

PLANNING COMMISSION CONDITIONS OF APPROVAL

900-1100 LAS POSITAS ROAD – VERONICA MEADOWS
NEIGHBORHOOD PRESERVATION ORDINANCE, LOT LINE ADJUSTMENT, PUBLIC STREET WAIVER,
COASTAL DEVELOPMENT PERMIT, TENTATIVE SUBDIVISION MAP
JULY 21, 2005

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

- A. **Approval Contingent Upon Annexation, Adoption of Specific Plan, and Adoption of General Plan Map, Local Coastal Plan, and Zoning Ordinance and Map Amendments.** Approval of the subject Project is contingent upon adoption of an Ordinance approving the annexation, Specific Plan #9, General Plan Map, Local Coastal Plan, and Zoning Ordinance and Map Amendments by the City Council, California Coastal Commission, and Local Agency Formation Commission, and completion of that annexation.
- B. **Recorded Agreement.** Prior to approval of the Final Map or 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" containing the following, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, and shall be recorded in the Office of the County Recorder:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Development Rights Restrictions.** The Owner shall not make any use of the 35.71-acre parcel (APN 047-010-11), a restricted portion of the Real Property, in order that those portions of the Real Property remain in their natural state. These restrictions include, but are not limited to the right to develop the restricted portion with any buildings or structures, except as allowed by the Veronica Meadows Specific Plan (SP-9). The restricted areas shall be shown on the Final Map. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders

of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment. (IS-Bio-1)

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 21, 2005 is limited to 24 dwelling units, approximately 43.71 acres of common open space (divided into five separate lots), a two-lane vehicle bridge, and the improvements shown on the Tentative Subdivision Map, Development Plan, Preliminary Grading and Drainage Plan, and Public Improvements and Utilities Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
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, including the gazebo, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels. Common areas within the 100-foot creek setback shall be maintained in accordance with the final approved Creek and Riparian Habitat Restoration and Management Plan.
 - 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. Common areas and private yards shall be maintained annually, in compliance with the Fire Department's Minimum Brush Clearance Standards. (IS-Haz-3)
 - d. **Drainage System Maintenance.** A covenant that includes a requirement that the drainage system, storm drain water interceptor and other storm water pollution control devices shall be maintained in accordance with the approved Operations and Maintenance Procedure Plan.
 - e. **Habitat Maintenance.** A covenant that includes a requirement to maintain the five common open space areas at the project site: the 35.71-acre parcel, Lot 27 (hillside open space), Lot 25 (central open space with tributary drainage channel), and Lots 26 and 28 (creek corridor with pedestrian path), with adequate assurances that ongoing maintenance will be funded.

- f. **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. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
8. **Tree Protection.** The existing grove of oak trees located north and west of Lot 7, as shown on the approved Tentative Subdivision Map, shall be preserved, protected and maintained.
9. **Storm Water Pollution Control Systems Maintenance.** The Owner shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Land Development Engineer, including but not limited to the following:
 - a. The Owner/Homeowners Association shall monitor and maintain the storm water management facilities located in the public open space areas of the site and on private lots (if present), which would include, but not be limited to, detention basins, bioswales, and infiltration basins. The City shall maintain Lane "A" and any associated public storm water treatment feature such as permeable ribbon gutters or swales.
 - b. The Owner/Homeowners Association shall prepare and implement a water quality management plan for the four open space areas at the project site: Lot 27 (hillside open space), Lot 25 (central open space with tributary drainage channel), and Lots 26 and 28 (creek corridor with pedestrian path). The plan shall incorporate the principles, methods, and approach of the City's Integrated Pest Management (IPM) Plan (as it is revised and updated from time to time) in order to minimize the use of pesticides and herbicides for landscape maintenance to the extent feasible. The plan shall also include trash cans, a mechanism for disposing of trash collected in common areas, informational signage, and mutt mitts along the creek corridor pedestrian path.
10. **Habitat Maintenance and Management Plan.** The Owner/Homeowners Association shall prepare and implement a habitat maintenance and management plan for the City-owned property adjacent to and including Arroyo Burro Creek, and the four open space areas at the project site: Lot 27 (hillside open space), Lot 25 (central open space with tributary drainage channel), Lots 26 and 28 (creek corridor with pedestrian path). The plan shall incorporate applicable elements of the Creek and Riparian Habitat Restoration and Management Plan, principles, methods, and approach of the City's Integrated Pest Management (IPM) Plan (as it is revised and updated in the future) in order to minimize the use of pesticides and herbicides for landscape maintenance to the extent feasible. The plan shall include measures to monitor and remove the amount and extent of non-native invasive plants; maintain the riparian plantings in good health; contingency plans for replacement planting; and a prohibition of irrigation systems or

the use of herbicides or fertilizer within the drip line of any oak tree. It shall also include measures to monitor and manage public access to prevent adverse impacts to riparian and aquatic habitats in the creek from public uses.

For the first ten years following the commencement of construction on the site, the Owner/Homeowners Association shall submit to the Creeks and Planning Divisions annual reports documenting the maintenance and monitoring activities, demonstrating compliance with applicable state and federal permits, and restoration performance criteria. (BIO-7d)

11. **Creek Bank Liability Limitation.** The Owner understands and is advised that the project site, including the bridge and public and private property downstream, may be subject to hazards from creek bed and bank erosion and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
 12. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides and soil erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
 13. **Fire Safety Program.** The Fire Safety Program for the development shall be updated as necessary to keep residents informed about: 1) the High Fire Hazard Area Landscape Guidelines; 2) the Santa Barbara County Red Flag Alert Plan; 3) alternative routes for evacuation, and; 4) other measures to prevent or reduce wildland fire hazards.
- C. Further Technical Analysis Required.** The Owner understands and is advised that approval of the project is based on the submitted conceptual plans. This approval does not guarantee that each and every project element will be approved for construction as proposed. Further technical analysis of the project site regarding hazards from landslides and soil erosion, retreat, settlement, or subsidence during the plan review process may require alterations to the final project design
- D. 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, Owner shall remit a Department of Fish and Game environmental review fee in the amount of \$850. 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. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final.

