community Development Director. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

5. **Pedestrian Pathway.** A designated pedestrian pathway shall be provided to all units from the sidewalk through the use of a different paving material.

6. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.

7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

8. **Crime Analyst Plan Review.** The Developer shall meet with the City Police Department Crime Analyst prior to ABR Preliminary Approval to determine how lighting, locking mechanisms, egress and fencing can be designed and installed to reduce the potential number of calls for police service from occupants of the Real Property.

9. **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.

10. **Permeable Paving.** Incorporate a permeable paving system for the project driveways and parking areas that will allow a portion of the driveway runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials must be approved by the Transportation Manager.

11. **Common Area Photo-Voltaics Required.** Photo-voltaics shall be used to provide electricity to all common outdoor areas and surface parking. Such systems shall be designed to be minimally visible.

12. **Stonewall Reuse.** The stonewall shall be reused to the extent possible, and the existing stonewalls that will not stay in place shall be reused on the site.

13. **Open Space.** The Architectural Board of Review (ABR) shall review the open space on Micheltorena and Salispuedes Streets to make it inviting to the public through signs and design.

14. **Shuttle Stop Design.** Shelter area shall be sufficient to cover the number of people who are waiting to be picked up. Two or three shelters shall be constructed in the future, and the function and design shall be approved by the ABR.

D. Public Works Submittal Prior to Final Maps 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 and Parcel Maps for the project:

1. **Final Maps Submittal and Timing.** The Owner shall submit to the Public Works Department for approval, Final Maps prepared by a licensed land surveyor or registered Civil Engineer. The Final Maps shall conform to the requirements of the City Survey Control Ordinance. The Final map for the five-Lot subdivision shall be recorded prior to the Final Map for the Condominium Project. Completion of conditions specific to the condominium development shall not delay recordation of the five-lot subdivision.

2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.

3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.

4. **Hydrology Report.** The Owner shall submit a hydrology report justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event and that runoff discharge rates shall not exceed the estimated current rates and that runoff discharge rates shall not exceed the estimated current rates.

5. **Storm Drain Design Standards.** The Owner shall incorporate storm drain design recommendations in the drainage study prepared April 17, 1998 and revised March 15, 2004. The Engineered drainage study prepared by Penfield and Smith shall be reviewed and approved by the Building and Safety Division, and by the Public Works Department.

6. **Utility Undergrounding.** The Owner shall underground all utilities to the subject site and remove all distribution line utility poles that provide service solely to the site.

7. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division staff, 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. **Dedications.** Easements as shown on the approved Tentative Subdivision Map, subject to approval by the Public Works Department:

   a. All street purposes along the proposed Salsipuedes Street extension in order to establish a 60-foot wide public right-of-way.

   b. All street purposes along California Street in order to establish an additional one-foot wide public right-of-way to widen the sidewalk.

9. **Proof Easements Abandoned.** Show evidence that easements have been modified or abandoned as shown on the tentative map.

10. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).

11. **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.

The following conditions apply only to the condominium project:

12. **New Public Street.** The Owner shall submit C-1 public improvement or building plans for construction of a new public road to public standards for that portion of land extending north of the present end of Salsipuedes Street, between Micheltorena and Arrellaga Streets. As determined by the Public Works Department, the improvements shall include construction of a 34-foot wide Right-of-Way, 20-foot wide paved width public road to City standards (widened where public parking is recommended by Transportation Planning and Operations), and the following: roadway shall be retrofitted if not satisfying traffic rated loading conditions; realignment and construction of 5 foot wide City standard sidewalk on project side of road only; 4 foot wide parkway strip with additional 2-foot clearance where on street parking occurs both sides of road; drought-tolerant parkway landscaping; street trees as approved by the City Arborist; driveway apron designed to meet Title 24 requirements; curbs; gutters; two-way access ramp; slurry seal entire width of road along entire subject property frontage; underground utilities; connection to City water main, City sewer main, and City storm drainage system; supply and install City residential standard dome street lights as required by the City Street Light Master Plan replace cobrahead fixture with a residential standard dome street light, using the existing marblite pole at the intersection of this new street with Arrellaga Street; install electrical pedestal meter to service street lights (one for every three new lights); provide directional/regulatory traffic control signs as directed by Public Works; storm drain stenciling; and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The public improvement plans shall be

prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.

