City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 043-09
803 N. MIPLAS STREET
TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN, AND MODIFICATION
NOVEMBER 5, 2009

APPLICATION OF JARRETT GORIN AGENT FOR 803 N MILPAS STREET LLC, 803 N MILPAS STREET, 031-042-028 COMMERCIAL (C-2) ZONE DISTRICTY, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2006-00510)

The proposed project consists of a mixed use development containing five mixed use residential/commercial condominiums, one live/work unit, two residential units and one commercial condominium. The development would be split among three buildings totaling 19,886 net square feet. The overall height of the proposed development would be between 37 feet and 38 feet, 6 inches. Parking would be located within eight two-car garages and on the interior of the lot for a total of 26 parking spaces. Access to the garages and parking lot would be via a driveway from De la Guerra Street, located between two of the buildings. Pedestrian access to the site would also be provided from Milpas Street. A landscaped area would be provided in the northwest corner of the site, behind the open parking. An area along the northern property line has been reserved for the location of secured remediation equipment, if required.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision with nine condominium units (eight residential, one commercial) per SBMC Chapters 27.07 and 27.13;
2. A Modification to allow less than the required number of parking spaces (SBMC §28.92.110.A.1);
3. A Development Plan to allow the construction of 2,851 net square feet of nonresidential development on APN 031-042-028 (SBMC §28.87.300); and
4. Design Review by the Architectural Board of Review (ABR).

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

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

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

1. Staff Report with Attachments, August 13, 2009
2. Staff Report with Attachments, October 29, 2009
3. Site Plans

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

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

A. Modification – Parking (SBMC §28.92.110.A.1)

A modification or waiver of the parking or loading requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of this Title and will not cause an increase in the demand for parking space or loading space in the immediate area.

Peak demand parking would be provided on-site through shared parking with the proposed commercial uses. A traffic study was prepared that demonstrated that all parking will be accommodated on the project and thus would not impact on-street parking.

B. 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.

With the approval of the Modification, the proposed commercial and residential development is consistent with the Zoning Ordinance and General Plan designation of General Commerce. The project provides more than the required outdoor space. The reduced number of parking spaces would meet the peak demand as demonstrated in the submitted parking study.

The site is physically suitable for the proposed development and, the project is consistent with the variable density provisions of the Municipal Code and the General Plan.

The proposed development is within an area that is adjacent to both residential and commercial development. The site is level and provides adequate pedestrian and vehicle access. The residential development is consistent with the variable density requirements.

The proposed use is consistent with the vision for this neighborhood of the General Plan.

The project site is within the Milpas area, which as described as a mix of residential and commercial uses. The development would be consistent with the vision of the neighborhood.

The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

The project site is currently vacant however, it was developed with a gasoline service station. The site is currently under a soil remediation program, which is in the final stages of completion. The project would be consistent with the Storm Water Management Program, which includes design features that would clean up pollutants from the parking area.

C. The New Condominium Development (SBMC §27.13.080)

1. The project is compliant with all provisions of the City's Condominium Ordinance.

   The project complies with variable density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living 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 and zone district where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

D. Development Plan Approval (SBMC §28.87.300)

1. The proposed development complies with all of provisions of the Zoning Ordinance;

   With the approval of the Modification to reduce the parking by one space, the project would comply with all sections of the Zoning Ordinance.

2. The proposed development is consistent with the principles of sound community planning;

   The project would be infill development and provide additional residential development along with maintaining commercial development on the Milpas Street.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;

   The project would be similar in size to surrounding development. The development is subject to design review and it has received favorable comments from the ABR.

4. The proposed development will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock;

   The proposed project would be located on a vacant lot that was developed with a gas station. Thus, the development is not displacing older, existing housing stock.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;

   There iare adequate water resources to supply the project site. The project would be required to comply with the current plumbing code and install the most current water conservation fixtures. Additionally, the landscaping for the project is reviewed by the Architectural Board of Review and drought tolerant planting would be required.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;

   A traffic study was prepared for the project and the Mitigated Negative Declaration (MND) concluded that impacts were less than significant. Additionally, the development is located adjacent to a Metropolitan Transit District (MTD) stop and there are a number of commercial businesses in the area for the residents of the proposed project.

