



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 007-09

210 & 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD

RECOMMENDATIONS TO CITY COUNCIL

MARCH 5, 2009

**APPLICATION OF BRENNAN DE RAAD, TYNAN GROUP, AGENT FOR MARY STEVENS AND SANTA BARBARA SCHOOL DISTRICT, 210 & 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD, APN 045-110-001, -013 AND -009, E-3/S-D-3 (ONE-FAMILY RESIDENTIAL/COASTAL OVERLAY) AND PR/S-D-3 (PARK AND RECREATION/COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2006-00476)**

The project consists of a lot merger between 216 Meigs Road and 290 Lighthouse Road (no discretionary action by the City is required for this lot merger), and a lot line adjustment between this newly merged lot and 210 Meigs Road. This would result in two lots, identified as Adjusted Parcel 1 (1.51 gross acres) and Adjusted Parcel 2 (8.9 gross acres). Adjusted Parcel 1 is then proposed to be subdivided into five single-family residential lots ranging in size from 7,849 to 10,842 net square feet. The new residential lots would be served by a new public street with access off of Meigs Road. Appropriate public improvements, including sidewalk, parkway and utilities, and required retaining walls would also be constructed as part of the project. Construction of the single-family residences is not currently proposed. The project also requires a reconfiguration of the Washington School parking lot (under separate permit) on Adjusted Parcel 2.

Approximately 859 cubic yards of grading is anticipated in order to construct the new public street. The project includes the removal of approximately 40 existing trees (4 to 24 inches in diameter at breast height), primarily eucalyptus.

In order to allow the proposed single-family subdivision and future development, a General Plan and Local Coastal Plan Map amendment changing the land use designation from Major Public and Institutional to Residential, 5 units per acre is required for Adjusted Parcel 1, and a Zoning Map Amendment changing the zoning designation from PR/S-D-3 (Park and Recreation/Coastal Overlay Zone) to E-3/S-D-3 (One-Family Residence/Coastal Overlay Zone) is required for the existing area of 216 Meigs Road.

The discretionary applications required for this project are:

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Coastal Commission:**

1. General Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07);

2. Local Coastal Plan Amendment to change the land use designation of the reconfigured parcel (Adjusted Parcel 1) from Major Public and Institutional to Residential, 5 units per acre (SBMC §28.07) and to change the zoning map designation as described below;
3. Zoning Map Amendment to rezone APN 045-110-013 from PR/S-D-3 (Park and Recreation/Coastal Overlay) Zone to E-3/S-D-3 (One Family Residence/Coastal Overlay) Zone (SBMC, §28.92.020);

**Actions by the Planning Commission, contingent upon completion of the actions listed above:**

4. Approval of a Lot Line Adjustment to remove 7.67-acres from the newly merged APNs 045-110-009 and -013, and attach it to APN 045-110-011 (SBMC §27.40);
5. Approval of a Tentative Subdivision Map to divide one parcel (Adjusted Parcel 1) into five lots (SBMC Chapter 27.07); and
6. Approval of a Coastal Development Permit to allow the subdivision and development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

The Planning Commission will also consider approval of the Mitigated 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**, 2 people 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, February 23, 2009
2. Site Plans
3. Correspondence received in support of the project:
  - a. Natasha Heifetz Campbell, Washington School PTO
4. Correspondence received in opposition to the project:
  - a. Cathie McCammon, La Mesa Neighborhood Association
  - b. Paula Westbury, Santa Barbara, CA

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

- I. Recommend to City Council and/or Coastal Commission the General Plan Amendment, Local Coastal Plan Amendment, and Zoning Map Amendment making the findings as outlined in the Staff Report.

This motion was passed and adopted on the 5th day of March, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

II. Approve the subject application making the following findings and determinations:

A. **Final Mitigated Negative Declaration Adoption**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated December 12, 2008 for the 210 and 216 Meigs Road and 290 Lighthouse Road Project (MST2006-00476), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated December 12, 2008, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included which requires the applicant to pay the fee within five days of project approval.