E. Design Review. The following are subject to the review and approval of the Architectural Board of Review (ABR) or, as specified in the individual condition, the Historic Landmarks Commission (HLC):

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks and Recreation Department, shall be replaced on a one-for-one basis with a minimum 15 gallon-size tree of an appropriate species or like species, unless a different ratio or size is indicated in a more specific condition.
2. **Tree Protection Measures.** The landscape and grading plans shall include the following tree protection measures:
 - a. **Fencing.** Prior to grading, temporary protective fencing (at least 4 feet high) shall be installed three feet (3') outside the dripline of all trees to be preserved within 25 feet of development.
 - b. **Landscaping Under Trees.** Landscaping under the trees that is compatible with the preservation of the tree(s).
 - c. **Grading Plan Notes.** Notes on the plans that specify the following:
 - (1) No irrigation piping systems shall be installed under the driplines of trees.
 - (2) No mechanized grading shall occur under any tree dripline except as indicated on the preliminary drainage and grading plan for construction of the road(s). Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline, it shall only be operated under the supervision and direction of a qualified Arborist.
 - (3) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of trees that are required to be protected.
 - (4) All excavation within the dripline of the trees shall be done with hand tools.
 - (5) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

- (6) Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (7) No heavy equipment, soil, rocks, or construction material shall be stored or placed within five feet (5') of the dripline of any tree, except where approved by a qualified arborist, and after protective fencing has been installed. (BIO-2)
 - (8) **Oak Tree Protection Measures.** The following provisions shall apply to oak trees on site:
 - (a) Oak trees not indicated for removal on the site plan shall be preserved protected, and maintained.
 - (b) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a ten to one (10:1) ratio at the project site. The replacement trees shall range in size from one gallon to 15-gallon trees, from South Coastal Santa Barbara County Stock, preferably from the lower Arroyo Burro Creek watershed. Planting locations shall be appropriate for oak trees, as determined by the arborist and biologist, and included in the comprehensive habitat restoration plan. The number of oak trees to be removed shall be confirmed on the final plans. (BIO-2)
 - (d) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock, preferably from the lower Arroyo Burro Creek watershed.
3. **Trash Storage Provision.** A trash storage area with equal areas for recycling and trash containers shall be provided on the Real Property for each residential unit, delineated on the plans, and screened from view from surrounding properties and the street.
4. **Permeable Paving.** Permeable paving systems shall be used for private driveways to allow driveway runoff to percolate into the ground.
5. **No Structures on 30% or Greater Slopes.** The site plan shall be modified to locate structures associated with Lots 5, 6, and 7 away from any area with 30% or greater slopes. The setback distance shall be proposed based on pre-design geotechnical studies performed by the applicant, and shall be subject to review and approval by the Building and Safety Division during review of project plans. (G-6)
6. **Design to Minimize Residential Impacts on Riparian Areas.** The following measures shall be implemented to reduce impacts of residential development on riparian resources in the creek:

- a. The lowest output lighting permissible on all roadways and common areas of the development shall be used. All street and common lighting shall be shielded so that stray light effects are minimized, and to avoid direct illumination of the riparian corridor, except as needed for public safety. Decorative lights shall not be directed into trees within the riparian restoration area. Lights are not allowed within 50 feet of the top of creek bank.
 - b. The pedestrian and bicycle paths in the creek open space corridor shall be sited to provide views and an aesthetic enjoyment of the creek environment. However, the alignment of the paths shall not substantially interfere with the primary objective of providing wildlife habitat and native plant cover along the creek corridor. The pedestrian path shall also include interpretative signs informing the public of the sensitive resources in the creek, and asking the public to refrain from entering the creek channel, or letting pets enter the channel. The final design for the creek open space shall also include a consideration of low-profile fencing to prevent access to the top of the creek bank or in sensitive habitat areas. The paths shall be accessible in accordance with the California Building Code as adopted and amended by the City.
 - c. The proposed gazebo to be located along the pedestrian path shall be situated as far as possible from the creek (a minimum of 50 feet from the top of creek bank as shown on the approved plans), and the location shall be selected to minimize impacts to riparian resources. (Bio-7a-c.)
7. **Incorporation of Existing Oak Trees.** The remnant oak trees in the center of the project site near Lot 7 shall be retained and incorporated into the project. Interpretive signage shall be placed near the trees along a path. The signage shall include a photograph of the buildings that were once located nearby, showing the activity on the site associated with the water company. All of the interpretive signage shall be metal within a wood frame, subject to review and approval by the HLC, and the text will be prepared by a qualified historic preservation professional. (CR-2)
8. **Gazebo Design/Construction.** A gazebo structure shall be constructed near the proposed pedestrian trail along the creek corridor. It shall be constructed to match the design, scale, and material of the original building that was associated with the water company. The gazebo structure shall contain a display of the history of Veronica Springs, including photographs and advertising brochures from the water bottling plant in town and the Veronica Springs site itself. If artifacts are found through archaeological monitoring, those artifacts should be suitably displayed in the building. The gazebo design shall be reviewed and approved by the HLC. The proposed gazebo shall be situated as far as possible from the creek (a minimum of 50 feet from the top of bank as shown on the approved plans) and the location shall be selected to minimize impacts to riparian resources. The gazebo shall be accessible as per Title 24, Part 2, Volume 1, Chapter 11B. (CR-3)

