



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 22, 2010
AGENDA DATE: December 2, 2010
PROJECT: Conditions of Approval Menu Updates
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

Proposed updates to staff's templates for drafting Conditions of Approval for projects.

II. RECOMMENDATION

Staff recommends that the Planning Commission receive a Staff presentation related to the proposed changes to the Planning Commission Conditions of Approval Menus, take public input, hold a discussion and provide recommended revisions for incorporation into the Menus.

III. BACKGROUND

At the time the Staff Hearing Officer (SHO) was established, the Planning Commission requested that the Standard Conditions of Approval Menu ("Menu") be reviewed annually to ensure consistent application of these conditions by both the Planning Commission and the SHO. The Menu has been developed over time with periodic updates intended to provide clarification, incorporate new state laws and regulations or promote efficiency.

This document was reviewed by the Planning Commission in February 2006 and again in March 2007. In September 2008, the Menu was divided into three Menus (Projects Involving Tentative Subdivision Maps, Projects without Tentative Subdivision Maps, and Condominium Conversions). The three distinct Menus were created in order to make it easier for staff to put together the conditions of approval, as these different project types have different timing for implementation of the various requirements. The three Menus had minimal differences with regard to the conditions themselves (excepting the timing); however, there are some conditions unique to each project type. It should be noted that mitigation measures identified in Environmental Impact Reports or Mitigated Negative Declarations to address potential environmental impacts are also incorporated as project-specific conditions of approval; however, they are not included in the Standard Conditions Menus.

In an effort to provide a more efficient, concise and accurate set of Conditions of Approval, Staff representing the Land Development Team (LDT) has been working collaboratively over the last six

months to update the Menus. As a result, staff is proposing to add a new Menu, which results in the four Menus identified below:

“A” Track – Tentative Subdivision Maps (TSMs) where public improvements are constructed and completed prior to recordation of the Map. This is a new template.

“B” Track – TSMs where the Map records first, and the Applicant submits preliminary plans and securities for public improvements prior to any on-site construction. This is similar to the current template for TSMs.

“C” Track – Condominium Conversions. This is similar to the current template for condominium conversions.

“D” Track – Projects Without Subdivision Maps (such as Coastal Development Permits, Development Plans, etc.). This is similar to the current template for projects without maps.

Because the conditions contained within each Menu are so similar, staff has only attached the proposed “B” Track Menu in its entirety (Exhibit A). The “B” Track Menu represents the most common project type reviewed by the Planning Commission. Tables of Contents for the other Menus have been provided (Exhibits B-E), and any conditions that are not included in the “B” Track Menu are listed in the respective Table of Contents, as well as any textual changes specific to the template. The existing Table of Contents for a Tentative Subdivision Map has also been included for comparison purposes (Exhibit F).

IV. PROPOSED CHANGES TO THE STANDARD CONDITIONS MENUS

The Standard Conditions of Approval Menus continue to be revised to be more efficient and concise. Where possible, conditions have been combined or eliminated to reduce redundancy. Conditions that are difficult to enforce have been eliminated or revised to make them more enforceable. Also, an effort has been made to designate the appropriate City Division/Department or individual responsible for reviewing and approving submittal requirements as well as ensuring that the condition is being satisfied. New text is shown in underline, and deleted text is shown in strikethrough. Staff has provided comments on most new or deleted language to inform the Planning Commission of our thought process or to explain where a condition was moved. The most notable changes are described below:

A. CREATION OF NEW “A”-TRACK MENU

Recently, staff has processed subdivisions where the applicants want to install public improvements prior to recording the Map for the subdivision. Staff has internally referred to this timing as an “A” track. Most often, “A” track projects are also referred to as “dry-lot” subdivisions because they do not include construction of the homes themselves (although they do require public infrastructure).

B. NEW CONDITIONS

1. Order of Development

A new condition has been added to the beginning of each Menu, entitled “Order of Development.” The intent of this section is to help LDT staff and the

developer lay out the required conditions and when they need to be completed, in clear, understandable language. By doing this, we have been able to remove some of the timing language from the introductory language for each section.

Previously, there was an effort to order the conditions to represent the order in which the items must be completed. The addition of the new Order of Development condition allows for the long-term conditions (Recorded Conditions) to be at the front of the document while the short-term conditions (Construction Implementation) and procedural requirements (e.g. payment of Fish and Game and Land Development Team Recovery Fees) can be near then end. Staff has still attempted to keep the primary sections in chronological order wherever practical and possible.

2. General Conditions

A new section titled "General Conditions" has been added toward the end of the conditions. This section incorporates the previous Fish and Game and Litigation Indemnification conditions and adds some other general-type conditions. Additionally, within the new General Conditions section, several new conditions have been added to address basic procedural requirements.

C. TREE PROTECTION

Previously, the Conditions Menu included tree protection measures in the Recorded Conditions, Design Review, Building Permit Plan Requirements and Construction Implementation sections. Although staff was not able to eliminate all of this redundancy, these conditions have been reduced down as much as possible.

D. OTHER CHANGES

1. The Public Works and Community Development Department Requirements Prior to Permit Issuance and Building Permit Plans sections have been merged into one section, and are delineated by subheadings for the two Departments.
2. Many conditions have been reorganized to be located in a more appropriate place. For example, conditions that require design review (e.g. a project directory or trash enclosure) have been moved to the Design Review section to ensure they're addressed in a timely manner. Also, conditions that require Transportation Division review have been moved from the Community Development section to the Public Works section.
3. Conditions that are actually mitigation measures (only required when there is a significant environmental impact) have been removed and will be contained in the Initial Study template.
4. Several conditions that address standard requirements (e.g. building code requirements) have been deleted. Some of these were included previously as a "heads up" to applicants; however, there is no way to list all requirements, and

eliminating these allows the applicant to focus on those issues that are unique to their project.