B. **Lot Line Adjustment (SBMC §27.40.040)**

The parcels resulting from the lot line adjustment conform to both the existing and proposed General Plan, Local Coastal Plan and zoning and building ordinances, and specifically satisfy all lot area, street frontage and setback requirements as described in Section VI of the staff report.

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

With the Rezone and General Plan and Local Coastal Plan Map Amendments, the Tentative Subdivision Map would be consistent with the General Plan, Local Coastal Plan and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the proposed development as it is relatively flat and is located adjacent to existing residential development. As identified in Section V of the staff report, the lot area proposed for subdivision is adequate to create five lots under the proposed E-3/S-D zoning in addition to the requisite public road to access the new lots. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems (refer to adopted Mitigated Negative Declaration). The project and associated improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed development because there are no such easements affecting the subject parcels.

D. **Coastal Development Permit (SBMC §28.44.060)**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended.

1. The project is consistent with the policies of the California Coastal Act. Refer to Exhibit G for a complete analysis of the project's consistency with Coastal Act policies.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as outlined in Exhibit H.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation. The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite and the project would not result in a negative impact to recreational activities at nearby La Mesa Park, and, due to its location on the northeast side of Meigs Road/Shoreline Drive, the project does not have the potential to affect public access to the coast.

III. Said approval is subject to the following conditions:

A. **Approval Contingent Upon Adoption of Zoning and General Plan Map and Local Coastal Program Amendment.** Approval of the subject project is contingent upon City Council approval of the Zoning, General Plan Map and Local Coastal Program Amendments, and California Coastal Commission approval of the Local Coastal Program Amendment.

B. **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 fee required is \$1,993.00 for projects with Mitigated 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.

- C. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
1. **Future Residences.** Any new residence constructed on one of the lots created by the proposed subdivision, or any other subdivision of Adjusted Parcel 1, shall be subject to the review and approval of the Single-Family Design Board (SFDB). (Mitigation Measure A-1)
  2. **Design Components of Future Residences.** The following design components shall be incorporated into any subdivision or residential development of Adjusted Parcel 1 to minimize the potential for nuisance complaints between the school and residential uses:
    - a. Provision of an adequate, year-round landscape buffer between the new residence(s) and the existing school use.
    - b. The location and design of first floor decks, porches, patios, large windows, and similar features facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school.
    - c. On any floor above the first floor, decks, balconies, and similar features facing the school facilities shall be prohibited, unless the presence of an existing residential structure already fully obstructs the proposed deck, balcony or similar feature from the school.
    - d. All windows and ventilation features shall be oriented away from the school facilities and play areas, to the maximum extent feasible, to minimize noise exposure from school bells throughout the day, parking lot noise, and other activities associated with the school site as well as exposure of the school site to noise generated by the future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should be placed so as to minimize visibility into the school and conveyance of noise (i.e. clerestory windows).
    - e. Large windows on upper floors facing the school facilities and play areas are prohibited, unless windows are located a minimum of six feet in height above the associated floor level.
    - f. For each proposed house in the subdivision, an acoustical summary shall be submitted to the SFDB and to the Building & Safety Division

with each building permit application for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:

- 1) Air conditioning or mechanical ventilation system installed so that exterior doors and windows may remain closed.
  - 2) Exterior walls facing the school property shall have a minimum STC rating of 50.
  - 3) Roof/ceiling assemblies shall have minimum STC rating of 50.
  - 4) Outside intakes for the mechanical ventilation system shall not be oriented towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
  - 5) Fireplaces shall have glass doors and flue dampers.
- g. Consideration should be given to development on the two lots fronting on Meigs Road (Lots 1 and 5), such that their development does not preclude development on Lots 2, 3 and 4 from taking advantage of views over these lots, toward the southwest. The intent is to encourage views to the west and southwest, rather than views to the east and south (toward the school).

(Mitigation Measure N-8)

3. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, required street lighting, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map. (Mitigation Measure A-2)

The project grading plan shall incorporate the grading and drainage design recommendations identified in Mitigation Measures N-7, W-6 and W-7.

