



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 029-09

230 LIGHTHOUSE ROAD

TENTATIVE SUBDIVISION MAP, COASTAL DEVELOPMENT PERMIT, LOT FRONTAGE MODIFICATIONS,
PUBLIC STREET WAIVER

JULY 23, 2009

**APPLICATION OF LISA PLOWMAN, AGENT FOR SOUTHERN CALIFORNIA-NEVADA
CONFERENCE – UNITED CHURCH OF CHRIST, 230 LIGHTHOUSE ROAD,
APN: 045-021-021, E-3/S-D-3 ONE FAMILY RESIDENCE/COASTAL OVERLAY ZONES,
GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2006-00455)**

The project consists of an eight-lot residential subdivision of an existing 1.6-acre site. The project does not include construction of individual homes. The existing church and all existing site improvements would be demolished. Two private driveways (one at the northern boundary and one at the southern boundary of the project site) would provide vehicular access to all of the lots. A common walkway and landscaping (“walkstreet”) would be provided down the center of the site to provide pedestrian access to each of the lots. Lot sizes would range from approximately 8,552 to 9,728 net square feet. Six lot frontage modifications would be required for the project. An uncovered guest parking space is proposed as part of the future development of each lot, and a conceptual landscape plan has been developed.

Although the project (as identified in the public notice) originally included two development options, the applicant has withdrawn the request for Option 1, which was a ten-lot subdivision that included three affordable lots. Therefore, only the project previously identified as Option 2 is currently proposed.

The discretionary applications required are:

1. Tentative Subdivision Map (TSM) for an eight-lot subdivision (SBMC Chapter 27.07);
2. Lot Frontage Modifications (6) to allow six of the lots to have less than the required 60 feet of frontage on a public street (SBMC §28.92110, A, 2);
3. Public Street Frontage Waiver (2) to allow more than two lots to be served by a private driveway (SBMC §22.60.300);
4. Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060); and
5. Design Review Approval by the Single Family Design Board (SFDB) (SBMC, Chapter 22.69).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332.

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

WHEREAS, one person appeared to speak in favor of the application, and one person appeared to speak with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 16, 2009
2. Revised Conditions of Approval
3. Site Plans
4. Correspondence received with concerns about the project:
 - a. Nica and Michael Guin, via email
 - b. Natasha Campbell, via email

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

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

A. Public Street Waiver (SBMC §22.60.300)

1. The private driveways will provide adequate access to the proposed parcels. The proposed driveways are acceptable to the Fire Department and Public Works Department.
2. The proposed driveways will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveways will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. There is adequate provision for maintenance of the proposed driveways because the owners of the proposed lots would be required to maintain the private driveways pursuant to an agreement with the subdivider, to be recorded prior to or concurrent with recordation of the Final Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development with private driveways rather than a public street allows for the common "walkstreet" down the middle of the development, which is an amenity to the subdivision. The southern driveway provides a permanent buffer between the new development and Washington School, which is important to the School. Additionally, the private driveways do not require expenditure of public money for maintenance.

B. Lot Frontage Modifications

As discussed in Section VI.A of the staff report, this modification is consistent with the purposes and intent of the zoning ordinance and is necessary to secure an appropriate improvement on the lot because the lots have frontage on a private driveway rather than a public street.

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

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

D. **Coastal Development Permit (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act; and

As shown in Section VII.B of the Staff Report, the proposed project is consistent with the policies of the California Coastal Act.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

The proposed project is consistent with all applicable Local Coastal Plan policies of the Coastal Land Use Plan as demonstrated in Section VII.B of the staff report, and all applicable Zoning Ordinance regulations with the requested modifications, as shown in Section VI of this staff report.

3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite and the project would not result in a negative impact to recreational activities at nearby La Mesa Park, and, due to its location on the northeast side of Meigs Road/Shoreline Drive, the project does not have the potential to affect public access to the coast.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The subdivision improvements are subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project (subdivision improvements) until the following Planning Commission land use conditions have been satisfied.

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be identified for replacement on-site on the Common Area Landscape Plan on a one-for-one basis. Replacement trees shall be a minimum 24-inch box or 15 gallon size tree(s), as determined by the SFDB, of an appropriate species, in

order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.