9. **Interpretive Signage Along Public Path.** Interpretative signs shall be placed along the public path along the creek corridor that describe the entry road to Veronica Springs and other historical elements on the site. The signs shall be reviewed and approved by the HLC, and shall comply with the California Building Code as adopted and amended by the City. (CR-4)
10. **All Structures Subject to Review and Approval by ABR.** The Owner shall submit final architectural plans and color/material boards for all structures, except the gazebo, to the Architectural Board of Review (ABR) for review and approval. All structures shall be designed to meet High Fire Hazard Area Construction requirements. The color and texture scheme shall be designed to minimize visual contrast with the surrounding landscape. (VS-1)
11. **Landscape Plan Requirements.** The landscape plan, addressing all areas outside of the Creek and Riparian Habitat Restoration and Management Plan area, shall meet all requirements for planting in a High Fire Hazard Area, and shall be reviewed and approved by the Fire Department. New trees shall be planted a minimum of 15 feet from any structure, and shall meet plant spacing guidelines around structures for each zone. The landscape plan shall not include any species on the California Exotic Pest Plant Council invasive plant species list. (IS-Haz-2)

Special attention shall be paid to the appropriateness of the existing and proposed plant material, and to the sloped areas. All existing succulent plants that add weight to the steep slopes and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
12. **Neighborhood Compatibility with Alan Road.** The final architectural plans for residences at Lots 1 and 2 shall be designed to minimize the contrast of height and mass between the proposed two-story homes and the adjacent one-story homes along Alan Road. (VS-2)
13. **Exterior Lighting.** To prevent nighttime glare, any exterior lighting installed on the private property shall be of low intensity, low glare design, and be hooded to direct light downward and prevent spill over onto adjacent parcels. All light fixtures shall be shielded so that neither the lamp nor the related reflective interior surface is visible from any of the observation points identified in the Veronica Meadows Specific Plan Final EIR. All light poles, fixtures, and hoods shall be dark colored (non-reflective). Security and street lighting shall be shielded so as not to create glare when viewed from the observation points. The light poles and fixtures shall not be obtrusive to travelers along Las Positas Road, the Alan Road neighborhood, or the public open space areas. (VS-3)
14. **Grading Provisions.** The grades of individual lots and roads shall blend with the natural topography of the site, minimize site grading, and balance on-site earthwork to the maximum extent feasible. (IS-Geo-1)

- F. Final Map Submittal.** Prior to Final Map approval, the Owner shall submit to the Public Works Department, 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.
- G. 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 prior to the approval of the Final Map, and prior to the issuance of a Building permit or Public Works permit for the project:
1. **Street Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of new public street (Lane A) on the subject property designed in accordance with the standards provided in the Subdivision Design and Improvement Standards and as approved by the City Engineer. Public Works C-1 Improvement Plans shall be submitted directly to the Public Works Department separately from Building Permit plans. As determined by the Public Works Department, the improvements shall include but not be limited to, permeable (or concrete, if permeable materials cannot meet accessibility requirements or maintenance is cost-prohibitive) sidewalk, driveway aprons modified to meeting accessibility requirements, curbs, gutters, access ramp(s), asphalt concrete, concrete pavement on aggregate base, underground service utilities, public water and public sewer mains, public storm drain system in addition to curb drain outlets, reclaimed water main, slot/trench drains at back of driveway approaches, drop inlet(s), detention, erosion protection, etc., supply and install residential standard street light(s) and underground wiring with style determined by Public Works and ABR, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs, provide storm drain stenciling, construct on-site pollution prevention interceptor device(s), on-site biofilter/swale, and provide adequate positive drainage from site. The C-1 public improvement/building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
 2. **Private Road/Driveway Improvements.** The proposed private driveway “A” shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director and City Engineer.
 3. **Arroyo Burro Creek Bridge Design Modification.** The width of the proposed bridge shall be reduced by including a sidewalk on only one side of the bridge. The bridge shall either span the creek from bank to bank, or shall consist of a bottomless culvert. Use of rip rap or concrete to stabilize the bridge abutments shall not be permitted. Bridge abutments shall be placed a minimum of 10 feet from the top of creek bank. (BIO-8)
 4. **New Street Names.** The name of the new development and streets within the development shall be reviewed by HLC for recommendation to City Council, for acceptance of proposed dedications and names, as depicted on the Final Map at the time of approval and recordation of the Final Map. The new name shall reflect the history of

the Veronica Springs site (e.g., Veronica Springs, Veronica Meadows, Kimball Road, Hawley Heights, Clifton Way, Thomas Road). (CR-5)

5. **Las Positas Road/Project Entrance Design Requirements.** The proposed intersection at Las Positas Road and project site entrance (Lane “A”) shall consist of a stop-controlled intersection that meets all applicable Caltrans standards, including turn lane lengths, roadway widths and curb-return radii. Caltrans has indicated that a public road intersection with a southbound right-turn lane and northbound left-turn lane on Las Positas Road will be required at the intersection. Widening of Las Positas Road may be required to provide adequate width for the turn lanes. The Owner shall acquire all necessary Caltrans approval, including an encroachment permit, for the intersection prior to approval of the Final Map. The final design of the intersection improvements will be determined as part of the Caltrans encroachment permit process. (TR-2)

The proposed intersection at Las Positas Road and the project site entrance (Lane “A”) shall include pruning or otherwise modifying trees and other vegetation on the west side of Las Positas Road, within the public right of way, between the access connection and the Stone Creek Condominium complex access connection to create sight distances that meet Caltrans standards. (TR-3)

The entrance to the project site (Lane “A”) from Las Positas Road shall be modified to permit adequate clearance for incoming trucks and vehicles queued on the outbound approach at the intersection waiting to exit the site vehicles. The modifications shall meet Caltrans standards. (TR-4)

If relinquishment of State Route 225 to the City of Santa Barbara is completed prior to issuance of Public Works permit(s) for the project, the Owner shall install a signal-controlled intersection instead of a stop-controlled intersection, and intersection design shall be modified as necessary to accommodate said traffic signal.

6. **Traffic Impact Mitigation.** The Owner shall provide the City with a fair share contribution (refer to project Final EIR for calculation method) to fund capacity or operational improvements by the City or Caltrans at the Cliff Drive/Las Positas Road intersection, where the project would have a significant contribution to cumulative impacts. The estimated fair share contribution for this project is \$88,850.