4. **Subdivision Layout.** The two lots fronting on Meigs Road shall be at a lower elevation than the remaining lots so as to allow the remaining lots to take advantage of park and ocean views to the west and southwest over the structures on these two lots. This will potentially reduce conflicts between the school and residential uses by reducing exposure between residential and school related noises and activities. The tract grading plan shall be revised as described prior to SFDB review and approval and prior to recordation of the Final Map to reflect lower elevations on these lots. An eight-foot tall wall shall be provided along the subdivision's common property line with the school and landscaping

shall be proposed to provide a clear physical and visual separation between the future housing and the existing school use. (Mitigation Measure N-7)

5. **Tree Planting.** Plant trees in zones designated on the site plan and install drip irrigation. Initially this may be along the eastern property line between Washington School and the new development. Other specific locations to the north, south and west should not be determined until approval of individual homes, to minimize or avoid view conflicts. A qualified arborist should supervise tree selection from the nursery, placement of trees, planting and irrigation specifications. Seacoast appropriate trees are recommended (such as Monterey Cypress, Torrey Pine or Coastal Redwood). Consideration should be given to potential views when locating new trees to avoid future topping or inappropriate pruning of the trees. Final tree species, quantity and size determinations shall be approved by the Single Family Design Board. (Mitigation Measure BIO-6)
  6. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
    - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
    - b. **Arborist's Report.** Include a note on the plans that recommendations contained in the arborist's report prepared by Bill Spiewak, dated August 21, 2007, shall be implemented.
  7. **Oak Tree Protection/Replacement Measures.** The following provisions shall apply to existing oak trees on site and shall be included on the landscape plans for the project:
    - a. Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Single Family Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.
    - b. The oak sapling proposed for removal as part of the project shall be replaced at a three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock. (Mitigation Measure **BIO-6**)
  8. **Retaining Walls.** Single Family Design Review Board to study minimizing or eliminating retaining walls on Lot #5 along Meigs Road.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 5, 2009 is limited to the lot line adjustment and the five lot residential subdivision and associated improvements, including a new public street with sidewalk and parkway, shown on the tentative map and approved project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Future Residential Units.** Any subdivision or other residential development of Adjusted Parcel 1 shall be subject to the review and approval of the Single-Family Design Board (SFBD) and shall incorporate the design review criteria specified in the Design Review section of the conditions of approval contained within the Resolution approving the subject project (MST2006-00476) in order to reduce nuisance noise to future residents and direct views away from the school.
3. **Passive Drainage Techniques - Residential Subdivision.** On each lot of the subdivision, passive/natural water treatment design techniques such as bioswales, infiltration basins, etc, shall be incorporated into open space areas, groundcover, and courtyards to treat the small, frequent storm events that impact water quality in Santa Barbara (a 1 inch storm event, over a 24-hour period). These types of passive/natural capture and filtration design options shall be implemented as opposed to mechanical/underground options, which pose maintenance problems and often times, do not treat runoff as efficiently. These measures shall be incorporated into the drainage plan and shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits. (Mitigation Measure W-6)
4. **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.
5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
6. **Landscape Plan Compliance.** The Owner(s) shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:

**Tree Protection.** The existing tree(s) shown on the Tree Removal Plan as to remain shall be preserved, protected, and maintained in accordance with the

recommendations contained in the arborist's report prepared by Bill Spiewak, dated August 21, 2007. A copy of this report shall be attached to the recorded conditions as an exhibit. Additionally, the following provisions shall apply to any oak trees to remain on the property:

- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
- b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.**

Owner(s) shall maintain any 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, if applicable, in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

8. **Disclosure of School Activities.** Future owners of each residential lot shall be made aware of the fact that Washington Elementary School is on the adjacent property and that various indoor and outdoor activities occur on said property, including, but not limited to outdoor play, organized games, and special events. Future school expansion projects should also be disclosed. The language of the disclosure shall be provided to the Washington School Principal and shall be approved by the School District prior to recordation of the final map for the subdivision. Future owners and tenants shall be required to review and acknowledge acceptance of such disclosure. Acknowledgement shall be notarized prior to close of escrow for future owners and as part of rental agreements for tenants.