- a. **Oak Tree Replacements.** The oak tree removed as part of the project shall be identified on the Common Area Landscape Plan to be replaced on site with five (5) one-gallon trees, or with three (3) 15-gallon trees, as determined by the SFDB.
 - (1) Landscaping provided under the replacement oak trees shall be compatible with preservation of the trees as determined by the SFDB. No irrigation system shall be installed under the dripline of any oak tree.
 - b. **Olive Tree Relocation.** Common Area Landscape Plan shall show the existing 17" Olive tree to be relocated on site.
2. **Timing of Tree Replacement.** The trees identified on the Common Area Landscape Plan shall be planted within 60 days of removal of existing trees unless a building permit has been issued for the construction of a residence on at least one of the lots. If a building permit has been issued for the construction of a residence on at least one of the lots, the planting of the common area landscaping may be deferred until completion of construction. In any case, all common area landscaping must be installed prior to issuance of any Certificate of Occupancy.
 3. **Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to screen the school from the southern driveway.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 5. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, private/common improvements, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map.
 6. **Future Residential Units.** Any new home developed on one of the newly created lots shall be subject to design review by the SFDB to ensure it is compatible with surrounding development, as well as with the unique layout provided as part of the subdivision to ensure it relates appropriately to the "walkstreet" area. Computer depictions of the proposed project shall be provided to assist the SFDB with reviewing height and mass of the development.
 7. **Design Components of Future Residences.** The following design components shall be incorporated into the residential development to minimize the potential for nuisance complaints between the school and residential uses:

- a. The required open yard area for Lots 4 and 5 shall be located along the eastern property line to minimize potential privacy issues with adjacent properties to the east.
 - b. Provision of an adequate, year-round landscape buffer and/or wall between the new residence(s) and the existing school use.
 - c. The location and design of decks, balconies, patios, large windows, and similar features, including ventilation features, facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school (i.e. outdoor play areas, school bells, parking lot noise, etc), as well as exposure of the school site to noise generated by the future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should be placed so as to minimize visibility into the school and conveyance of noise (i.e. clerestory windows).
 - d. For each proposed house in the subdivision, an acoustical summary shall be submitted to the SFDB and to the Building & Safety Division with each building permit application for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:
 - 1) Exterior walls facing the school property shall have a minimum STC rating of 50.
 - 2) Roof/ceiling assemblies shall have minimum STC rating of 50.
 - 3) Outside intakes for the mechanical ventilation system should avoid orientation towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
 - 4) Fireplaces shall have glass doors and flue dampers.
 - 5) Air conditioning or mechanical ventilation system should be considered so that exterior doors and windows may remain closed.
8. **Guest Parking.** One (1) guest parking space shall be provided on each lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. The size and location of the guest parking spaces shall be subject to approval by the Public Works Director.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which

shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 23, 2009 is limited to an eight-lot residential subdivision and the improvements shown on the Tentative Subdivision Map (including two private driveways, common pedestrian "walkstreet" and associated landscaping, utilities, and public improvements) signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Six lot frontage modifications are approved as part of the project.
2. **Guest Parking Stall.** Each lot shall provide and maintain an uncovered guest parking stall on the lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance.
3. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for all common areas. Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the homeowners and/or Homeowners Association shall be responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner(s) shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development

Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

7. **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 parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common areas, include an item in the private covenants stating that the green waste will be hauled off site.
 - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **Residential Permit Parking Program.** Residents of this subdivision shall not participate in the Residential Permit Parking Program.
9. **Timing of Construction of Common Area Improvements.**
 - a. If a Building Permit is sought for an individual lot independent of the others, construction of the two private driveways, the common walkway down the center of the site, drainage improvements, perimeter walls (see condition A.3) and the private utilities as shown on the tentative map

must be completed before a Building Permit will be issued for any individual residence.