7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

   The project includes improvements to the public right-of-way both on De la Guerra and Milpas Streets. Resources are available to serve the site.

II. Said approval is subject to the following conditions:

A. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are $2,500.00 for projects with Environmental Impact Reports and $1,800.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

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

1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.

2. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided along the driveway to the parking at the rear of the property from the sidewalk using a different paving or walkway material to improve pedestrian friendliness.

3. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project or other materials deemed appropriate by the ABR to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.

4. **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.

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

6. **Lighting.** Lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects, and shall be approved by the Architectural Board of Review (A-2).

C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 20, 2009 is limited to:

   The project consists of a mixed use development containing five mixed use residential/commercial condominiums, one live/work unit, two residential units and one commercial condominium. The development would be split among three buildings totaling 19,886 net square feet. The overall height of the proposed development would be between 37 feet and 38 feet, 6 inches. Parking would be located within eight two-car garages and on the interior of the lot for a total of 26 parking spaces. Access to the garages and parking lot would be via a driveway from De la Guerra Street, located between two of the buildings. Pedestrian access to the site would also be provided from Milpas Street. A landscaped area would be provided in the northwest corner of the site, behind

the open parking. An area along the northern property line has been reserved for the location of secured remediation equipment, if required.

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.

2. **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.

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

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

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

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

    a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common

access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

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

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

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

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

7. **Commercial Space Use Limitations.** Due to potential parking impacts from the shared parking, uses other than Office, Commercial and Industrial Uses, as described in the Parking Section of the Municipal Code, are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

D. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.

2. **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. Dedication for All Street Purposes along Milpas Street in order to establish an additional two-foot (2') 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 at the time of submitting for Parcel Map review.

5. **Drainage Calculations.** The Owner shall submit *final* drainage calculations prepared by a registered civil engineer 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 Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants from the parking area, 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.

   If mechanical pollutant interceptors are proposed as part of the project, 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. **N. Milpas Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on N. Milpas Street. The C-1 plans shall be submitted separately from Building

Plans. As determined by the Public Works Department, the improvements shall include the following to City Standards:

- Provide a sidewalk, curb and gutter twelve-foot (12') wide by +/-one-hundred and ten linear feet (110 lf). The width of sidewalk shall be comprised of the existing eight (8) foot sidewalk area, a two (2) foot extension into the right-of-way as measured from the existing curb face and a two (2) foot extension into the project site as described in Condition 2.a.;
- Supply and install three (3) new street trees and tree grates as approved by the City Arborist and Parks Commission;
- Construct dual directional access ramps with curb extension at intersection of Milpas and De La Guerra as shown on approved Tentative Map;
- Retire existing cobra-head luminaire and replace with new City Standard Dome Style commercial luminaire (existing fluted concrete pole and pedestrian Dome style luminaire to remain);
- Slurry seal to the centerline of the street along entire subject property frontage (since street was recently overlaid);
- Connect to City water and sewer mains;
- Provide public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets;
- Preserve and/or reset survey monuments and contractor stamps; and
- Supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction and provide adequate positive drainage from site.

All work in the public right-of-way requires a separate Public Works Permit.

8. **De la Guerra Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on De la Guerra Street. The C-1 plans shall be submitted separately from Building Plans. As determined by the Public Works Department, the improvements shall include the following to City Standards: six-foot (6') foot wide sidewalk, four-foot (4') foot wide parkway, supply and install four (4) new street trees and tree grates per approval of the City Arborist and Parks Commission, nineteen-foot (19') wide commercial style driveway apron modified to meet Title 24 requirements, construct new MTD bus stop, construct dual directional access ramps with curb extension at intersection of Milpas and De La Guerra as shown on approved Tentative Map, saw-cut and replace existing concrete cross-gutter to centerline, +/-seventy linear feet (70 lf) curb

and gutter, four-foot (4') wide parkway, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps (if any), supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements during construction, protect and/or relocate existing monitoring wells which require permits from the County Fire Department and provide a copy of County Permit to City Inspector and provide adequate positive drainage from site. All work in the public right-of-way requires a separate Public Works Permit.

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

10. **Encroachment Permits.** Where required, obtain 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.