- E. **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 Recordation.** The Final Map for the subdivision shall not be approved or recorded until the merger of 216 Meigs Road and 290 Lighthouse Road has been completed and the subsequent lot line adjustment between the merged parcel and 210 Meigs Road has been recorded and a Coastal Development Permit for the Washington School parking lot has been approved by the City of Santa Barbara.
2. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* to the Public Works Department, including the legal description of the subject properties prior to and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement shall be recorded in the Office of the County Recorder.
3. **Final Map.** The Owner shall submit to the Public Works Department for review and 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.
4. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
  - a. An easement for All Street Purposes along proposed new public Street in order to establish a forty-six-foot (46') wide public right-of-way and fifty-foot diameter (50') cul-de-sac for all street purposes including but not limited to new public road with a proposed name of Lighthouse Way, and easement for storm drain, sanitary sewer main and water main purposes.
  - b. A twenty-foot (20') wide sewer easement across School District property to accommodate relocation of the existing sewer main beginning at the end of Lighthouse Road to the property line of proposed subdivision, in alignment with proposed cul-de-sac of new public street with a proposed name of Lighthouse Way.
  - c. A twenty-foot (20') wide sewer easement beginning at property line and School District boundary traversing proposed subdivision to the proposed cul-de-sac, to accommodate relocation of the existing sewer main proposed.
  - d. A six-foot (6') wide drainage easement across Lot 5 for the benefit of Lot 4.
5. **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.
6. **Drainage Calculations.** The Owner shall submit updated drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site. Drainage calculations shall reflect the direction given in Mitigation Measures W-6 and W-7.
  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 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 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.
  8. **Elise Way Public Improvements** The Owner shall submit C-1 public improvement plans prepared by a civil engineer registered in the state of California, for construction of improvements across the street from the property frontage at intersection of Elise Road adjacent to Meigs Road. As determined by the Public Works Department, the improvements shall include *two new cross walks - one crossing Elise Way and one crossing Meigs Road, two new planter bulb outs - one at intersection of Meigs Road and Elise Way and one adjacent to new crosswalk on the easterly side of Meigs Road, and install one new one-way access ramp on easterly side of Meigs Road*. The C-1 public improvement plans shall be prepared by a registered civil engineer, and reviewed and signed by the City Engineer.
  9. **Meigs Road Public Improvements.** The Owner shall submit C-1 public improvement plans prepared by a civil engineer registered in the state of California, for construction of improvements along the property frontage on Meigs Road. As determined by the Public Works Department, the improvements shall include *new five-foot (5') sidewalk, three-foot (3') parkway, new street entrance to new public road with concrete cross-gutter, curb, gutter, slurry seal to the centerline of Meigs Road 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 drainage calculations for installation of A470 curb drain outlets,;*

*supply and install three residential dome style standard street lights and one street light meter pedestal to accommodate every three (3) street lights; coordinate with City staff to retire light standard from existing utility pole; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs per 2006 MUTCD with CA supplements; install roadway improvements along Meigs Road as part of the subdivision improvements in order to ensure proper sight visibility to allow safe vehicular movements at the new public street intersection including re-striping Meigs Road and improvements to the crosswalk at Elise Way (including curb extensions into the parking areas on either side of Meigs Road), all per City Transportation Division requirements (Mitigation Measure T-1); supply and install new street trees of minimum twenty-four inch (24") box size per approval of the City Parks Commission and City Arborist; supply and install new tree grates; and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. The C-1 public improvement plans and hydrology report shall be prepared by a registered civil engineer, and reviewed and signed by the City Engineer.*