5. An acknowledgement has been made that an applicant may *need* to do some private improvements prior to recording the Map (e.g. when access is via a private road/driveway) or may *want* to do some work prior to recordation of the Map (e.g. demolition or grading). Staff typically has allowed projects to separate out demolition permits from construction permits; however, the wording of conditions as it relates to timing can create confusion. Small changes to the text have been made to address this issue, in addition to calling it out in the new Order of Development condition.
6. Hidden text has been added at the beginning of each condition to assist staff in determining when a particular condition is applicable (identified in Exhibits by the lighter text color and brackets). This will ensure a more fair and consistent application of the conditions. Previously, staff had no written direction as to when a particular condition might be applicable. Any suggestions from the Planning Commission on when conditions would be applicable (if it differs from proposed direction) is appreciated.

Exhibits:

- A. Proposed Conditions of Approval Menu "B"-Track (Tentative Subdivision Map)
- B. Proposed Table of Contents "A"-Track (Tentative Subdivision Map)
- C. Proposed Table of Contents "B"-Track (Tentative Subdivision Map)
- D. Proposed Table of Contents "C"-Track (Condominium Conversion)
- E. Proposed Table of Contents "D"-Track (No Map)
- F. Existing Table of Contents (Tentative Subdivision Map)

Please cut and paste from this menu to a template available on the computer for PC & SHO Conditions of Approval. After first page, double click on header to insert project address. THESE INSTRUCTIONS WILL NOT PRINT.

PLANNING COMMISSION / STAFF HEARING OFFICER CONDITIONS OF APPROVAL

ADDRESS

TENTATIVE SUBDIVISION MAP, OTHER APPLICATION(S) "B" TRACK

DATE

Many conditions contain options. These are usually enclosed in parentheses and/or shown in blue. Please choose one and delete the other. Also, many conditions include references to ABR, HLC and SEDB. Except in VERY rare cases, projects will be in one or the other jurisdiction. Please choose the appropriate one and delete the other one.

It is important to know the timing of your project. "A" track project = public improvements are constructed before the Map records. "B" track project = Map records and they bond for the public improvements. Most of our projects are "B" track projects. This is the template for B-track projects.

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

A. [Always include. Be sure to consider any special phasing or project-specific needs and tailor the timing/condition language to reflect those nuances.] Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:

Comment [ald1]: This section was added to assist LDT staff and developers in laying the framework for the order of the proposed development.

1. [Include for projects with MND or EIR] Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
2. [Only include if project requires a ZOA, GPA, LCPA, annexation or CP designation] Obtain all additional land use approvals. Refer to condition B "Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment) (street setback variance)."
3. [almost always included] Obtain all required design review approvals.
4. [always included] Pay Land Development Team Recovery Fee.
5. [if applicable] Make application and obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
6. [if applicable] Make application and obtain Building Permit(s) (BLD) for, and complete, the construction of all private improvements required prior to approval of the Map to ensure the lot is ready for subdivision[e.g. private road to access new lots].

EXHIBIT A

EXHIBIT A

7. [always include] Make application and obtain City Council approval of the Parcel / Final Map and Agreement(s) and record said documents.
8. Permits following recordation of Parcel / Final Map.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. [include if project involves a ZOA, CPA, LCPA or annexation] **Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment) (street setback variance).** Approval of the subject project is contingent upon approval of adoption of an Ordinance approving the (Annexation) (Specific Plan) (Ordinance/General Plan/Local Coastal Plan Amendment) (street setback variance) by the (City Council) (California Coastal Commission) (Local Agency Formation Commission and completion of that annexation).

C. [always include] **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition or other appropriate (as determined by City staff) building permit for work in anticipation of primary project improvements [we'd add this exception when there is existing development to be demolished], 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 concurrent with the Parcel / Final Map, and shall include the following:

Comment [ald2]: Added to allow flexibility to issue a demo or similar pre-project permit prior to recording the conditions, especially if existing structures conflict with the proposed Map/ (i.e. new lot lines).

1. [always include] **Approved Development.** The development of the Real Property approved by the Planning Commission / Staff Hearing Officer on _____ is limited to (approximately _____ square feet of building area) (_____ (dwelling units) (lots)) (up to X square feet of commercial development that may be subdivided into as many as X commercial condominium units) and the improvements shown on the Tentative Subdivision Map signed by the (chairman of the Planning Commission)(Staff Hearing Officer) on said date and on file at the City of Santa Barbara. [Strongly suggest that you incorporate the summary project description used in notices, so more detail is included. If PC or SHO add conditions about building height, building or unit SF, # of units or similar things, or deny a modification, add here.]
2. [Include when there are development restrictions. Be sure to review the TSM to ensure that terminology is consistent with this condition] **Development Rights Restrictions.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved Tentative Subdivision Map (those areas outside the Development Envelope) in order that those portions of the Real

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Property remain in their natural state. [provide more specifics as necessary] The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the Parcel / 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.