12. **Relocation of MTD Fixtures.** Relocation of the MTD bus stop, red curb, bench, and pole sign on De La Guerra Street, as determined by the Public Works Director and MTD.

13. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed parking area and driveway, subject to the review and approval of the Public Works Director and City Attorney.

14. **Frontage Zone Improvement.** Provide a three-foot (3') frontage zone, as defined in the Pedestrian Master Plan, between the Milpas Street public right-of-way line (as established in Condition number D.7) and building face. The frontage zone shall be depicted on the tentative subdivision map and include a note that no building shall encroach into the frontage zone.

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

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

3. **Solid Waste Management Plan.** Owner shall submit a solid waste management plan that identifies feasible measures to address the construction and operation of the parking lot, bicycle station and office uses which may include, but are not limited to, the following:

    a. Provision of space and/or bins for storage of recyclable materials within the project site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements.

    b. Development and implementation of a plan for collection of recyclable materials on a regular basis.

    c. Development of source reduction measures, indicating the method and amount of expected reduction.

    d. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.

    e. Implementation of a monitoring program (quarterly, bi-annually) to attain and maintain a 35-50% minimum participation in recycling efforts.

    f. Implementation of a composting landscape waste reduction program.

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

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

1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible

for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:

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

b. A method for monitoring the mitigation measures.

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

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

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

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

2. **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to assure that the commercial component of Unit Number 8 remains intact and there continues to be direct access to commercial space.

3. **Neighborhood Notification Prior to Construction.** At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-4)

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. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of the street trees in the public right-of-way.

6. **Prepare a Structural Crack Survey and Video Reconnaissance.** ***(Note – this condition only applies if the construction includes pile driving. A final determination shall be made at building permit review)*** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire 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 50 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

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

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 B above.

2. **Completion of Soil Remediation.** Written evidence of completion of the soil remediation activities to the satisfaction of the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the activities in the Corrective Action Plan (H-1.)

3. **Vapor Barrier.** Due to the potential for migration of contaminants in groundwater from the upgradient site at 800 North Milpas Street, any future building at the subject site shall incorporate a vapor barrier (H-2).

4. **Deck Front / Open Yard Construction.** For all residential outdoor activity spaces (decks, balconies, or open yard areas) facing Milpas Street and De la Guerra Street, the following construction specifications are required such that exterior noise levels are reduced to less than 60 dBA:

   Proposed outdoor balconies or decks require a vertical, solid wall three feet high with reference to finish floor elevation, with no openings or gaps facing the noise source. The deck wall facing the noise source shall have a minimum ¾-inch solid thickness, sealed with non-hardening acoustical sealant at all edges, seams and construction joints. However, if glazing is used for this wall, the glazing shall be minimum ½-inch thick laminated glass (three unequal layers: ¼", 0.060 innerlayer, 3/16"). Floor drains facing the noise source shall have a 90 degree bend incorporated in their design, with one opening facing away from the transportation noise source (N-1).

5. **Construction for East and South-Facing Elevations.** The following construction specification are required in order to result in an acoustical performance of less than 45 dBA Ldn interior residential noise level along the east and south elevations, where construction assemblies face the transportation noise source. Noise mitigation may fail to perform if each and every following recommendation is not followed. A small crack or air leak in the construction may completely compromise all other sound-proofing. (N-2)

   a. **Vents and roof penetrations**: Soffit vents, eave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source (located on the north and west elevation) wherever possible. If kitchens or bathrooms are located on the east or south side, remote venting to other elevations is required. If vents are required to be located facing the noise source, a 90 degree bend shall be incorporated in the design of the ductwork or vent opening.

   b. **Walls:** Only the east- and south-facing exterior walls closest to the transportation noise sources require mitigation. The wall enclosing habitable spaces nearest the noise source shall be constructed with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For instance, stucco exterior or fiber-cement panel siding, with 30 pound felt on 5/8" sheathing, on 2" x 6" stud walls with R-21 fiber glass batt insulation, a ½" layer of interior sound deadening board (Homasote 440 Sound Barrier or equivalent), and a layer of 5/8" Type X Gypsum Board will provide an S.T.C. rating of 30 or greater. Construction of the east and south-facing walls must include the liberal use of non-hardening acoustical sealant at all construction