10. **New Public Road Improvement Plans for Lighthouse Way.** The Owner shall submit C-1 public improvement plans prepared by a civil engineer registered in the state of California, for construction of improvements beginning at the property frontage accessed from Meigs Road for construction of a new public road with a proposed name of Lighthouse Way to City standards. As determined by the Public Works Department, the public improvements shall be constructed in accordance with the 2006 Edition of the Greenbook, 2006 MUTCD with CA supplements, ADAAG, 1998 Circulation Element, 2007 Pedestrian Master Plan, the 2008 Draft Engineering Design standards. Separate C-1 civil public improvement plans for the road construction shall be submitted directly to the Public Works Department. Public improvements shall include but not be limited to: *relocation of the existing 8 inch VCP public sewer main constructed under C-1-2802, construction of public water main, public sewer main, public storm drain, and connection to their respective City mains, install City standard street name sign with both Meigs Road and Lighthouse Way, construct asphalt concrete pavement on aggregate base to current design standards, install no less than one Filtera Treatment Unit as outlined in the Preliminary Drainage Study prepared by Flowers and Associates dated November 18, 2008, striping, stop bar, stop sign, red curb on one side of new road, concrete cross gutter at entrance to new road from Meigs Rd., one-way access ramps across new street entrance, new six-foot (6') wide sidewalk, new four-foot (4') wide parkway, driveway aprons constructed to Title 24 ADA standards, new curb and gutter, undergrounding of all service utilities including but not limited to gas, electric, telephone and cable, A470 curb drain outlets, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs as determined by the 2006 MUTCD*

*with CA supplements, supply and install Dome Style residential standard street lights, as determined by City Streetlight Guidelines, the Public Works Department and the SFDB, supply and install new street trees and tree grates per approval of the City Arborist, and provide adequate positive drainage from site. The C-1 public improvement plans and hydrology report shall be prepared by a registered civil engineer, and reviewed and signed by the City Engineer.*

11. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division staff, based on an approved Engineer's Estimate which shall be signed, and stamped by a registered civil engineer in the State of California, and submit securities for construction of improvements prior to execution of the agreement.
  12. **Protection of Existing Public Street Improvements.** Provide a video tape to the Public Works Inspector of the existing road conditions along the anticipated haul routes to the subject site prior to issuance of any permits. Prior to Certificate of Occupancy repair any damage to Meigs Road, and damage to any other roads caused by construction. Submit a post-construction video of any and all affected roads to the Public Works Department, prior to acceptance of the road improvements.
  13. **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.
- F. **Community Development Requirements Prior to Final Map Approval.** The Owner shall submit to the Community Development Department, Planning Division, evidence of the following prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Parking Lot CDP.** Evidence of City approval of a Coastal Development Permit for the Washington School parking lot reconfiguration.
  2. **Disclosure Language.** Evidence of School District approval of the disclosure information identified in condition D.8.
- G. **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. **School Parking Lot Approval.** The Applicant shall submit to the Planning Division proof of approval of a Coastal Development Permit for the Washington School parking lot reconfiguration.
  2. **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.
3. **Geotechnical Recommendations.** A Soils Engineering Report shall be prepared to address site preparation and project construction related to soil conditions. Compliance shall be demonstrated on plans submitted for grading and building permits. (Mitigation Measure G-1)
4. **Neighborhood Notification Prior to Construction.** At least thirty (30) days prior to commencement of construction (public improvements, grading associated with the subdivision and future construction of individual residences), 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, a description of noise reduction measures and 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 associated with construction noise. A 24-hour construction hotline shall be provided. Any noise complaints received shall be documented, and as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas. (Mitigation Measure N-1)

The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

5. **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.
  6. **Park Commission Tree Removal Approval.** Submit to the Planning Division evidence of approval from the Park Commission for the removal of trees in the front setback and any street trees.
  7. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all activities on the site during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
  8. **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 Architect, the Arborist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
  9. **Final Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g. Final map submitted to Public Works Department for review), and attach documents as appropriate.
- H. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section C above.
  2. **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.
  3. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior

to issuance of any building or public works permits. At a minimum, any increase in stormwater runoff (based on a 25-year storm event) shall be retained on-site, and the project shall be designed to capture and treat the calculated amount of runoff from the project site for a 1 inch storm event, over a 24-hour period. Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. (Mitigation Measure W-1)

4. **Erosion Control/Water Quality Protection Plan.** Prior to the issuance of a permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site.