13. **Off-Site Public Micheltorena Street Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Micheltorena Street. The 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: 6-foot wide sidewalk and 6-foot wide parkway; drought-tolerant parkway landscaping; driveway apron modified to meet Title 24 requirements; curbs; gutters; two-way access ramp(s); slurry seal the entire width of the street along subject property frontage; underground service utilities; connection to City water and sewer mains; public drainage improvements with supporting hydrology report for drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), including removal of existing drain outlet at the northwest corner of Micheltorena and California Streets; supply and install one residential dome standard street light(s), consistent with the City Street Light Master Plan, at the Corner of Micheltorena and California Streets; coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, storm drain stenciling pollution prevention interceptor device, off-site biofilter/swale sized per drainage calculations, new street trees and tree grates as approved by the City Arborist; and provide adequate positive drainage from site. Existing private sewer laterals serving the property shall be repaired before new dwellings are occupied. Any existing sewer laterals identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations, and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

14. **Off-Site Public California Street Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on California Street. The 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: 7-foot wide sidewalk and 5-foot wide parkway; drought-tolerant parkway landscaping; driveway apron modified to meet Title 24 requirements; remove and replace concrete curbs with sandstone curbs where sandstone curbs are prevalent and as recommended by the Architectural Board of Review; gutters; two-way access ramp(s); asphalt concrete; concrete pavement on aggregate base; slurry seal the

entire width of the street along subject property frontage; underground service utilities; connection to City/private water and sewer mains; public drainage improvements with supporting hydrology report for drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection, storm drain manhole (provide off-site storm water BMP plan), etc.); supply and install one residential dome standard street light(s), consistent with the City Street Light Master Plan, in the vicinity of the proposed new driveway; coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, storm drain stenciling pollution prevention interceptor device, off-site biofilter/swale sized per drainage calculations, new street trees and tree grates as approved by the City Arborist and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations, and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

Condition for Five-Lot Final Map:

15. **Off-Site Public Grand Avenue Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Grand Avenue. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 6-foot wide sidewalk and 4-foot wide parkway; drought-tolerant parkway landscaping; driveway aprons modified to meet Title 24 requirements; unused driveway aprons removed and replaced with appropriate curb, gutter and sidewalk; curbs; gutters; two-way access ramp(s); asphalt concrete; concrete pavement on aggregate base; slurry seal the entire width of the street along subject property frontage; underground service utilities; connection to City water and sewer mains; public drainage improvements with supporting hydrology report for drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.); preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs and storm drain stenciling; pollution prevention interceptor device; off-site biofilter/swale sized per drainage calculations, new street trees and tree grates as approved by the City Arborist and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing

lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations, and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

E. 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 Maps and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department. Completion of conditions specific to the condominium development shall not delay recordation of the five-lot subdivision.

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. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.

F. 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, approved 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) 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.

   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, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

2. **Construction Site Monitor.** Construction contractors shall designate a monitor for the dust control program. The monitor's work schedule shall include holiday and weekend periods when work at the project site may not be in progress. The name and telephone number of such persons shall be provided to the Santa Barbara County APCD prior to the issuance of a grading permit. (AQ-1k)

3. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of demolition or construction activities, the contractor shall provide written notice to all property owners, businesses, and residents within 450 feet of the project area. Surrounding area homeowners associations shall also be notified, and notices describing planned development activities shall be posted at the access locations to the project site. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, required noise and air quality conditions applied to the project, the name and phone number of the Project Environmental Coordinator (PEC), Construction Site Monitor, and Contractors, site rules and Conditions of Approval pertaining to construction activities (including noise and air quality conditions, 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. (N-1b)

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. **Solid Waste Management Plan.** A solid waste management plan identifying measures for reuse, source reduction, and recycling shall be developed for construction and operation of the project, and submitted to the City's Environmental Analyst and the County's Solid Waste Division for review and approval prior to building permit issuance. *(PS-1)* (SW-1a)

6. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Larry Wilcoxon, dated 1992. The contract shall be subject to the review and approval of the Planning Division.

   The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain 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, the Owner shall retain 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. *(C-1 – C-4)* (CUL-1a, CUL-1c, CUL-1d, and CUL-1e)

7. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of two (2) street trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground.

8. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work subject to the approved Tree Preservation and Relocation Plan during construction. The contract shall include a schedule for the arborist's presence during demolition, grading, and construction activities, and is subject to the review and approval of the Planning Division.