This estimate may be revised by the City at the time fees are collected based on new construction estimates and using traffic information in the Final EIR, but will not exceed a total contribution of \$88,850. The fees shall be collected, accounted for and expended in accordance with the provisions of the Mitigation Fee Act (Government Code section 66000 et seq.). The fee is due and payable before the first dwelling in the project receives its final inspection or is issued a certificate of occupancy, whichever occurs first. If the Owner has not paid the fee prior to the issuance of a building permit for any portion of the project, Owner shall execute a contract with the City in accordance with the provisions of Government Code section 66007. (TR-6)

7. **Structural Engineer's Analysis.** All recommendations shall be incorporated into the site construction plans.

8. **Dedication(s).** Owner shall dedicate or make an irrevocable offer of dedication of, as shown on Final Map:
 - a. A thirty-eight foot (38') wide easement for all street purposes, including underground utilities along the proposed public roadway.
 - b. A twenty-three foot (23') wide easement for water main, sewer main, storm drain system, reclaimed water system and other utility purposes located under proposed private driveway "A," as shown on approved Tentative Map.
 - c. A twenty-three foot (23') wide Reciprocal Access Easement for vehicles, pedestrians, and bicyclists through Lots 3-7 (proposed private driveway "A"), for the benefit of Lots 3-7, as shown on approved Tentative Map.
 - d. A ten foot (10') wide non-motorized Access Easement for public use located along the approved course of the pedestrian path between the roadway(s) and the 50-foot top of creek bank setback area.
 - e. A twenty-three foot (23') wide non-motorized Access Easement for public use located within proposed private driveway "A," as shown on approved Tentative Map, connecting to Alan Road.
9. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Owner shall abandon any existing wells and related facilities on the Real Property. Said assignment and abandonment shall be documented in a written agreement subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder
10. **Encroachment Permits.** Any encroachment permits from other jurisdictions (State, Flood Control, County, etc.) required for the construction of improvements (including any required appurtenances) shall be submitted to the Public Works Department.
11. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities, structures, or trees for the construction of the project must be performed by the Owner or by the person or entity having ownership or control thereof at no expense to the City.
12. **Public Improvement Agreement [Subdivision].** Owner shall submit an Agreement for Land Development Improvements and associated securities.
13. **Maintenance Agreement Required.** Owner shall submit an executed and recorded Agreement for Maintenance of the proposed private road or driveway in a form approved by the Public Works Director and City Attorney, as required in Condition B.6.
14. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall submit an executed and recorded Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain surface pollutant interceptor approved by the Land Development Engineer, as required in Condition B.9.

- H. Submittal Prior to Final Map Approval.** The Owner shall submit the Creek Restoration Plan and Creek and Riparian Habitat Restoration and Management Plan to 35% detail to the Community Development Department, Parks and Recreation Department (Creeks Division), Public Works Department, and Fire Department for review and approval prior to Final Map approval.
- I. Required Prior to Building Permit Issuance.** The Owner shall complete the following prior to the issuance of any Public Works, grading, or building permits:
1. **Mitigation Monitoring and Reporting Requirement.** The Owner shall comply with the Mitigation Monitoring and Reporting Program included in the Environmental Impact Report for the project. The Owner shall submit the following to the City's Environmental Analyst:
 - a. A list of the project's mitigation measures.
 - b. An indication of the frequency of the monitoring of these mitigation measures.
 - c. A schedule of the monitoring of the mitigation measures.
 - d. A list of reporting procedures.
 - e. A list of the mitigation monitors to be hired.
 2. **Project Environmental Coordinator Required.** A qualified representative for the Owner, approved by the City Planning Division, shall be designated 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 to the City. 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 this program.
 3. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions, and Conditions of Approval.
 4. **Drainage System Modifications.** The drainage system shall be modified to provide at least four or more drain outlets to the creek to reduce the magnitude of the discharge at each location compared to the proposed drainage outlets with engineered dissipaters to avoid erosion of creek banks. The new outlets shall be equally distributed along Arroyo Burro Creek to the extent feasible. In addition, the proposed drainage system shall be modified to provide infiltration areas that are distributed along the stream terraces of Arroyo Burro Creek in such a manner as to facilitate infiltration through the banks to support riparian vegetation and contribute to base flows. A preliminary design of the drainage system shall be reviewed and approved by the Community Development Department before completing final design for submittal to the Building Division. Examples of design elements to be considered under this mitigation are presented as the Alternative Drainage and Stormwater Treatment Plan. (W-1)
 5. **Creek Restoration Plan.** The applicant shall prepare detailed plans on the methods to remove giant reed and other exotics from the banks of Arroyo Burro Creek as part of

the proposed creek corridor restoration effort, as well as for the stabilization of all creek banks. The location of the creek restoration and stabilization efforts includes both sides of the creek channel a minimum of 100 feet from top of bank. The plan shall include creek restoration measures consistent with the description provided in the applicant letter to the City, dated April 5, 2005. Examples of existing structures to be removed within the creek channel include: rock rip rap, pipe and wire revetment, and old pipelines. The plans shall include analyses and calculations that demonstrate how the removal and replacement of the undesirable plants and structures can be accomplished without destabilizing the creek banks and increasing bank erosion. The plans for both exotic removal and bank repair shall include considerations of hydraulic and geomorphologic factors along the creek, such as flow velocities, sediment carrying capacity, bank failure modes, and shear stress factors. They shall describe and show bank stabilization methods and materials, as well as any anticipated long-term weeding and bank maintenance. The plans for bank repair shall evaluate whether maintaining the existing vegetation on the eroded banks would be more stable than the proposed filling of the eroded areas. Only bio-technical bank stabilization shall be used in these efforts – that is, methods and materials that are based on using plants for long-term bank protection. The plans for bank repair shall also include an evaluation of the need to stabilize the base of the creek banks, where the original bank failure occurred, in order to achieve long-term stabilization. The plans shall demonstrate appropriate bank stabilization techniques with hard methods limited to the toe of the creek banks. All creek bank stabilization associated with the project shall not reduce channel capacity or create new flood hazards. (W-2)