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

- Paving and Grinding
- Sandbag Barriers
- Spill Prevention/Control
- Solid Waste Management
- Storm Drain Inlet Protection
- Stabilize Site Entrances and Exits
- Illicit Connections and Illegal Discharges
- Water Conservation
- Stockpile Management
- Liquid Wastes
- Street Sweeping and Vacuuming
- Concrete Waste Management
- Sanitary/Septic Waste Management
- Vehicle and Equipment Maintenance
- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling

(Mitigation Measure W-3)

5. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins,

and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report to City annually. (Mitigation Measure W-5)

6. **Drainage Design – Residential Subdivision.** Each lot in the residential subdivision shall, at a minimum, handle its own drainage on-site so as to avoid concentrating flows and minimize future maintenance issues. The drainage plan shall be based on a 25-year storm event and shall be subject to review and approval by City Building Division and Public Works Department per City regulations prior to issuance of any building or public works permits. (Mitigation Measure W-7)
7. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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 archaeological resources are encountered or suspected, work shall be halted or redirected immediately, the City Environmental Analyst shall be notified, and an archaeologist from the most current City Qualified Archaeologist List shall be retained by the applicant. The archaeologist shall be employed to 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.

(Mitigation Measure CR-1)

8. **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.

9. **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.
10. **Recordation of Final Map.** After City Council approval, the Owner shall provide evidence of recordation of the Final Map to the Public Works Department prior to issuance of building permits for individual parcels.
- J. **Community Development Requirements Prior to Building Permit Issuance.** Prior to issuance of any grading or building permit for the subdivision, reconfiguration of the School parking lot must be complete.
- K. **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. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall

include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Architect, Arborist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

2. **Raptor Seasonal Restriction.** If construction, grading, or tree removal is to be conducted during raptor breeding season (February 1 - August 15<sup>th</sup>), a biologist shall conduct a survey of the site to locate active raptor nests. No construction, grading, or tree removal shall occur within a circle around any active raptor nest with a radius of 200 feet measured horizontally on the ground with a point directly below the active nest as the center, until fledglings leave. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply. (Mitigation Measure BIO-1)
3. **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.
4. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., as well as consideration of peak school traffic hours) to help reduce truck traffic and noise on adjacent streets and roadways. (Mitigation Measure T-2)
5. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager. (Mitigation Measure T-2)
6. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager. (Mitigation Measure T-2)
7. **Construction Parking/Storage/Staging.** Construction parking and vehicle/equipment/materials storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers shall be provided on-site.
  - b. On-site storage shall be provided for construction materials, equipment and vehicles. Storage or staging of construction materials or equipment within the public right-of-way is prohibited. (Mitigation Measure T-3)

8. **Temporary Construction Access.** Temporary construction access via Lighthouse Road shall only occur during non-peak drop-off and pick-up school hours. Access via Meigs Road shall be utilized as soon as it is available. (Mitigation Measure T-4)
9. **Construction Activities Limitation.** Grading and related activities associated with development of the new school parking lot and tract improvements for the subdivision shall take place during the school's summer break (unless mutually agreed upon by developer and School District). To ensure that grading activities are completed prior to the beginning of the school year, some preparatory activities may be implemented outside of the summer break period. If grading activities or other excessively loud construction activities will take place while school is in session (for tract improvements or later development of homes), temporary sound walls or other methods of reducing exposure of the school site to excessive noise levels shall be incorporated (as determined necessary based on input from the School District). (Mitigation Measure N-2)
10. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 7:00 p.m. and Saturdays before 8:00 a.m. and after 5:00 p.m., and all day on Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

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

Occasional night work may be approved for the hours between 7 p.m. and 7 a.m. weekdays by the Chief of Building and Safety (per Section 9.13.015 of the Santa Barbara Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and

Building Divisions at least 48 hours prior to commencement of night work. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. Night work shall not be permitted on weekends or holidays. (Mitigation Measure N-3)

11. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (Mitigation Measure N-4)
12. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. (Mitigation Measure N-5)
13. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (Mitigation Measure N-6)
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. (Mitigation Measure AQ-1)
15. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.  