- b. If Building Permits are sought concurrently for construction of homes for the entire subdivision, construction of the two private driveways, the common walkway down the center of the site, drainage improvements, perimeter walls (see conditions A.3) and the private utilities as shown on the tentative map must be completed prior to issuance of a Certificate of Occupancy for any individual residence.
10. **Timing of Tree Replacement.** The trees identified on the Common Area Landscape Plan shall be planted within 60 days of removal of existing trees unless a building permit has been issued for the construction of a residence on at least one of the lots. If a building permit has been issued for the construction of a residence on at least one of the lots, the planting of the common area landscaping may be deferred until completion of construction. In any case, all common area landscaping must be installed prior to issuance of any Certificate of Occupancy.
11. **Disclosure of School Activities.** Future owners of each residential lot shall be made aware of the fact that Washington Elementary School is on the adjacent property and that various indoor and outdoor activities occur on said property, including, but not limited to outdoor play, organized games, and special events. Future school expansion projects should also be disclosed. The language of the disclosure shall be provided to the Washington School Principal and shall be approved by the School District prior to recordation of the final map for the subdivision. Future owners and tenants shall be required to review and acknowledge acceptance of such disclosure. Acknowledgement shall be notarized prior to close of escrow for future owners and as part of rental agreements for tenants.
12. **Design Components of Future Residences.** The following design components shall be incorporated into the residential development to minimize the potential for nuisance complaints between the school and residential uses:
 - a. Provision of an adequate, year-round landscape buffer and/or wall between the new residence(s) and the existing school use.
 - b. The location and design of decks, balconies, patios, large windows, and similar features, including ventilation features, facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school (i.e. outdoor play areas, school bells, parking lot noise, etc), as well as exposure of the school site to noise generated by the future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should be placed so as to minimize visibility into the school and conveyance of noise (i.e. clerestory windows).

- c. For each proposed house in the subdivision, an acoustical summary shall be submitted to the SFDB and to the Building & Safety Division with each building permit application for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:
 - 1) Exterior walls facing the school property shall have a minimum STC rating of 50.
 - 2) Roof/ceiling assemblies shall have minimum STC rating of 50.
 - 3) Outside intakes for the mechanical ventilation system should avoid orientation towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
 - 4) Fireplaces shall have glass doors and flue dampers.
 - 5) Air conditioning or mechanical ventilation system should be considered so that exterior doors and windows may remain closed.

- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. An *Easement for All Street Purposes* along Lighthouse Way in order to establish an additional 10-foot wide public right-of-way.
 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.

5. **Hydrology Report.** The Owner shall submit a *final* hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Parks Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

7. **Lighthouse Way Public Improvements.** The Owner shall submit separate C-1 Public plans for construction of improvements along the property frontage on Lighthouse Way. C-1 plans are submitted separately from the Building plans, to the Public Works counter. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards the following: *six-foot wide sidewalk, four-foot wide parkway, two residential driveway aprons modified to meet Title 24 requirements, +/- 100-feet of curb and gutter realignment, access ramp to existing raised crosswalk, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains from private on-site mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe and curb drain outlets, supply and install 2 residential Dome style standard street lights, final placement to be determined by the Public Works Department and the appropriate design review board, coordinate with City staff to retire light standards from existing utility poles, and contact Edison to energize the new lights, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/CA supplements during construction, new street trees and tree grates as recommended by the Parks Commission and the City Arborist, and*

provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

8. **Land Development Agreement.** The Owner shall submit an executed *Land Development Agreement* for Public Improvements, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 9. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State schools) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
 10. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed private driveways and private drainage system, subject to the review and approval of the Public Works Director and City Attorney.
 11. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The City's Inclusionary Housing Ordinance requires Residential Lot Subdivisions of greater than one lot and less than ten lots to pay an inclusionary housing fee. As of the date of project approval, the inclusionary housing fee is \$18,000 for each lot in the project. For this project, the required inclusionary fee is \$144,000.
 12. **Disclosure Language.** Evidence of School District approval of the disclosure information identified in condition B.11.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department prior to issuance of building permits for individual parcels, *and* following construction of private infrastructure, common areas and the two private driveways serving individual lots.
 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.
- E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