6. **Storm Water Pollution Prevention Plan (SWPPP).** The following measures shall be incorporated into the project SWPPP, which must meet state NPDES General Construction Permit requirements, and must be approved by the Building Division. The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in stormwater discharges, and to minimize non-stormwater pollutants at the project site to the maximum extent possible.
 - a. The following earthwork activities shall be restricted to the period of April 1 to November 1 in order to avoid work during the rainy season: grading and earthwork for slope stabilization, mass grading, site grading for roads and building pads, trenching for utilities, and creek bank stabilization. Clearing and grubbing the site for earthwork shall also be restricted to the same time period.
 - b. Construction of the bridge across Arroyo Burro Creek shall be restricted to the period from July 1 to November 1 when runoff is low.
 - c. A dewatering and flow by-pass plan for construction of the bridge over Arroyo Burro Creek shall be submitted to the Building and Safety Division and Creeks Division for review and approval.

- d. The following construction activities involving minor earthwork and grading may occur at any time; however, if such work is to be conducted during the period between November 1 and April 1, the Owner shall prepare specific erosion control and stormwater management plans to address storm water runoff during the work:
 - (1) construction of pedestrian path in the creek corridor;
 - (2) weeding, plant removal, and planting in the creek corridor as part of the habitat restoration effort; and placement of caissons.
- e. Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff by the use of surface stabilization (such as erosion control blankets or temporary seed cover).
- f. BMPs to prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils will include the following measures:
 - (1) Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids.
 - (2) Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff. Refuel only in bermed areas with impermeable surfaces at least 200 feet from the creek.
 - (3) Prepare a spill prevention/spill response plan for the project site that includes training, equipment and procedures to address spills from construction equipment, refueling operations, and stored fluids (if any).
 - (4) Place all stored fuel, lubricants, paints and other construction liquids in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
 - (5) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water. (IS-W-2)
 - (6) Remove all refuse and construction debris from the site as soon as possible.

- g. In order to reduce tracking of sediment from the construction site onto public roads, a stabilized construction entrance/exit shall be constructed and maintained at entrances to the site. Tracking control shall be achieved by either gravel or metal plates.
- h. During site clearing, grading, earth moving, excavation and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1.a and b)
- i. 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 work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction. All dust control requirements shall be shown on grading and building plans. (AQ-1)
- j. Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-1.h)
- k. After clearing, grading, earth moving and/or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - (1) Seeding and watering until grass cover is grown;
 - (2) Spreading soil binders or tackifiers;
 - (3) 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; or
 - (4) Other methods approved in advance by the Air Pollution Control District.

These stabilization agents shall be replenished throughout the dry season on an as needed basis to prevent dust emissions. (AQ-1.c and d)

- l. An Erosion Control Plan shall be developed for construction activities to maintain all sediment on site and out of the drainage system. The plan shall

conform to the most current version of the Building and Safety Division's "Erosion/Sedimentation Control Policy" and include, at a minimum, the following:

- (1) Minimize the area of bare soil exposed at one time (phased grading).
 - (2) Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.
 - (3) Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
 - (4) Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- m. Two weeks prior to the beginning of the winter season (November 1) or prior to the first storm, whichever comes first, erosion control BMPs shall be installed at the site, as approved by the City Building and Safety Division on the Erosion/Sedimentation Control Plan in anticipation of rain events. (W-3)

7. **Storm Water Treatment System.** The proposed stormwater treatment system shall be expanded and modified as described below.
- a. Runoff from the western off-site watershed shall be separated from the runoff from the project site. This runoff from this watershed shall be conveyed through the center of the site in an open earthen channel with small check dams to facilitate infiltration of low flows. The site grading plan for Lots 8-11 and 13-24 shall be modified to convey runoff from the lots towards the road into a separate storm water treatment system.
 - b. Storm water detention basins or bioswales shall be constructed to treat runoff from Lots 1-7 and the private driveway to these lots, as well as from Lot 12 and the bridge.
 - c. All storm water from developed areas of the site shall be treated in accordance with the City's requirements in the current SWMP, and supplemented as necessary, with the design standards for detention basins and bioswales contained in Santa Barbara County's SWMP.
 - d. The site plan and architectural design shall be modified during final design to include, to the extent practicable, storm water management design elements, also known as low impact design features. Examples include: roof drainage that is direct to infiltration trenches or bioswales; driveways constructed of permeable materials, pavers, or strip pavement for tires only; openings in curbs to provide opportunities for infiltration in adjacent grassy swales along the roads; use of permeable surfaces instead of concrete in roadway ribbon gutters; and small depressions in front yards to collect roadside runoff for infiltration.
 - e. The applicant shall submit a draft Stormwater Management Plan and an Open Space Water Quality Management Plan with the above elements to the

Community Development and Public Works Departments for review and approval before completing final project design for submittal to Building and Safety Division. (W-4)

- f. Stenciled information shall be printed on all curb drains warning of the direct connection to the creek and ocean. (IS-W-2)

8. **Creek and Riparian Habitat Restoration and Management Plan (Habitat Restoration Plan).** The Owner shall submit a Habitat Restoration Plan to ensure the successful long-term establishment of new and enhanced native habitats at the project site, including the creek corridor restoration and upland habitat restoration in Lots 25, 26, 27, and 28. The Habitat Restoration Plan shall also address the long-term maintenance of the City-owned creek banks and riparian areas to be improved as part of this project. A comprehensive habitat restoration plan for these project elements shall be submitted to the Community Development Department, Fire Department, and the Parks and Recreation Department (Creeks Division) for review and approval prior to incorporation into the final grading and landscaping plans to be submitted to the Building Department for final review and approval. The comprehensive habitat restoration plan shall include the following elements (among others):