9. **Earthwork, Foundation, and Structural Design.** The applicant shall implement all recommendations specified in the geology report prepared by URS (February 26, 2004). These recommendations include:

   a. Foundation and earthwork elements of the final design documents (i.e., plans, specifications, and cost estimate) shall be based on a geotechnical investigation tailored to meet the specific requirements of this project. The investigation shall include a sufficient number of borings or other subsurface explorations to allow evaluation of the geotechnical conditions in the area of proposed construction. The results of the investigation shall be presented in a report prepared under the supervision of a qualified geotechnical engineer.

b. Due to the potential for groundwater seepage at higher elevations in the older alluvium, all below-grade earth-retaining walls shall be designed to resist hydrostatic pressure and to prevent infiltration of water into interior building spaces.

c. Seismic design of all proposed structures shall be in accordance with the currently adopted model building code or more restrictive recommendations made by the project structural engineer and agreed to by the City. Existing structures that will be incorporated into the proposed development shall be re-evaluated for compliance with current seismic design requirements.

d. All foundations shall be supported on firm native soil or approved, properly compacted fill material. For planning purposes, it is assumed that all structural fill will be compacted to at least 95% relative compaction per ASTM D1557.

e. Overexcavation will be required in areas where foundations or structural fill would otherwise be supported on existing unengineered fill or soft/loose native soil. The actual depth of overexcavation will depend on building locations, pad elevations, and foundation depths. However, for planning purposes, average overexcavation depths of five feet and two feet may be assumed in areas of unengineered fill or soft/loose native soil, respectively.

f. Existing fill consisting of nonexpansive granular soil should be usable for structural fill if cleaned of deleterious material and properly recompacted.

g. All site grading activities related to structures or pavement, in addition to the compaction of all fill material, shall be observed and tested by a representative of the geotechnical engineer of record for the project. *(G-1)* (GEO-1a)

10. **Soils Report.** Submit to the Building and Safety Division a soils report.

11. **Building Demolition Hazardous Materials Management**. The applicant shall conduct a comprehensive survey of buildings to be demolished for hazardous materials, including sampling and analytical testing of all suspect lead and asbestos-containing materials, and materials that may contain mercury and PCBs. A plan shall identify measures for materials handling to minimize exposure to workers, the public, or environment, and proper disposal/recycling recommendations. Certified removal contractor(s) shall prepare a work plan for the removal of all identified hazardous materials prior to the issuance of a demolition permit for City approval. At minimum, the plan shall address the following hazardous material management elements:

a. Identification of suspect materials.

b. Survey and assessment of the existing buildings.

c. Scope of work development for hazardous material removal.

d. Hazardous material removal and disposal.

e. Quality control.

f. Post Remediation Sampling and Assessment. *(H-1)* (HAZ-1a)

12. **Hazardous Material Removal Certification.** Prior to the issuance of a demolition permit for the proposed project, the project applicant/contractor shall provide to the Planning Department a certification indicating that surveys of the buildings to be demolished have been conducted by appropriately licensed personnel to detect the presence of asbestos, lead-based paint, mercury and PCBs. It shall also be certified that all identified asbestos, lead-based paint, mercury and PCB materials have been removed from the project site in accordance with applicable local, state, and federal regulations. The certification shall identify the contractor(s) that conducted the surveys and material removal work, the transporter that removed the materials from the site, and the recycling/disposal facilities that accepted the waste material. (HAZ-1b)

13. **Potential Lead-based Paint Contamination.** If areas with concentration of lead paint or dust that exceed applicable threshold standards are identified in any on-site building, soil adjacent to the building(s) shall be tested for the presence of lead. The location and number of samples shall be determined by the Santa Barbara County Fire Department – Protection Services Division. If necessary, lead-related soil contamination shall be remediated to the satisfaction of the Protection Services Division prior to the issuance of a demolition permit for the proposed project. (HAZ-1c)

14. **Hazardous Materials Safety.** Measures to protect workers and neighbors, contain exposure, provide for proper disposal, and remediate from any hazardous material contamination shall be implemented in accordance with local, state, and federal regulations. (HAZ-1d)