- 3. [include if there are view issues] **Building Height Restriction.** The height of any structure shall not exceed _____ feet above (natural grade) (finished grade) (sea level).
- 4. [include for projects with use limitations to avoid environmental impacts] **Use Limitations.** Due to potential (traffic) (air quality) (parking) impacts, uses other than (general office) (warehouse) are not permitted without further environmental and/or Planning Commission / Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant/Owner.
- 5. [include for dry-lot subdivisions where future restrictions on development are being imposed] **Future Development.** All future development on the property shall be subject to the following conditions:
 - a. [only include for larger subdivisions, or as applicable] All future construction shall comply with the applicable conditions of approval contained in Sections F, "Requirements Prior To Permit Issuance," G, "Construction Implementation Requirements," and H, "Prior to Certificate of Occupancy."
 - b. [only include if required by Transportation Planning] **Guest Parking.** _____ guest parking space(s) shall be provided on each proposed lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. (Their) (Its) size and location shall be determined by the Transportation Manager and approved by the Community Development Director.
- 6. [always include] **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- 7. [for condominiums & non-residential] **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
- 8. [for single-family subdivisions and some SFRs] **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

Comment [ald3]: Added to prompt inclusion of conditions related to future development on site (e.g. 210 Meigs - single-family subdivision where units were not proposed, but PC wanted certain conditions to run with the land/units).

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Board of Review (ABR) / Historic Landmarks Commission (HLC) / Single Family Design Board (SFDB).

9. [do not include if the Private Covenant Landscape Maintenance condition is included (i.e. only include if there is no HOA)] **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR) / Historic Landmarks Commission (HLC) / Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the ABR / HLC / SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR / HLC / SFDB, the owner is responsible for its immediate replacement. ~~The following tree protection measures shall be incorporated:~~
10. [include when on-site trees require protection]**(Oak) Tree Protection.** The existing tree(s) shown on the (Tentative Subdivision Map) (Tree Protection Plan) (Landscape Plan) shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by , dated . A copy of this report shall be attached to the recorded conditions as an exhibit.) ~~(During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s).)~~ 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.
11. [typically include]**Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices ~~intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.)~~ in a functioning state ~~(and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual)~~. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the ~~applicant~~ Owner 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

Comment [ald4]: Originally, the (Oak) Tree Protection measures (see condition #10 (Oak) Tree Protection condition below) were part of this condition. We have separated them out, so this sentence became unnecessary.

Comment [ald5]: This section of the conditions is for recorded conditions, so construction implementation measures are not appropriate. The intent is now captured by having this stated in the Design Review section, and requiring all design review conditions to be implemented during construction.

Comment [ald6]: Deleted to simplify the condition.

Comment [ald7]: Specific requirement is in condition D.7 and doesn't need to be reiterated here.

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manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

- 12. [include for projects with inclusionary or affordable for-sale units] **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number _____ and _____ on the Tentative Subdivision Map shall be designated as Affordable (Middle) (Upper-Middle) Income Units and sold only to households who, at the time of their purchase, qualify as (Middle) (Upper-Middle) Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

- a. Units No. (2-bedroom units) = ~~(\$271,800) (\$376,400)~~ _____
- b. Units No. (3-bedroom units) = ~~(\$324,200) (\$446,300)~~ _____
- c. [Repeat the above paragraph for each affordability category]

Comment [ald8]: These change yearly (and vary depending on affordability level), so better to prompt planner to fill in current amount.

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

- ~~12. Rental Housing Restrictions. For _____ of the dwelling units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low-income units targeted to seventy percent (70%) of Area Median Income (AMI).~~

Comment [ald9]: Deleted because it's a VERY rare situation when a TSM project will have rental housing restrictions. The standard language will remain in our "No Map" conditions template.

- ~~a. For _____ of the rental residential units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for very low income units targeted to fifty percent (50%) of Area Median Income (AMI).~~

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- ~~b. The Affordable Units shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.~~

~~[Optional project specific language regarding Section 8] Owner may charge rents higher than the identified affordability targets if Section 8 vouchers are used in accordance with the City's AHP&P, but the tenant share of the rent shall not be higher than the affordability targets stated above.~~

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13. ~~include for projects that include a SDU~~ **Secondary Dwelling Unit Restrictions.**
The Secondary Dwelling Unit shall remain at all times consistent with the City's Ordinance requirements.

~~a. Sales Prohibition.~~ The secondary dwelling unit shall not be sold separately from the primary dwelling unit.

~~b. Size Restriction.~~ The secondary dwelling unit is restricted to 422 (net) square feet.

~~e. Owner Occupancy Required.~~ The approval for the secondary dwelling unit shall be in effect only so long as either the Primary Dwelling Unit or the Secondary Dwelling Unit is occupied by the owner of the lot on which the Secondary Dwelling Unit is located, except for bona fide temporary absences. The approval shall remain valid if disability or infirmity require the institutionalization of the owner.

~~d. Occupancy Restriction.~~ The Secondary Dwelling Unit, or the Primary Dwelling, if the owner chooses to live in the Secondary Dwelling Unit, shall be occupied by a person or persons falling within one or more of the following categories:

~~(1) Immediate Family Member:~~ where a household whose head is a member of the owner's immediate family, which shall be defined as parents, grandparents, children, grandchildren, sisters, brothers, and equivalent in-laws.

~~(2) Low Income Household (incomes less than 80 percent of the median income for the City), as determined by the United States Department of Housing and Urban Development (HUD). The rent level will be no more than the Fair Market Rent levels for the City as determined and adjusted from time to time by HUD, and the owner shall give priority for occupancy to households referred by the Santa Barbara Housing Authority. If the unit is rented or leased to households not referred by the Housing Authority, the income level of the renter selected must be certified by the Housing Authority as to eligibility and this certification must be submitted to the Community Development Director. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. The rent level for such low income renters shall not exceed one twelfth (1/12) of thirty percent (30%) of the certified income of the renter. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and the name and income level of the lessee/renter.~~

~~(3) Moderate income households (incomes between 81 and 120 percent of the median income of the City), if the owner chooses not to rent to a~~

Comment [ald10]: This sentence replaces the prior subsections a-g, which is simpler and then won't have any inherent conflicts with State law, should it change.