- a. Precise restoration objectives for each habitat type and location.
- b. Detailed schedule of tasks and milestones for site preparation, planting, and maintenance.
- c. Plans that show grading and soil preparation, and any areas that will require slope stabilization or temporary erosion control.
- d. Description of specific habitat types to be restored, including species list and relative abundance in each habitat type, as well as planting densities and propagation methodologies.
- e. Plans that show the boundaries of each habitat type to be restored, with precise acreages and plant densities.
- f. Description of source of plant materials, with a commitment to use plant material from the South Coast region, and preferably from the Las Positas Valley.
- g. Performance criteria that include survivorship, percent native plant cover, percent noxious weed cover, and percent naturalized species cover.
- h. Plans and explanations that show how the non-native landscaping at the project site associated with the individual lots will interface with the native plant restoration in the upland and riparian open space areas.
- i. A description of a watering approach to ensure successful plant establishment and long-term productivity, including methods to provide supplemental water.

- j. A description of the weed management approach, emphasizing site preparation and watering methods that do not encourage weed growth and use of herbicides that is consistent with the City's adopted Integrated Pest Management (IPM) plan.
- k. A long-term rodent management plan that avoids or greatly reduces the use of pesticides or poisons.
- l. Plans and a description of the how the habitat restoration plans will incorporate fire hazard requirements for defensible space near structures and fire-safe vegetation, while still achieving habitat restoration goals.
- m. Plans and a description of how to establish and maintain riparian habitats in the creek corridor open space with ongoing public uses along the pedestrian path.
- n. Plans and calculations for any proposed bank stabilization shall include an evaluation of hydraulic and geomorphologic factors along the creek, such as flow velocities, sediment carrying capacity, bank failure modes, and shear stress factors as described in Mitigation Measure W-2.

The plan may include non-native ornamental trees in selected portions of the hillside and central open space areas for aesthetic reasons, provided the number of these locations is low and the non-native trees would not displace native plants over time. The non-native trees shall not include any species on the California Exotic Pest Plant Council invasive plant species list. The plan shall also include a maintenance program to be implemented by the Owner. The plan shall include a Monarch butterfly habitat along the creek. The plan shall be approved by the City Parks and Recreation Department. (BIO-1; IS-Bio-6)

- 9. **Oak Riparian Habitat Restoration.** To partially offset the permanent habitat losses at the bridge site, the open space area north of the entrance road and south of Lot 12 shall be restored to a native oak-riparian area dedicated to wildlife habitat, particularly riparian breeding birds and raptors. The restoration of this site shall be included in the comprehensive native Creek and Riparian Habitat Restoration and Management Plan for the project (see Mitigation Measure BIO-1/Condition I.8). (BIO-4)
- 10. **Pesticide Management Plan.** Prior to issuance of building and grading permits, the applicant shall submit a pesticide management plan that addresses the selection, application, storage, and transport of herbicides, insecticides, and rodenticides that would be used in managing the public open spaces at the project site by the Homeowner's Association. The plan shall be consistent with the City's Integrated Pest Management (IPM) program, as amended from time to time, and shall be designed to minimize the use of pesticides over time and to avoid public exposure. (H-1)
- 11. **Solid Waste Management Plan.** A solid waste management plan identifying measures for reuse, source reduction, and recycling shall be developed for construction and operation of the proposed project, and submitted to the City's Environmental Analyst

and Solid Waste Specialist for review and approval prior to building permit issuance. (PS-1)

12. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractors, site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice shall be reviewed and approved by the Planning Division prior to being distributed. (N-3.g)
 13. **Fire Safety Program.** A Fire Safety Program, approved by the Fire Department, shall be developed to keep residents informed about: 1) the High Fire Hazard Area Landscape Guidelines; 2) the Santa Barbara County Red Flag Alert Plan; 3) alternative routes for evacuation, and; 4) other measures to prevent or reduce wildland fire hazards.
 14. **Arborist Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work within four feet of the driplines of all trees to remain during construction. Include a schedule for the qualified Arborist's presence during grading and construction activities near these tree(s).
 15. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Community Development Director 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 pre-construction conference. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the Building and Safety Division, the Planning Division, the Creeks Division, the Property Owner, the Architect, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, Mitigation Monitors, the Contractor and subcontractors.
 16. **Other Agency Permits.** All necessary permits from the California Department of Fish and Game, U. S. Army Corps of Engineers, Regional Water Quality Control Board and CalTrans shall be submitted to the Planning Division, including an approved easement with the City for the restoration and maintenance of the creek on the City-owned parcel.
- J. Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Design Review Requirements Included on Plans:** Plan submitted for building permits shall show all design elements, as approved by the Architectural Board of Review and the Historic Landmarks Commission, outlined in Section E and by staff pursuant to Section I.

2. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, Creeks Division, the Property Owner, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and Subcontractor(s).
3. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. (CR-1)
4. **Lavigia Fault Determination.** The stabilization of the landslide above Lot 12 would involve the excavation of a deep shear key. This excavation shall be expanded to assess the presence or absence of the nearby Lavigia Fault. The excavation shall be inspected by a Certified Engineering Geologist to identify possible features associated with the nearby Lavigia Fault. If evidence of faulting is detected, the likelihood of faulting affecting the structures at Lot 12 shall be evaluated and appropriate measures shall be included in the design of any structure on this lot to accommodate possible future movements, if necessary, in accordance with City requirements. (G-1)
5. **Liquefaction Analysis.** The potential for liquefiable conditions underlying Lots 7 through 24 shall be evaluated by a geotechnical investigation during final design of the

project. This investigation shall include additional borings at depth and locations approved by the City Building and Safety Division. Areas that are susceptible to liquefaction shall be identified. Appropriate design and construction techniques to address this condition (e.g., ground improvement, drainage) shall be included in the final design to be reviewed and approved by the Building and Safety Division. The Owner shall also provide evidence that the construction of deep shear keys using engineered fill as part of landslide stabilization for other lots would reduce the potential for seismic liquefaction at these locations to an acceptable level. (G-2)