15. **Soil Remediation.** Adherence to the URS Remediation Work plan for Diesel Contaminated Soil dated April 20, 2004 as conditioned by direction and requirements provided by the County Fire Department, Protection Services Division, relating to remediation activities for the underground tanks shall occur prior to new residential construction on the property. Additional Fire Department conditions include:

a. Following removal of the USTs and appurtenant facilities, verification soil samples shall be collected, at a minimum, below the former UST locations (two samples/tank), below each dispenser, and below all pipeline joints and at any location where stained soil or petroleum odors are observed. The report containing the results of the remediation and verification work shall be submitted to the County Fire Department,

Protection Services Division, within 60 days after the completion of site work.

b. Following removal of contaminated soil, a workplan shall be submitted to the County Fire Department, Protection Services Division, for a minimum of one boring to be placed at the location of the formerly contaminated area to document that groundwater is greater than 50 feet below the contaminate soils. If water is encountered within 50 vertical feet of the former contamination, a workplan shall be submitted to the County Fire Department with recommendations to determine the local groundwater gradient and to verify the absence of UST related groundwater contamination at the site. The workplan shall be submitted to the County Fire Department no later than 30 days after completion of soil removal activities.

c. UST removal permits shall be obtained from the County Fire Department, Protection Services Division, prior to initiation of site work. Notify the County Fire Department at least 72 hours prior to any beginning site work. *(H-2)* (HAZ-2a)

16. **Bus Stop Improvement Bond.** Prior to the occupancy of the proposed project, the project applicant shall submit to the City of Santa Barbara Public Works Department Transportation Division, Public Improvement securities in an amount sufficient to provide bus stop improvements and as outlined in a separate Cost Estimate Summary (including but not limited to shelters, benches, trash receptacles, and required road improvements) submitted to Public Works staff for both sides of Salsipuedes Street. The amount of the securities shall be reviewed and approved by the City and MTD. After providing the securities to the City, if it has been determined within a one-year period that bus stop improvements adjacent to the project site are not warranted, the securities shall be released. (TRF-6a)

17. **General Construction Activity Permit.** In addition to the Erosion/Sedimentation Control Plan required under Condition G.4 below, prior to the issuance of a demolition, grading, or building permit for the proposed project, the applicant or project developer shall comply with the requirements of the State General Permit for Storm Water Discharges Associated with Construction Activity. Compliance shall include providing the City with a copy of the Notice of Intent to obtain coverage under the NPDES Construction General Permit, and a copy of the subsequent Waste Discharge Identification Number issued by the RWQCB. Compliance with the General Permit also requires the preparation of a SWPPP that identifies how potential water quality impacts associated with demolition, grading, and construction operations will be minimized and controlled. A copy of the SWPPP shall be kept at the project site and be available for City review. (WQ-1a)

18. **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 price restrictions as specified in Section B.5. above.

19. **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, except for hazardous materials and underground storage tank removal, and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, archaeological procedures, 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 Archaeologist, the Architect, the Arborist, the Landscape Architect, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor. *(C-3)*

20. **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.

G. **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 C above.

2. **Pre-Construction Conference.** Prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, archaeological procedures, arborist monitoring, and other 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 Archaeologist, Architect, Arborist, Landscape Architect, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor. (CUL-1b)

3. **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 Environmental Impact Report for the project.

4. **Erosion Control Plan.** 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 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 erosion control 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 Plan shall include the following elements:

   a. Minimize the area of bare soil exposed at one time (phased grading) and schedule grading to occur during the dry season.

   b. Install silt fences, sand bags, waddles, silt devices or other BMPs where necessary around the project site to prevent offsite transport of sediment.

   c. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.

   d. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.

   e. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.

   f. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.

   g. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences or other approved materials and/or systems. Sediment control measures shall be maintained for the duration of the project development period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

   h. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other suitable measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day using dry cleaning methods.

i. At minimum, the erosion control plan prepared for the proposed project shall address the design, implementation, installation, and maintenance of each of the following water resource protection strategies:

- De-Watering Operations
- De-silting Basins
- Potable Water Irrigation
- 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
- Vehicle and Equipment Fueling *(W-1)* (WQ-1b)

5. **Prepare a Structural Crack Survey and Video Reconnaissance.** Prior to the issuance of demolition permits, the applicant or its designee shall prepare a structural crack survey and video reconnaissance of neighboring structures whose occupants wish to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 20 years old. After each major phase of project development (demolition, grading and construction), a follow-up structural crack survey and video reconnaissance of neighboring structures on parcels wholly or partially within 100 feet of the project site shall be conducted to determine whether any new cracks or other structural damage consistent with project-related vibrations have occurred. The City and project applicant shall review the results of both pre- and post-construction surveys to determine whether any new structural damage resulted from project-related construction activities. The project applicant shall be responsible for the cost of repairing damage to structures on parcels within 100 feet of the project site resulting from project-related construction activities. (N2-a)

6. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that uses the existing natural drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the

Erosion Control Plan, to intercept all sediment and minimize storm water pollutants of concern 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 interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition I.B.12, above, which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.