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~~family member and a sworn declaration supported by written documentation, such as loan documents, setting forth the financial reasons why the unit will not be rented to a low-income household is submitted to the City. Generally, the only acceptable financial reason would be that higher rent is required in order to meet the carrying costs of new construction. The rent levels will be not more than one-twelfth (1/12) of thirty percent (30%) of the median income for a family of four in the City adjusted for household/unit size.~~

~~Prior to the rental or leasing of the unit, the income level of the household shall be certified by the Housing Authority. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and name and income of the lessee/renter.~~

~~e. **Unit Removal.** The approval and any conditions imposed by said permit shall lapse upon removal of the Secondary Dwelling Unit.~~

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~~f. **Inhabitant Limitation.** There shall be no more than two (2) inhabitants in the Secondary Dwelling Unit.~~

~~g. **Declarations Binding.** The above declarations are binding upon any successors in ownership of the property; any lack of compliance may result in code enforcement actions including, but not limited to fines and may also require that the Property be redesigned and possibly reconstructed in order to eliminate the Secondary Dwelling Unit and reestablish one single family dwelling unit.~~

~~**Restrictions Recorded.** The above restrictions for Secondary Dwelling Units shall be controlled by means of a recorded affordability covenant secured by a deed of trust and executed by owner and the City to assure compliance over the lifetime of the Secondary Dwelling Unit.~~

14. ~~[include for senior housing projects]~~**Senior Housing Restrictions.** The Real Property may only be used for residential uses by elderly or senior persons who are sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").

15. ~~[include for senior housing projects]~~**Required Redesign if Senior Housing Not Used.** In the event that the Real Property, or any portion thereof, is not or cannot be used solely for senior housing, the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect.

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16. [include for projects not on sewer] ~~(Cliff Drive)~~ **Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in (Cliff Drive or other street) at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
17. [include for projects adjacent to creeks] **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the area, which drains directly into Creek.
18. [For coastal bluff properties] **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and 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 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.
19. [For properties with landslides & other geological hazards] **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, 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 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.
20. [Use when required by MND or EIR, or when appropriate for/proportional to a parking modification; modify/delete specific conditions as appropriate.] **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Owner shall be responsible for insuring that all tenants comply with the provisions of the approved Transportation Demand Management (TDM) Plan.

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- a. **TDM Administrator.** The Owner shall appoint a TDM Administrator responsible for the alternative mode incentives. The TDM Administrator shall contract with Traffic Solutions or successor agency for training and assistance in administrating their program. (The TDM Administrator shall provide an annual report to the Community Development Director and the Transportation Manager illustrating the number of users, describing the marketing techniques and program results, including successes and failures.)
- b. **Carpool Parking Spaces.** A minimum of preferential parking spaces for carpools shall be designated by "Carpool Permit Parking Only" signs. Carpool permits shall be issued to those employees who arrive at the Real Property with two (2) or more persons in the car, four (4) or more times per week, except for part-time employees who are eligible if they carpool every day that they work.
- c. **Shared Vehicle Spaces.** A minimum of preferential parking spaces for vehicles shared by the occupants of the project shall be designated.
- d. **Bus Passes.** The Owner and/or all employers shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired. A copy of the ~~contract~~ any agreements/correspondence with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project.
- e. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
- f. **Shower and Locker Facilities.** Male and female employee shower and locker facilities shall be provided and maintained as approved by the ~~Public Works Director~~ Transportation Manager. The showers shall be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired.
- g. **Ride-Sharing Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by Traffic Solutions or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
- h. **Employee Lunch Room.** A square foot employee lunchroom shall be provided in the building, including the following amenities: (refrigerator, microwave oven, sink, food preparation area, tables and chairs).

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- i. **Bicycle Parking.** bicycle parking spaces shall be provided, including covered spaces, and bicycle lockers.
- j. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
- k. **Company Vehicle.** The Owner shall provide a company vehicle(s) for employees who use alternative transportation to run errands.

21. [Use for hotel projects and applicable commercial projects] **Visitor Information Program.** A Visitor Information Program shall be prepared and implemented, subject to review and approval by the ~~Public Works Director~~ Transportation Manager. The program shall include, but not be limited to:

- a. Provide links to alternative transportation sites on the company website.
- b. Provide mail information to visitors (prior to them coming) regarding alternative transportation available in Santa Barbara.
- ~~e. Provide shuttle service to and from rail and regional bus services.~~
- c. A means of providing train, bus and airline schedules and maps to prospective hotel guests.
- d. A means of providing hotel guests with information on alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. Explicit notice of the free passes shall be provided to hotel guests upon arrival, and these passes shall be available to any guests who request them.
- e. Advertisement for and solicitation of meetings and other events which includes explanation of the City's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
- f. A means of coordinating special events with the City so that appropriate traffic controls, rerouting, and timing of events can be achieved.
- g. Free shuttle service to and from the airport, train depot, bus depot and other hotels shall be provided.
- h. Bike rentals shall be made available to hotel guests.