6. **Expansive Soils Analysis.** The potential for expansive soils underlying Lots 12 through 21 shall be evaluated by a geotechnical investigation during final design of the project. Appropriate design and construction techniques to address this condition shall be included in the final design to be reviewed and approved by the Building and Safety Division. The Owner shall also provide evidence that the construction of deep shear keys using engineered fill as part of landslide stabilization for other lots would mitigate the expansive soils at these locations to an acceptable level. (G-3)
7. **Groundwater Conditions Analysis.** The potential for high groundwater conditions in lots along the base of the hillside (Lots 1-7, and Lots 12 through 21) shall be evaluated by a geotechnical investigation during final design of the project. These investigations shall include additional borings. Appropriate drainage measures to address this condition shall be included in the final design to be reviewed and approved by the Building and Safety Division. (G-4)
8. **Landslide Geotechnical Analysis.** To ensure that a significant impact due to landslide hazards is avoided throughout the life of the project, the Owner shall complete a geotechnical investigation that provides the basis for final design and construction. The investigation program shall include sufficient subsurface exploration, laboratory testing, and engineering analysis to fully characterize each landslide and to develop an appropriate design of shear keys and cast-in-ground caissons to allow construction to proceed safely and to provide sufficiently stable building sites against future landsliding under both static and dynamic loading conditions. The results of the study shall be subject to review and approval by the City Building and Safety Division, and an independent geotechnical engineering and geologist to provide a greater level of confidence in the proposed solutions. The investigation shall include borings at landslides 1, 2, 3, 8, 9, and 12 to provide suitable information to design stabilization programs for Lots 1 through 6, Lot 12, NW of Lot 19, and SW of Lots 20 and 21. Some of the borings shall be drilled along the proposed caisson wall alignments to provide a basis for the actual wall design, e.g., caisson diameter, spacing, and depth prior to the start of construction. This is necessary because in several instances the proposed caisson depths are less than the estimated depth of sliding. The investigations shall also determine the diameter and spacing of caissons, as the proposed diameter (2 feet) and spacing (4 or 5 pier diameters) may not be sufficient, particularly under seismic loading, to resist the driving forces due to the quasi-stable landslide mass. All shear key excavations shall be observed and mapped by a qualified geotechnical engineer or

- engineering geologist to verify design assumptions in accordance with Section 3317 of Appendix Chapter 33 of the 1997 Uniform Building Code (UBC)/1998 California Building Code (CBC). (G-5)
9. **Radon Gas Investigation.** Prior to the issuance of building and grading permits, the applicant shall conduct a study to determine the potential for radon gas to be emitted from the project soils after grading. If it appears that radon is present, the building plans shall incorporate EPA-approved construction methods and design features to prevent the exposure of residents to the gas. (H-2)
 10. **Engineered Drainage Plan.** Owner shall submit an engineered drainage plan to the Building and Safety Division for review prior to issuance of permits.
 11. **Grading Avoidance of Active Birds' Nests.** Phase 1 grading and earthwork within 100 feet of the outer edge of the existing riparian corridor (as mapped in the EIR) shall not occur during the period 1 March through 15 July in order to avoid disturbance to breeding birds. Prior to removal of any oak, eucalyptus, or native riparian tree in any construction phase, a qualified biologist shall carefully examine the tree to determine that no active bird nests are present. If a nest is located, tree removal shall be delayed until all chicks have fledged. (BIO-5; IS-Bio-7)
 12. **Minimize Native Vegetation Disturbance.** The limits of disturbance in areas with native or naturalized vegetation shall be minimized to the extent feasible. Limits of clearing and grubbing, grading, and vehicular access shall be marked at the site with orange exclusion fencing. (BIO-6)
 13. **Damage or Destruction of Protected Trees.** The contractor shall be required to pay for any oak, sycamore, or other trees that are shown to remain, but are damaged or destroyed during grading or construction. Any such damaged or destroyed trees shall be replaced at a ratio of 10:1 with the same species at a size and in a location to be determined appropriate by the PEC and the project biologist and shall be grown from South Coast Santa Barbara County stock. Said trees shall be provided in addition to those included in the landscape and/or habitat restoration plans.
 14. **Habitat Restoration Related to Bridge.** The area of temporary disturbance associated with installation of the bridge over Arroyo Burro Creek shall be minimized to the maximum extent feasible. The limit of temporary disturbance upstream and downstream of the bridge shall not exceed 25 feet in each direction. All disturbed areas shall be restored consistent with the approved Creek and Riparian Habitat Restoration and Management Plan. The disturbed banks shall be stabilized, as necessary, with bio-technical methods to prevent post-construction erosion. Native perennial plants that are tolerant of shade shall be planted under the bridge span. To the extent feasible, tall riparian trees shall be planted that will grow adjacent to the edge of the bridge and provide cover for wildlife. (BIO-3; IS-Bio-5)
 15. **Fire Vehicle Access.** The driveway access from the new public road to Lots 3, 4, 5, 6, and 7 for fire vehicles shall be 16-20 feet wide, all-weather concrete or asphalt pavement capable of supporting a 60,000 lb. fire truck. Vertical clearance shall be a

minimum of 13 feet-6 inches (13' 6"). Driveway slope shall not exceed a 16% grade. Provide a cul-de-sac or hammerhead turnaround in accordance with City Standards. Where the roadway is 27 feet in width, "No Parking Fire Lane" signs shall be posted on one side. Where the roadway is 16-20 feet in width, both sides of the roadway shall be posted with "No Parking Fire Lane" signs. Also, the cul-de-sac at the end of Alan Road shall be posted with "No Parking Fire Lane" signs. Clearly note this on the plans when submitting for a building permit.

16. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
17. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
18. **Bicycle Parking.** A bicycle hitching post shall be provided near the southern entrance to the public pedestrian and bicycle paths.
19. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, pursuant to Santa Barbara Municipal Code Section 14.20.020, Water Saving Devices, subject to the approval of the Water Resources Management Staff.
20. **Use of Soil Sterilants Prohibited.** Soil sterilants shall not be used on site, including under streets, walkways, and other improvements.
21. **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.) to help reduce truck traffic on adjacent streets and roadways.

The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Operations Manager. No haul, dump, or supply trucks shall use Alan Road for access during Phase 2 of the project, except as needed to construct residences at Lots 1 and 2. (N-2)

22. **Construction Traffic Control Plan.** The following measures are required to minimize truck conflicts on Alan Road with passenger vehicles, bicycles, pedestrians, and parked vehicles during Phase 1 of the construction:
 - a. The project applicant shall prepare and implement a Construction Traffic Control Plan that shall specify measures to ensure traffic safety on Alan Road. The plan shall include instructions and guidelines on signage, notification of residents, ingress/egress procedures for large trucks, contact person with phone number, possible need for traffic control attendant, and measures to avoid passage of two trucks on the narrow road.
 - b. No trucks shall park or queue on Alan Road at any time.

- c. The truck speed limit along Alan Road shall be 15 MPH. The speed limit at the construction site prior to completion of paved roads shall be 15 MPH. (N-3.d; AQ-1.e)
- d. Truck drivers shall be disciplined for non-compliance with safety regulations. All trucks shall be clearly marked with a number visible to residents on both sides of the road and from the rear in the event non-compliance needs to be reported. (TR-1)

23. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 7:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday. (N-3.a)

Survey work, construction within residential units with completed walls, and landscaping (manual labor only) may occur on the project site on Saturdays. No construction work can occur on Saturday or Sunday if it involves the use of haul trucks or construction equipment (e.g., loaders, backhoes, generators, compressors, etc.). (N-3.i)

Clearing, grubbing, earthwork, drilling, concrete placement, and other major construction activities involving heavy equipment shall be restricted to 8:00 a.m. to 5:00 p.m. at the following locations: bridge site, and landslide stabilization site above Lots 1 and 12. (N-1)

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC § 9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

24. **Noise-Producing Construction Equipment and Devices.** All noise-producing project equipment and vehicles using internal combustion engines (including haul trucks) shall

be professionally fitted with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features. These devices shall be professionally maintained in good operating condition so as to meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only. No project-related music system shall be audible at any adjacent receptor. (N-3.b.)

25. **Stockpiles, Staging, Parking and Maintenance Area Locations.** Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from Alan Road and the Stone Creek Condominiums. Construction staging areas where vehicles may idle or other noise-generating activities take place shall be located as far from adjacent residential areas as feasible. (N-3.c and i)
26. **Hearing Protection Required.** All project workers exposed to noise levels above 80 dBA shall be provided with personal protective equipment for hearing protection (i.e., earplugs and/or earmuffs); areas where noise levels are routinely expected to exceed 80 dBA shall be clearly posted with signs stating "Hearing Protection Required in this Area." (N-3.h)
27. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. Storage of construction materials within the public right-of-way is prohibited.
28. **Dust Inspection and Clean-Up.** Alan Road, Cliff Drive (between Alan Road and Las Positas Road), and Las Positas Road (between Cliff Drive and Veronica Springs Road) shall be inspected daily (midday and at the end of the day) during periods of truck hauling to determine if there is an accumulation of silt on the road that could cause fugitive dust. These road segments shall be kept clean of such silt by the use of a street sweeper or watering truck.
29. **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. Additionally, upon completion of construction, all disturbed areas shall be stabilized by the use of rock protection or perennial vegetation. (AQ-1.i)
30. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at all points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractors and PEC's telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

31. **NOX Emissions Reduction Requirements.** The following measures are required to NOX emissions from construction equipment and haul trucks. They are based on the standard mitigation measures of the APCD.
- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
 - b. The engine size of construction equipment shall be the minimum practical size.
 - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
 - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
 - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available and if determine to be reasonable and feasible by the City Public Works Department.
 - h. Construction worker trips should be minimized by encouraging carpooling and by providing for lunch onsite. (AQ-2)
32. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. 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.

- K. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
 2. **Complete Public Improvements.** Public improvements as shown on the public improvement plans.
 3. **Repair Damaged Pavement.** The Owner shall video document the pavement conditions on Alan Road, Cliff Drive, and Las Positas Road (between Veronica Springs Road and Cliff Drive) after the construction project to determine the level of impact caused by the project. This documentation shall be provided to the City of Santa Barbara, Transportation Division. If the project traffic has caused damage to the roadway surface, the project applicant shall repair or resurface the affected reaches. (TR-5)
 4. **Utilities Undergrounded.** Place utilities underground from the transmission source and within the Real Property.
 5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those in the Final EIR, shall be taken, attached to 8 ½ x 11” board and submitted to the Planning Division.
 6. **Landmark Designation.** Owner shall submit an application to the Historic Landmarks Commission, and not oppose, for designation of the site as a City Landmark. Such designation determination shall be completed within 180 days of Certificate of Occupancy issuance for the first completed house.
 7. **Restoration Maintenance Performance Bond.** A Performance Bond shall be provided to the Building and Safety Division for restoration maintenance and assurance of adequate bank stabilization and plant growth/health. Such Bond shall be for a period of five (5) years and shall be in an amount necessary to cover the cost of installation and replacement of the bank stabilization, landscaping and irrigation system for the entire restoration site including the City owned property in accordance with restoration plans approved by the Planning Division and the Creeks Division and on file at the Building and Safety Division. Prior to the release of said Bond, the Building and Safety Division and Creek Division shall make an inspection of the Real Property and make a determination whether the bank stabilization and landscaping is in substantial compliance with the approved plans.
 8. **Complete Restoration Efforts.** Owner shall complete the restoration efforts according to the approved plans and to the satisfaction of the Creeks Division.
- L. 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:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions 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 two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code section 27.07.110 or the provisions of the California Subdivision Map Act.