7. **Technical Reports.** All recommendations of the technical reports, as approved by the Building and Safety Division, shall be incorporated into the construction plans.

8. **Fire Sprinkler System.** A fire sprinkler system shall be provided, as required by the Fire and Building Codes.

9. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.

10. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.

11. **Green Building Techniques.** Owner shall design project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards. Within 90 days of issuance of the Certificate of Occupancy, the applicant shall provide a briefing to the Planning Commission if the Green Built three star level is not achieved and shall include an explanation as to why it was not achieved.

12. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

13. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.

14. **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 placed in a location or locations approved by the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

15. **Private Road/Driveway Improvements.** The proposed private road/driveway shall be constructed to the standards provided in the Subdivision Design and Improvement Standards or the Zoning Ordinance Standard (§28.90.001), as

appropriate, and as approved by the Public Works Director or the Chief Building Official, as appropriate.

16. **Tandem Parking Space Assignment.** The proposed parking plan for the Workforce Housing project shall be revised to indicate that each pair of proposed tandem parking spaces are to be assigned to the same residential unit. (TRF-2a)

17. **Bicycle Parking Spaces.** The site plan for the proposed project shall be revised to provide secure bicycle parking facilities for at least 33 bicycles. If feasible, as determined by the Public Works Director, enclosed (i.e., bike locker) facilities shall be provided. The required bicycle parking facilities shall be distributed throughout the project site. (TRF-3a)

18. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.

19. **Storm Drain Markings.** Stenciled information shall be printed on all curb storm drains warning of the direct connection to the creek and ocean. *(W-2)* (WQ-2a)

20. **Site Runoff.** All project runoff waters from areas such as the access roads, roofs, or driveways shall be captured on-site and conducted, via the proposed permanent erosion control systems, to prevent increased site runoff. *(W-3)* (WQ-2b)

21. **Pedestrian and ADA Circulation.** The internal circulation of the project shall be revised to provide at least one access connection between the northern and southern portions of the project site to the extent required by California Title 24 Accessibility standards. (TRF-5a)

22. **Utilities.** Provide individual water meter, electric meter, gas meter, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point at least five feet (5') outside the building foundation.

23. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.

24. **Project Site Perimeter Barrier.** To minimize construction noise exposures resulting from prolonged demolition, grading and construction activities at the project site, a temporary solid fence or similar barrier constructed of material approved by the City shall be provided along the project site property line at the following locations when demolition, grading and exterior construction operations are occurring:

a. Micheltorena Street Between California and Salsipuedes Streets.

b. California Street between Micheltorena Street and the northernmost boundary between project Development Areas 1 and 4.

c. Arrellaga Street between Salsipuedes Street and the driveway onto the project site at the terminus of Arrellaga Street.

The noise barrier shall be designed by a licensed engineer and shall be at least eight feet in height. The noise barrier requires the issuance of a building permit. All gates in the barrier shall be provided with approved sound blocking or absorbing material. (N-1c)

25. **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. (AQ-1m)

Signed:

_____

Property Owner Date

_____

Contractor Date License No.

_____

Architect Date License No.

_____

Engineer Date License No.

H. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **Hazardous Materials Safety.** Measures to protect workers and neighbors, contain exposure, provide for proper disposal, and remediate from any hazardous material contamination shall be implemented in accordance with State regulations. *(H-4)*

2. **Construction Notification to Neighbors.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notification to property owners and residents within 450 feet of the project area, to surrounding area homeowners associations, and posted at the access to

construction site. The notice shall provide a construction schedule, required noise and dust control conditions applied to the project, and the name and telephone number of the Project Environmental Coordinator and Construction Site Monitor who can address questions and problems that may arise during construction. *(N-2)* (AQ-1k)

3. **Construction Dust Complaints.** The site development contractor shall provide a phone line that can be used by project area residents to register dust-related complaints at the project site. The phone line shall be answered between the hours of 8 a.m. and 5 p.m., and recorded by an answering machine at other times. The phone number and an explanation of what the phone number is for shall be posted at construction site entrances located on Arrellaga, Salsipuedes, Micheltorena, and California Streets. The phone number of the Santa Barbara APCD shall also be posted. The contractor shall be responsible for implementing dust control measures in a timely manner in response to complaints that are received. A log shall be kept at the project site to document complaints that are received and actions implemented in response to individual complaints. A construction team member/responsible party shall return all complaint phone calls within one business day. (AQ-1l)

4. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible as determined by the Public Works Director, and containers shall be provided on site for that purpose. All construction/demolition waste generated by the Workforce Housing project shall be salvaged for reuse or be transported to an appropriate off-site recycling facility. Indicate on the plans the location of 40 yd. roll-off container for collection of demolition/construction materials. At a minimum, 90% of all demolition materials by weight, except hazardous materials, shall be recycled and/or reused. Such recycling percentage shall be monitored and certified for compliance by the demolition contractor and recycling facility, as appropriate. To the extent feasible, as determined by the Community Development Director, based on condition of the material, Mission roof tile existing on buildings to be demolished shall be saved and re-used in the new construction. (SW-1b)

5. **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.

6. **Construction Related Traffic Routes.** Truck traffic related to the construction and related traffic controls will be limited to the routes specified by the City of Santa Barbara and agreed upon during the contractor's detailed noise mitigation plan. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. Temporary traffic control measures, such as but not limited to appropriate signage, flag-persons, barriers,

etc shall also used to minimize construction-related traffic conflicts. Truck traffic through residential neighborhoods shall be as limited as possible, subject to approval by the Public Works Director. *(N-5d & T-1)* (N-1n & TRF-7a)

7. **Construction Equipment Air Quality Controls.** The following measures shall be carried out to reduce diesel particulate and ozone precursor emissions:

   a. **Diesel Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized to the maximum extent feasible, as determined by the Community Development Director. (AQ-2a)

   b. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-2b)

   c. **Equipment Use Management.** The number of pieces of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-2c)

   d. **Equipment Maintenance.** Construction equipment shall be properly maintained per the manufacturer's specifications. (AQ-2d)

   e. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-2e)

   f. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment. (AQ-2f)

   g. **Diesel Emission Reduction.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by the EPA or California shall be installed, if available, as determined by the Community Development Director. (AQ-2g)

   h. **Diesel Equipment Replacement.** Diesel powered equipment shall be replaced by electric equipment whenever feasible, as determined by the Community Development Director. (AQ-2h)

   i. **Minimize Employee Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch opportunities on-site. (AQ-2i)

   j. **Low VOC Coatings.** Low volatile organic compound (VOC) architectural coatings shall be used whenever feasible, as determined by the Community Development Director. (AQ-2j)

   k. **Low Sulfur Fuel.** All diesel-powered equipment shall use ultra-low sulfur diesel fuel when available, as determined by the Public Works Director. (AQ-2k)

l. **Bio-diesel.** During the demolition and grading phases, all diesel-powered construction equipment and vehicles manufactured in 1992 or later and used on site shall be fueled using bio-diesel fuels if such fuels are available on the South Coast of Santa Barbara County. Bio-diesel fuels shall be used to the maximum extent feasible for all other construction phases. Availability and feasibility shall be determined by the Public Works Director. (AQ-2l)

8. **Haul Routes.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.

9. **On-Site Vehicle Speed Control.** On-site vehicle speeds shall be limited to 15 miles per hour or less. (AQ-1d)

10. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., with a noise restriction between 7:00 a.m. and 8:00 a.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
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. *(N-1 & N-5b)* (N-1a)

11. **Construction Activity Scheduling.** Demolition, grading and construction activities in each proposed project site development area shall be scheduled to minimize the occurrence of simultaneous construction operations that have the potential to result in excessive noise generation. For example, concrete breaking

demolition activities should not occur in more than one development area at a time. (N-1l)

12. **Minimize Equipment Use.** Equipment use for demolition, grading and construction activities shall be minimized, and the simultaneous operation of equipment within a proposed project development area shall be limited to the extent possible. (N-1m)