Comment [ald11]: Captured in g below
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~~22. Shuttle Bus Passes.~~ The Owner shall contact Metropolitan Transit District (MTD) to purchase shuttle bus passes or their equivalent for their hotel guests. These passes shall be provided free of charge to hotel guests to encourage shuttle bus usage. Explicit notice of the free passes shall be provided to hotel guests upon arrival. A

Comment [ald12]: Captured in d above.
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SECTION C: RECORDED CONDITIONS AGREEMENT

~~copy of the contract with MTD shall be submitted annually along with the TDM Administrator's report to the Community Development Director and the Transportation Manager~~

22. ~~[use for hotel projects]~~ **Recyclable Material Use and Collection.** Hotel and restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
23. ~~[use for restaurant projects]~~ **Recyclable Material Use and Collection.** Hotel and restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable material (and green waste) collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
24. ~~[Use for projects with cooking facilities (e.g. restaurants, hotels, supermarkets), industrial, automotive]~~ **BMP Training.** ~~Employee training shall be provided on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.~~
25. ~~[Include for projects that require off-site parking]~~ **Off-Site Parking Agreement.** The Owner shall provide off-site parking to meet the (required parking) (generated parking demand), as determined by the ~~Public Works Director~~ Transportation Manager and Community Development Director. ~~If the parking demand is not met, the project shall be returned to the (Planning Commission)(Staff Hearing Officer) for further review and consideration. Said~~ The agreement shall be prepared consistent-comply with the provisions outlined in Santa Barbara Municipal Code Subsection 28.90.001.18, and is subject to review and approval by the City Attorney.
26. ~~[Include for projects that include a parking modification]~~ **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
27. ~~[Include for projects that have an HOA]~~ **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a

SECTION C: RECORDED CONDITIONS AGREEMENT

reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the (condominium units) (parcels).
- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
- c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
- d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- e. ~~[for use in commercial and mixed-use condo projects]~~ **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- 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.

D. ~~[always include]~~ **Public Works Submittal Prior to Parcel / 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 Parcel / Final Map and prior to the issuance of any permits for the project except a demolition or other appropriate (as determined by City staff) permit for work in anticipation of primary project improvements ~~[we'd add this exception when there is existing development to be demolished]:~~

Comment [ald13]: Added to allow flexibility when necessary, similar to section C above.

SECTION D: PW SUBMITTAL FOR MAP APPROVAL

1. [always include] **Parcel / Final Map.** The Owner shall submit to the Public Works Department for approval, a Parcel / Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel / Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. [always include, unless PW says not necessary] **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. All street purposes along Street in order to establish a -foot wide public right-of-way.
 - b. A -foot wide easement for (storm drainage) (sanitary sewer) (water) purposes for () (as shown on the approved Tentative Subdivision Map).
 - c. A(n) -foot wide access for (non-motorized access) (vehicles/pedestrians).
 - d. Hiking and/or riding trail, subject to approval by the Parks and Recreation Department and the Public Works Department.
 - e. A reciprocal access easement (feet in width) for (vehicles, pedestrians) on APN - - , in favor of APN - -
3. [Include if project requires water/sanitary service from an outside agency] **Can and Will Serve Letters.** Obtain a "can and will serve" letter from (Montecito Water District)(Goleta Water District)(Goleta Sanitary District).
4. [always include] **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 prepares said agreement for the Owner's signature.
5. [include for projects that include private covenants (refer Recorded Conditions section)] **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Parcel/Final Map.

~~[include for projects with private/shared roads/driveways] **Maintenance Agreement Required.** [The Owner shall submit an executed *Agreement for Maintenance* of the proposed private (road) (driveways) subject to the review and approval of the Public Works Director and City Attorney.~~

Comment [ald14]: Moved to CDD Requirements prior to Permit Issuance (Section F.2).

6. [always include] ~~(**Drainage Calculations**) (**Hydrology Report**).~~ **Drainage and Water Quality.** The project is required to comply with Tier of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit (drainage calculations) (a hydrology report) (worksheets from the Storm Water

Comment [ald15]: This condition was merged with the previous Drainage and Water Quality condition below, and the more generic heading was used.

Comment [ald16]: Added to clearly reflect new SWMP provisions.

SECTION D: PW SUBMITTAL FOR MAP APPROVAL

~~BMP Guidance Manual for Post Construction Practices) 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, comply with the City's Storm Water Management Plan.~~

Comment [ald17]: Specific requirement was deleted to reference compliance with SWMP instead. Details will have been worked out through the DART process.

~~**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 facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (such as including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), 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.~~

Comment [ald18]: Specific requirement was deleted to reference compliance with SWMP instead. Details will have been worked out through the DART process.

Comment [ald19]: This is already included as a Recorded Condition, so no need to re-state here.

~~(This paragraph will be added only when mechanical pollutant interceptors are proposed as part of the project. The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.~~

- 7. ~~[include if public improvements are required -- PW to customize to project] (Street Name) Public Improvements Plans.~~ The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Street/Avenue. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: linear feet of sidewalk, driveway apron modified to meet Title 24 requirements with a maximum width of , linear feet of curbs, and gutters, (list type of) access ramp(s), asphalt concrete, or concrete pavement on aggregate base, or crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, underground service utilities, connection to and/or relocation or extension of (City)(private) water and sewer mains and utilities, installation of new residential/commercial fire hydrant(s), public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe or connection to existing City or County storm drain, curb drain outlets, slot/trench drain, drop inlet, off-site

Comment [ald20]: Previously identified in the Requirements Prior to C of O. This is a more appropriate location.

SECTION D: PW SUBMITTAL FOR MAP APPROVAL

detention, erosion protection, identifying (provide off-site storm water BMP plan), etc.), supply and install _____ (residential) (commercial) City standard Dome Style (or other) street light(s), style to be determined by the Public Works Department and the appropriate design review board, coordinate with City Public Works staff and Edison to retire light standard on from existing utility pole, preserve and/or reset survey monuments, protect and relocate existing and contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, off-site biofilter/swale sized per drainage calculations, relocation of the MTD (bus stop)(red curb)(bench)(pole)(sign) on _____ Street/Avenue, _____ new street trees and tree grates per approval of the City Arborist Parks and Recreation Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

Comment [ald21]: Standards have already been determined by PW and design boards.

Comment [ald22]: Were previously called out as separate conditions

Comment [ald23]: Was previously called out as a separate condition.

8. [always include] **Land Development Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a registered civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.