1. **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.
 2. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of trees in the front yard setback.
 3. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The City's Inclusionary Housing Ordinance requires Residential Lot Subdivisions of greater than one lot and less than ten lots to pay an inclusionary housing fee. As of the date of project approval, the inclusionary housing fee is \$18,000 for each lot in the project. For this project, the required inclusionary fee is \$144,000.
 4. **Common Area Improvements.**
 - a. If a Building Permit is sought for an individual lot independent of the others, construction of the two private driveways, the common walkway down the center of the site, and the private utilities as shown on the tentative map must be completed before a Building Permit will be issued for any individual residence.
 - b. If Building Permits are sought concurrently for construction of homes for the entire subdivision, construction of the two private driveways, the common walkway down the center of the site, and the private utilities as shown on the tentative map must be completed prior to issuance of a Certificate of Occupancy for any individual residence.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section A above.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

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

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

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Guest Parking.** One (1) guest parking space shall be provided on each lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. The size and location of the guest parking spaces shall be subject to approval by the Public Works Director.
5. **Private Driveway and Traffic Control Signs.** The Owner must furnish and install any private driveway traffic control sign(s) as determined by the Public Works Department Transportation Operations Division or Fire Department. Signs shall be subject to approval by the Sign Committee, as applicable.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The

undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

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

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **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., as well as consideration of peak school traffic hours). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
5. **Construction Activities Limitation.** Grading and related activities associated with development of the tract improvements for the subdivision shall take place during the school's summer break (unless mutually agreed upon by developer and School District). To ensure that grading activities are completed prior to the beginning of the school year, some preparatory activities may be implemented outside of the summer break period. If grading activities or other excessively

loud construction activities will take place while school is in session (for tract improvements or later development of homes), temporary sound walls or other methods of reducing exposure of the school site to excessive noise levels shall be incorporated (as determined necessary based on input from the School District).

6. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 7:00 p.m. and Saturdays before 8:00 a.m. and after 5:00 p.m., and all day on Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

No noise generating activities, including but not limited to activities using heavy equipment, framing, sheathing and roofing shall occur during any school-wide testing at Washington School. To the degree feasible, noisy construction activities shall be coordinated with Washington School.

Construction activities that do not generate noise may occur on holidays and Sundays between the hours of 8:00 a.m. and 5:00 p.m.

Occasional night work may be approved for the hours between 7 p.m. and 7 a.m. weekdays by the Chief of Building and Safety (per Section 9.16.015 of the Santa Barbara Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. Night work shall not be permitted on weekends or holidays.

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

- a. During construction, free parking spaces for construction workers and construction equipment/vehicles shall be provided on-site. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. On-site storage shall be provided for construction materials, equipment and vehicles. Storage or staging of construction materials or equipment within the public right-of-way is prohibited.
8. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited.
9. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25.
10. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
11. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
12. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

13. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
14. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
15. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - A. Seeding and watering until grass cover is grown;
 - B. Spreading soil binders;
 - C. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - D. Other methods approved in advance by the Air Pollution Control District.
16. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
17. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
18. **Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
19. **Fleet Owners.** Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles.

See <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.
20. **Construction Equipment Engine Size.** The engine size of construction equipment shall be the minimum practical size.
21. **Construction Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

22. **Construction Equipment Maintenance.** All construction equipment shall be maintained in tune per the manufacturers' specifications.
23. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
24. **Diesel Construction Equipment.** Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
25. **Engine Timing and Diesel Catalytic Converters.** Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
26. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible.
27. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible.
28. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
29. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
30. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
31. **Tree Relocation.** The existing Olive tree shall be relocated on the Real Property and shall be fenced and protected during construction.
32. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

33. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
34. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the improvement plans, including utility service undergrounding and installation of street trees.
 3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
 4. **Common Area Improvements.** If Common Area Improvements are not completed pursuant to Conditions B.9 or B.10, above, construction of the two private driveways, the common walkway down the center of the site, and the private utilities as shown on the tentative map, and the installation of the common area landscape improvements, must be completed prior to issuance of a Certificate of Occupancy for any individual residence.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Sections 28.44.230 and 28.87.370 of the Santa Barbara Municipal Code, the Coastal Development Permit for the subdivision improvements shall remain valid as long as the tentative map approved by the Planning Commission on July 23, 2009 remains valid.

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

The Planning Commission's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

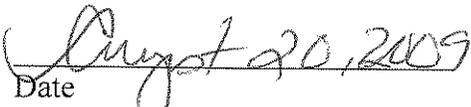
This motion was passed and adopted on the 23rd day of July, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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



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.