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (Mitigation Measure AQ-2)
16. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (Mitigation Measure AQ-3)
17. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days

shall be covered, kept moist, or treated with soil binders to prevent dust generation. (Mitigation Measure AQ-5)

18. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
- a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;
  - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - d. Other methods approved in advance by the Air Pollution Control District.

(Mitigation Measure AQ-6)

19. **Construction Dust Control – 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 upon request. (Mitigation Measure AQ-8)
20. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector. (Mitigation Measure AQ-7)
21. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads. (Mitigation Measure AQ-4)
22. **Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit. (Mitigation Measure AQ-9)
23. **Fleet Owners.** Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles.

See <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.

(Mitigation Measure AQ-10)

24. **Construction Equipment Engine Size.** The engine size of construction equipment shall be the minimum practical size. (Mitigation Measure AQ-11)

25. **Construction Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (Mitigation Measure AQ-12)
26. **Construction Equipment Maintenance.** All construction equipment shall be maintained in tune per the manufacturers' specifications. (Mitigation Measure AQ-13)
27. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (Mitigation Measure AQ-14)
28. **Diesel Construction Equipment.** Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible. (Mitigation Measure AQ-15)
29. **Engine Timing and Diesel Catalytic Converters.** Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (Mitigation Measure AQ-16)
30. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible (Mitigation Measure AQ-17).
31. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible. (Mitigation Measure AQ-18)
32. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
33. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC'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 inch 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.
34. **Tree Protection.** The following measures shall be incorporated into the project to protect and maintain all trees proposed to remain as part of the project:

- a. **Tree Protection Fencing.** Prior to any ground disturbances, install temporary chain link fencing, as designated on the site plan to establish tree protection zones (TPZs). These TPZs shall be as indicated on the site map and discussed in the tree inventory. After grading for the new driveway on Lot 5, fences should be relocated to position "B" (as shown in the Tree Assessment and Protection Plan prepared by Bill Spiewak and dated August 21, 2007) to protect trees on Lot 5. Fences must be maintained in upright positions throughout the duration of the project, and possibly through installation of landscaping, subject to a determination by the project arborist. No activity (including parking vehicles, storing equipment/materials/soils, etc.) shall occur within the TPZs. Utilities shall not run through the TPZs. If utilities must run into Lot 5 directly from the new public street, then utility trenches should be located in the center of the Lot 5 driveway. (Mitigation Measure BIO-2)
  - b. **Monitoring By Arborist.** The project arborist shall monitor activities on the site throughout the duration of the project. Monitoring shall be more frequent during fencing installation, excavation and grading, and less frequent as the project progresses, provided fences remain upright and tree protection zones are not violated. (Mitigation Measure BIO-3)
  - c. **Irrigation of Retained Trees.** Retained trees shall be irrigated monthly within tree protection zones to moisten soil 6-12 inches below the ground. Irrigation may not be necessary from November through March provided rainfall levels are normal. (Mitigation Measure BIO-4)
  - d. **Tree Maintenance.** Removal of trees shall not damage those trees to be retained. In some cases, stumps may not be removed if adjacent root systems are close by and at risk. Pruning shall be performed or supervised by a qualified Certified Arborist. The project arborist shall review the goals with workers prior to commencement of any tree pruning. Tree workers shall be knowledgeable of ANSI A300 Pruning Standards and ISA Best Management Practices for Tree Pruning. Crown cleaning and crown thinning shall be done as recommended in the Tree Assessment and Protection Plan prepared by Bill Spiewak and dated August 21, 2007, as amended December 6, 2007. Young eucalyptus shoots surrounding the significant trees to be protected shall be retained where possible to complement the grove. Due to the rustic characteristics of this species, care should be used during pruning that acknowledges this feature. (Mitigation Measure BIO-5)
35. **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.

36. **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.

- a. 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.
- b. 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. (Mitigation Measure CR-1)

L. **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 caused by construction (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 public improvement plans, including utility service undergrounding and installation of street trees.
3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
- M. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the **final action** on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

**NOTICE OF TENTATIVE SUBDIVISION MAP 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 March, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

PLANNING COMMISSION RESOLUTION NO. 007-09  
210 & 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD  
MARCH 5, 2009  
PAGE 27

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

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