9. [include if applicable] **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or (easements) shall be obtained by the Owner.

9. **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.

Comment [ald24]: Moved into Public Improvements condition (D.8)

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10. **Relocation of MTD Fixtures.** Relocation of the MTD (bus stop) (red curb) (bench) (pole) (sign) on _____ Street, as determined by the Public Works Director and MTD.

Comment [ald25]: Moved into Public Improvements condition (D.8)

11. **Off-Site Parking Agreement Required.** Submit an off-site parking agreement to provide off-site parking to meet the (generated) parking demand, as determined by the Public Works Director. The agreement shall comply with the provisions of Subsection 28.90.001.18 of the Santa Barbara Municipal Code and is subject to review and approval by the City Attorney.

Comment [ald26]: Moved to CDD Requirements Prior to Permit Issuance.

11. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$ _____ to the Community Development Department.

Comment [ald27]: Moved to Prior to Issuance of Permits section

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E. [almost always required] **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR) / Historic Landmarks Commission (HLC) / Single Family Design Board (SFDB). ABR / HLC / SFDB shall not grant preliminary project design approval of the project until the following Planning Commission / Staff Hearing Officer land use conditions have been satisfied.

Comment [ald28]: Official new terminology

SECTION E: DESIGN REVIEW

[Unless written as "study" or "consider," these conditions have the same weight as all other PC/SHO conditions and cannot be overturned by the design review boards without a substantial conformance determination.]

1. [include if there are trees on-site; check to be sure it doesn't conflict with other tree replacement conditions below] **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum (24-inch box sized) (15 gallon size) tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.

2. [include for projects where street/front setback trees are being removed] **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of _____ (trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) in the front yard setback) (street tree(s)).

Comment [ald29]: Moved from CDD requirements for Permit section.

3. [include if there are trees to be relocated] **Tree Relocation.** The existing tree(s) shall be relocated on the Real Property and shall be fenced and protected during construction and shall be fenced and protected during construction. [refer to Arborist's Report, if applicable]

Comment [ald30]: Moved from Construction Implementation section.

Comment [ald31]: Addressed in construction requirements in 4.c below.

4. [include if there are trees on-site] **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measures, intended to minimize impacts on trees:

a. **Tree Protection.** All trees not indicated for removal on the approved Tentative Subdivision Map / site plan / landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval, as follows:

Comment [ald32]: Moved from Construction Implementation section.

b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the ABR / HLC / SFDB.

c. [include if there are oak trees on-site] **Oak Trees Protection Measures.** The following additional provisions shall apply to existing oak trees on site:

(1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)) (Single Family Design Board (SFDB)). No irrigation system shall be installed within three feet of under the dripline of any oak tree.

Comment [ald33]: Captured in 4.b above.

(2) 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 (three to one (3:1)) (five to one (5:1)) (ten to one (10:1)) ratio, at a

SECTION E: DESIGN REVIEW

minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.

~~(3) During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.~~

Comment [ald34]: Captured in 4.c above

~~(4) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the _____.~~
Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

Comment [ald35]: Captured in 4.c above

(3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.

Comment [ald36]: Captured in 4.c above

(4) 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.

Comment [ald37]: Moved from Construction Implementation section

d. ~~[include if there is an Arborist's Report or Tree Protection Plan]~~ **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations/conditions contained in the arborist's report / Tree Protection Plan prepared by _____, dated _____, shall be implemented. [if there are discrepancies between the tree protection measures listed above and the arborist report/TPP, delete the tree protection measures above in favor of the more specific measures in the Arborist Report/TPP]

e. **During Construction, Grading Plan Notes.** Notes on the grading plan that specify the following:

Comment [ald38]: Moved from Construction Implementation section.

(1) No grading shall occur within three feet of the dripline(s) of the existing tree(s), [add the following if necessary/appropriate] except as indicated on the grading / site plan for construction of the _____.

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

SECTION E: DESIGN REVIEW

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

- (2) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
- (3) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- (4) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
- (5) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.

5. [include if there is a bluff or steep slope] **Appropriate Plants on (Bluff)(Steep Slope).** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the (bluff)(steep slope) and sloped areas. All existing succulent plants that add weight to the (bluff)(steep slope) 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.

6. [include if there is a bluff or steep slope] **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. W and watering of vegetation on the (bluff edge)(steep slope) shall be kept to the minimum necessary for plant survival. The drip system along the (bluff edge)(steep slope) shall be removed after one full season of plant growth.

7. [include if screening is needed/desired] **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to (buffer the parking area from) (screen the).

~~8. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.~~

Comment [ald39]: The intent of this condition was addressed in the Zoning Ordinance update that required the provision of common open area (15'x15') for multi-family developments, even if you used the private outdoor living space calculation.

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8. [include if adequate pathways are not provided] **Pedestrian Pathway.** To improve pedestrian friendliness, a separate pedestrian pathway shall be provided (along the driveway) (to the units at the rear of the property) from the sidewalk using a different (paving) (walkway) material to improve pedestrian friendliness.

Comment [ald40]: This is addressed through the design review process. Doesn't need to be a standard condition.

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~~10. **Minimize Visual Effects of Paving.** (Textured or colored pavement shall be used in paved areas of the project) (Landscaping/ribbon driveway shall be provided) to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.~~

~~11. **Crime Analyst Plan Review.** The Developer shall meet with the City Police Department Crime Analyst prior to Preliminary Approval to determine how lighting, locking mechanisms, egress, and fencing can be designed and installed to~~

Comment [ald41]: The PD no longer has a crime analyst.

SECTION E: DESIGN REVIEW

reduce the potential number of calls for police service from occupants of the Real Property.