13. **Delivery and Storage of Materials and Equipment.** All deliveries of material and equipment will occur on-site within the gates located within the construction barricades and only during the hours specified by the City on weekdays, unless otherwise authorized under Condition H.10 above. The queuing of construction vehicles outside the site specified hours will be strictly prohibited. Vehicles delivering materials and equipment to the site shall be operated in strict conformance with regulations established by the United States Department of Transportation and all State and Local requirements. The vehicles shall all utilize mufflers and other devices to minimize noise levels. All materials and equipment will be stored on-site and within the confines of the construction barricades, unless otherwise authorized. *(N-5c)*

14. **Construction Equipment Mufflers and Shields.** All construction equipment used on the site, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. Sound control devices and techniques, such as noise shields and blankets, shall be employed as needed to reduce the level of noise to surrounding residents. *(N-3)* (N-1d)

15. **Construction Staging Areas.** Only designated and City-approved construction equipment and material staging areas shall be used. All staging areas shall be located a minimum of 50 feet from the perimeter of the project site. *(N-4)* (N-1e)

16. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:

    a. During construction, free parking spaces for construction workers and construction equipment shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. If parking is provided off-site, a shuttle service between the parking area and the project site shall be provided.

    b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited except within the extension of Salsipuedes Street, unless otherwise authorized. (TRF-4a)

17. **Water Sprinkling During Grading.** 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. At a minimum, this shall include wetting down disturbed areas in the late morning and after work is completed for the day. 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. Increased watering frequency shall be required whenever necessary to prevent visible dust emissions from leaving the project site. Disturbed areas must also be kept moist during weekends and days when no construction activities are occurring. (AQ-1a & 1b)

18. **Stockpiled Material.** Stockpiles of soil and demolition material shall be located as far from the perimeter of the projects site as possible. Stockpiles shall be kept covered, moist, or treated with soil binders to prevent dust emissions from leaving the project site. (AQ-1c)

19. **Dust Emissions from Loading.** Stockpiled soil and demolition material shall be sprayed with water prior to and during loading into transport vehicles or containers. The amount of water applied shall be sufficient to prevent visible dust emissions from leaving the project site. (AQ-1e)

20. **Wind Erosion Control.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion 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-1i)

21. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-1f)

22. **Construction Noise and Vibration Complaints.** The site development contractor shall provide a phone line that can be used by project area residents to register complaints about noise and vibration at the project site. The phone line shall be answered between the hours of 8 a.m and 5 p.m., Monday through Friday, and recorded by an answering machine at other times. The phone

number and an explanation of what the phone number is for shall be posted at construction site entrances located on Arrellaga, Salsipuedes, Micheltorena and California Streets. The contractor shall be responsible for implementing noise and vibration control measures in a timely manner in response to complaints that are received. A log shall be kept at the project site to document complaints that are received and actions implemented in response to individual complaints. *(N-5a)* (N-1f)

23. **Noise Complaint Resolution.** In response to verified complaints regarding excessive construction-related noise, the City may require the applicant/project developer to implement a noise monitoring program. The noise monitoring program shall be designed and conducted to ensure that appropriate noise reduction and control measures are identified and implemented so that construction-related noise levels at sensitive receptors (residences) adjacent to the project site do not exceed the following levels.

    a. Noise exceeding 70 dBA shall not occur for more than five minutes at a time, nor for more than 15 minutes per hour.

    b. Noise exceeding 75 dBA shall not occur for more than one minute at a time, nor for more than five minutes per hour.

    c. Noise exceeding 85 dBA shall not occur for more than 1 minute per hour.

    The results of all required noise monitoring, along with a description of actions implemented to conform with the above noise standards, shall be provided to the City Planning Department. Noise monitoring at receptor locations may be required until it has been demonstrated to the satisfaction of the Planning Department that effective noise abatement and control measures have been implemented and the noise standards described above have been achieved. (N-1g)

24. **Delivery and Storage of Materials and Equipment**. All deliveries of material and equipment will occur on-site within the construction site barricades and only on weekdays during the hours specified by the City. Construction vehicles shall not be allowed to queue outside the project site before the specified hours. Vehicles delivering materials and equipment to the site shall be operated in strict conformance with regulations established by the United States Department of Transportation and all State and Local requirements. The vehicles shall all use mufflers and other devices to minimize noise levels. All materials and equipment shall be stored on-site and within the confines of the construction barricades. *(N-5c)* (N-1h)