joints, including the header and footer construction and the edges and corners of gypsum board intersecting ceiling, walls and floor, especially behind papered joints. Apply Homasote 440 Sound Barrier directly to the interior side of conventional 2" x 6" framing, 16" on center using 5d adhesive coated nails. Space nails 3/8" from edges, 6" apart around panel edges and 12" apart on each stud in panel field. Countersink all nails at least 1/16" below surface. Provide a gap of 1/8" between abutting edges, 1/4" between floor and ceiling. Using a good grade drywall laminating compound and a notched trowel, apply a 6" wide strip down the vertical center of 5/8" thick Type X Gypsum Board and a 6" wide strip down each side, 2" away from edges. Apply the compound coated Gypsum Board directly to the 440 Sound Barrier. Avoid coinciding butt joints of Gypsum with 440 Sound Barrier joints. Secure Gypsum with double headed nails, or bracing, until laminating compound sets. Apply resilient acoustical sealant (Johns Manville or equivalent) to gaps at intersecting walls, ceiling and floor before taping and spackling Gypsum Board in conventional manner. Seal all peripheries and apertures and joints around windows.

c. **Acoustic Leaks:** Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof insulation and construction on the east and south sides of the dwelling units nearest transportation noise source shall receive special attention during construction. All construction openings and joints through the gypsum board on east- and south-facing walls shall be insulated, sealed and caulked with expanding foam and a resilient, non-hardening caulking material, as appropriate. All such openings and joints shall be airtight to maintain sound isolation.

d. **Windows:** To meet the interior 45 dB(A) Ldn requirements, windows for habitable spaces on all floors of affected west elevation facing the noise source shall be of double-glazed construction with one light of laminated glass, and installed in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with an S.T.C. rating of 35 or better, as determined in testing by an accredited acoustical laboratory. An example that meets this requirement is Milgard Quiet Line windows with laminated glass.

e. **Doors:** To meet the interior 45 dB(A) Ldn requirements, doors directly facing the noise source shall be solid core with sound dampening and fully gasketed, sealed jambs and grouted frames, with an overall S.T.C. rating of 35 or better, as determined in testing by an accredited acoustical laboratory.

6. **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.

7. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state (W-1).

8. **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 a, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

9. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity 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.

10. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, 1 bicycle parking spaces shall be provided per 7 vehicle parking spaces, for a total of 2 bicycles.

11. **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.

H. **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. **Mitigation Monitoring and Reporting Requirement**. Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor and the . The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Project Environmental Coordinator, Contractor and each Subcontractor.

3. **Nest Protection.** Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist (BIO -1).

4. **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.

5. **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.

6. **Construction Traffic,** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. 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.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of

construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods (T-1).

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

8. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Cesar Chavez Day	March 31st*
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.

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays. (N-5).

9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division (W-2).

10. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows (N-2):

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

    b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook

(or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

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

11. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)

12. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches (AQ-2).

13. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes (AQ-3).

14. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less (AQ-4).

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 erosion. This may be accomplished by:

- Seeding and watering until grass cover is grown;
- Spreading soil binders;
- 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;
- Other methods approved in advance by the Air Pollution Control District. (AQ-5)

16. **Construction Dust Control – 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 (AQ-6)

17. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared (AQ-7).

18. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.(AQ-8)

19. **Exhaust Emissions – Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used (AQ-9).

20. **Engine Size.** The engine size of construction equipment shall be the minimum practical size (AQ-10).

21. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time (AQ-11).

22. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications (AQ-12).

23. **Engine timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines (AQ-13).

24. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible (AQ-14).

25. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available (AQ-15).

26. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible (AQ-16).

27. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible (AQ-17).

28. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible (AQ-18).

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. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices (N-6).

32. **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.

33. **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.

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, 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. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

4. **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.

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

6. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior area noise levels are within acceptable levels for residential and/or commercial uses, as appropriate, as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR) if applicable. (N-3)

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

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

9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section C.6.a and D.4.have been recorded.

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.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's) action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

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

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

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

4. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.

5. A time extension is granted by the Staff Hearing Officer for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

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 5th day of November, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

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

Julie Rodriguez

Julie Rodriguez, Planning Commission Secretary

December 10, 2009

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.