9. [~~almost always required (e.g. commercial, three-story, spas, pools, solar panels)~~] **Screened Check Valve/Backflow Device.** The ~~check valve or anti-backflow~~ devices for fire sprinklers, ~~pools, spas, solar panels~~ and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR / HLC / SFDB.

- ~~13. **Permeable Paving.** Incorporate a permeable paving system for the (project driveway(s)) (walkway(s)) (parking area(s)) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.~~

Comment [ald42]: With SWMP, this typically gets addressed during DART. Also, the condition often had little effect because of Fire Dept or PW compaction/weight standards.

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10. [~~include when required by NPO~~] **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green ~~Two/Three-Star level requirement or equivalent Standards and strive to meet the Three-Star Standards.~~ [~~Only included if applicant proposing or condition added by SHO/PC.~~]

Comment [ald43]: Moved from Requirements for Permit Application. Revised to reflect current NPO language.

11. [~~Required for multiple buildings/suites on a single property~~] **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Design Review Approval.

Comment [ald44]: Moved from prior Building Permit Plans section.

12. [~~include for all projects except single-family~~] **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Comment [ald45]: Moved from Building Permit Plan Requirements.

~~[Add for commercial and multi-family projects] Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.~~

Comment [ald46]: Fire Code requirement, no need to include.

13. [~~include if we want the building/site landmarked/designated~~] **(Landmark)(Structure of Merit) Designation.** Owner shall submit an application to the Historic Landmarks Commission for designation of the building as a City (Landmark)(Structure of Merit) and shall waive their right to object to such designation. Such designation determination shall be completed prior to Preliminary Project Design Approval of the project.

- F. [~~always required~~] **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following for review and approval by the Department listed below to the Public Works Department for review and approval, prior to the issuance of any Building Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the

Comment [ald47]: PW and CDD reqts were merged into one section.

SECTION F.1: PW RQTS PRIOR TO PERMIT ISSUANCE

~~department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.~~

1. ~~[always required]~~ **Public Works Department.**

~~a. Recordation of (Parcel/Final Map, Voluntary Merger, Lot Line Adjustment) Agreements. After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department (prior to issuance of building permits for individual parcels).~~

a. ~~[always required]~~ **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Public Improvement Plans as identified in condition D.7 "(Street Name) Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved completed public improvement plans, a Public Works Building permit shall ~~may~~ be issued concurrently with a Building Permit if the Owner has bonded for public improvements and executed the Agreement for Land Development Improvements.

~~c. Conceptual Public Improvement Plans. Upon acceptance of the conceptual (30%) public improvement plans, the Building Permit may be issued (or, subject to approval of the Public Works Department, in consultation with the Community Development Department, the applicant may bond for public improvements and provide assurances that said improvements will be completed prior to Certificate of Occupancy for any construction associated with the project).~~

~~[Approved Public Improvement Plans are required for condo projects. Either option may be considered for single family subdivisions.]~~

~~2. Voluntary Lot Merger Required. The Real Property known as APN _____ and APN _____ shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.~~

b. ~~[Only use if LLA must record prior to Map (e.g. if they need to do private improvements where there are conflicts with existing lot lines)]~~ **Lot Line Adjustment Required.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof or /Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject said Agreement or/Declaration for the subject properties, and shall be recorded in the Office of the County Recorder.

~~3. Solid Waste Management Plan. Owner shall submit a solid waste management plan that identifies feasible measures to address the construction and operation of the~~

Comment [ald48]: Because the conditions now acknowledge (in Order of Development section) that there may be permits for e.g. demolition issued before recordation of the Map, or before project construction, this sentence was added.

Comment [ald49]: Added to be clear that we also have standard submittal requirements

Comment [ald50]: Moved to CDD section (F.2) below.

Comment [ald51]: This condition was changed to more accurately reflect our standard procedure.

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Comment [ald52]: Deleted because this would happen automatically as part of the Final Map.

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Comment [ald53]: This is a mitigation measure required if there are significant solid waste impacts. Not appropriate as a standard condition of approval.

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SECTION F.1: PW RQTS PRIOR TO PERMIT ISSUANCE

~~parking lot, bicycle station and office uses which may include, but are not limited to, the following:~~

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

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

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

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

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

~~f. Implementation of a composting landscape waste reduction program.~~

c. ~~[Required for projects that include grading or lots of construction traffic]~~ **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish ~~the~~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. ~~The Haul Routes, shall be approved by the Transportation Manager.~~

Comment [ald54]: Moved from Construction Implementation Requirements.

d. ~~[Usually required]~~ **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). ~~The purpose of this condition is in order to help reduce truck traffic on adjacent streets and roadways.~~

Comment [ald55]: Moved from Construction Implementation Requirements.

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

Comment [ald56]: Deleted because this is a standard PW requirement as part of the construction project.

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e. ~~[include for projects with private roads]~~ **(Private Road)(Driveway) Improvements.** The proposed (private road) (driveway) shall be constructed to the same standards as public roads, as provided outlined in the Subdivision Design and Improvement Standards 1975 Interim Design and Improvement Standards, the DRAFT Engineering Design Guidelines, and as approved by the Public Works Director.

Comment [ald57]: We don't have standards for driveways, beyond SBMC rqts

Comment [ald58]: Moved from former Building Permit Plans section.

SECTION F.1: PW RQTS PRIOR TO PERMIT ISSUANCE

f. [Only include here if signage is on private property; if in right-of-way, info should be in Public Improvements condition] **Vehicle Access.** Vehicles (exiting) (entering) (to) (from) Street shall be restricted to turns only, and a (NO LEFT TURN) (NO RIGHT TURN) sign shall be posted and maintained on-site advising motorists of this restriction and shall be shown on the approved plans.