25. **No Worker Access to the Neighborhood**. All workers will be required to park on-site (i.e. behind the construction barricades or in designated off-site parking areas that are outside of the entire residential area surrounding the site. Workers will also be required to remain in designated on-site areas during all breaks and

workers will not be permitted to gather off-site during the course of proposed demolition and construction. *(N-5e)*

26. **Radios and Alarms.** No radios, music playback equipment, musical instruments, or automobile or truck alarms shall be permitted on the project site. *(N-5f)* (N-1i)

27. **Vehicle Noise.** Except as otherwise required by law for backing up or emergencies, all vehicle horns shall remain silent. *(N-5g)* (N-1o)

28. **Limitations on Catering Trucks.** Catering trucks providing service to workers at the site will be required to park within the site at all times. Catering trucks shall not be permitted to park on the street nor to sound their horns near or within the site. *(N-5h)* (N-1j)

29. **Loitering.** Loitering of any kind will not be permitted at any gate, on the jobsite or any street, whether before, during or after work hours, on weekdays or on weekends. *(N-5i)*

30. **Limited Site Access.** Access to the site shall be limited to areas approved by the City of Santa Barbara. The gate(s) shall incorporate the same method of noise shielding as the required site perimeter barriers and shall be kept closed except for vehicle passage. *(N-5j)* (N-1p)

31. **Portable/Stationary Equipment.** When portable or stationary equipment, such as but not limited to generators, air compressors and wood sawing stations are required on the project site, the equipment shall be located as far from the project boundaries as possible. If it is necessary to locate portable/stationary equipment within 200 feet of the project perimeter, methods to provide noise shielding for that equipment shall be implemented. This may include but is not limited to: providing a three or four sided enclosure which is lined with a sound absorbing material between the equipment and the property line, or locating the equipment so that noise shielding is provided by existing or new structures located on the project site. *(N-5k)* (N-1k)

32. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible to minimize areas exposed to wind erosion. Additionally, building pads shall be installed as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector. (AQ-1j)

33. **Gravel Pads.** Gravel pads shall be installed at all vehicle access points to the project site to minimize tracking of dirt or mud onto public roads. (AQ-1g)

34. **Street Sweeping.** Arrellaga, Micheltorena, Salsipuedes, and California Streets shall be inspected daily throughout the project development period to determine if there are project-related accumulations of mud, dirt or silt on the roads. Affected road segments shall be cleaned of such mud, dirt, or silt by the use of a street sweeper or watering truck. (AQ-1h)

35. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division and the Regional Water Quality Control Board (California Storm Water Best Management Practices Handbooks).

36. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractors 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.

37. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.

38. **Tree Protection.** Notes on the grading plan that specify the following:

    a. No grading shall occur under the driplines of the existing tree(s).

    b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.

    c. All excavation within the dripline of the tree(s) shall be done with hand tools.

    d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

    e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).

    f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.

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

40. **Staff Reports.** Staff reports on the status and effectiveness of construction related mitigations and monitoring shall be provided to the Planning Commission at the mid-point of the construction process and prior to occupancy. The applicant and Project Environmental Coordinator shall provide information and participate in the status reports.

I. **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, etc.) subject to the review and approval

of the Public Works Department. 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 undergrounding and installation of street trees.

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. **Backwater Valve and Backflow Devices.** Provide approved backwater valves and backflow devices placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.

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

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. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Final Inspection, whichever is earlier. (CUL-1f)

10. **Tree Preservation Monitoring Contract.** As required under Condition I.C.4.d above, evidence of a contract with a qualified arborist shall be submitted for annual review and reporting of the status of the preserved and relocated trees on-site, consistent with the Tree Preservation and Relocation Plan. If any such trees die within the first five years of occupancy, they shall be replaced as outlined in said Plan. (BIO-1b)

11. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring and provide copies to the Planning Commission.

J. **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.

K. **Project Name.** Consider using "St. Francis" in the name of the housing complex.

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

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

These motions were passed and adopted on the 21st day of September, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

1. Certified the EIR making the findings as outlined in the Staff Report.

   AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Larson, White)

2. Approve the project making the findings as outlined in the Staff Report with amended conditions of approval.

   AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Larson, White)

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

Julie Rodriguez, Planning Commission Secretary — October 19, 2006 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.