Comment [ald59]: Moved from former Building Permit Plans section.

g. [Only include here if signage is on private property; if in right-of-way, info should be in Public Improvements condition] **Stop Sign.** A "STOP" sign shall be installed at and shown on the approved plans.

Comment [ald60]: Moved from former Building Permit Plans section.

h. [include for projects with additional bike parking] **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, bicycle parking spaces shall be provided, including covered spaces and bicycle lockers. Their size and location shall be approved by the Transportation Manager.

Comment [ald61]: Moved from former Building Permit Plans section.

~~4. Shower and Locker Facilities.~~ Male and female employee shower and locker facilities shall be provided. These facilities should be located close to employee bicycle storage and/or employee office areas, and are subject to review and approval by the Public Works Director/Transportation Manager.

Comment [ald62]: Contained in Recorded Conditions section under Transportation Demand Management.

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

Comment [ald63]: Merged with PW requirements Prior to Permit Issuance.

a. [always required] ~~Recordation of (Parcel / Final Map, Voluntary Merger, Lot Line Adjustment) and Agreements.~~ After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the ~~Public Works~~Community Development Department (prior to issuance of building permits for individual parcels).

Comment [ald64]: Moved from PW section (F.1) above.

b. [Required for residential or mixed-use projects if inclusionary units are not built. Include this condition here if the project involves construction of 5 or more units; if the project involves construction of 4 or fewer units, move this condition into the Prior to Occupancy section; if the project doesn't include construction of units, move this condition to the "PW Submittal Prior to Map Approval" section] **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$ to the Community Development Department.

Comment [ald65]: Moved from Prior to Map Approval section (section D).

c. [Only use when project has an MND or EIR] **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner independent consultant, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). Both the qualified independent consultant (PEC) and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

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:

- (1) The frequency and/or schedule of the monitoring of the mitigation measures.
- (2) A method for monitoring the mitigation measures.
- (3) A list of reporting procedures, including the responsible party, and frequency.
- (4) A list of other monitors to be hired, if applicable, and their qualifications.
- (5) Submittal of (weekly) (biweekly) (monthly) reports during demolition, excavation, grading and footing installation and (biweekly) (monthly) reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
- (6) Submittal of a Final Mitigation Monitoring Report.
- (7) 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.

Comment [ald66]: Always required prior to Occupancy. Now listed here to ensure it's contained in the PEC contract.

- d. [The following condition is for any site with suspected, but not confirmed, subsurface resources where site monitoring is required] **Archaeological Monitoring Contract.** ~~Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase Archaeological Resources Report prepared for this site by , dated . The contract shall be subject to the review and approval of the Planning Division Environmental Analyst.~~

The archaeologist's monitoring contract shall include the following provisions identified in condition F.2.d "Requirement for Archaeological Resources" below. ~~If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash~~

Comment [ald67]: Rather than listing this information twice, we're now referencing the required information. Also, the "Requirement for Archaeological Resources" condition was moved to be immediately below this condition for easier reference.

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

~~representative from the most current City Qualified Barbareño Chumash Site Monitors List, preparation of further site studies and/or mitigation.~~

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

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

- e. [The following condition is required for any project where site monitoring is required.] **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans (site plan if no grading plan):

Comment [ald68]: Moved from former Building Plan Requirement section.

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

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

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

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

~~6. Park Commission Tree Removal Approval. Submit to the Planning Division verification of approval from the Park Commission for the removal of _____ (trees (with a trunk diameter greater than four (4) inches at a point twenty four (24) inches above the ground) in the front yard setback) (street tree(s)).~~

Comment [aid69]: Moved to Design review section.

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f. ~~[Include if project requires Arborist monitoring]~~ **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work (within the dripline of all _____ trees) (within _____ feet of all _____ trees) 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.

~~b. Geology Report. Submit to the Building and Safety Division a geology report prepared by a licensed engineer or geologist for _____ and implement the recommendations outlined in the report. [When required by ND or EIR only]~~

Comment [aid70]: Code requirement, no need to include as a condition of approval.

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~~e. Soils Report. Submit to the Building and Safety Division a soils report _____ and implement the recommendations outlined in the report. [When required by ND or EIR only]~~

Comment [aid71]: Code requirement, no need to include as a condition of approval.

~~d. Structural Engineering Report. Submit to the Building and Safety Division a structural engineering report, prepared by a structural engineer, as required by the Building Official for _____ and implement the recommendations outlined in the report. [When required by ND or EIR only]~~

Comment [aid72]: Code requirement, no need to include as a condition of approval.

g. [Only required for large projects that include pile driving and/or many large construction-related trucks and/or are close to important historic resources] **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within (100)(200)(300) feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within (100)(200)(300) feet of the project site property line and more than (20)(30)(50) years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey shall be prepared. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

Comment [ald73]: Private matter.

7. ~~Green Building Techniques Required.~~ Owner shall design the project to meet Santa Barbara Built Green Two Star Standards and strive to meet the Three Star Standards. ~~[Only included if applicant proposing or condition added by SHO/PC.]~~

Comment [ald74]: Moved to Design Review section.

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h. ~~[Include if project includes affordable units.]~~ **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:

~~[For Ownership Units:]~~ **Initial Sale Price and Resale Restrictions.** ~~Initial sale price and resale restrictions shall be as identified in condition C.8 "Ownership Unit Affordability Restrictions."~~ The dwelling units designated as units number _____ and _____ on the Tentative Subdivision Map shall be designated as Affordable (Middle) (Upper-Middle) Income Units and sold only to households who, at the time of their purchase, qualify as (Middle) (Upper-Middle) Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Comment [ald75]: Referencing back to listed restrictions rather than re-stating. This makes conditions shorter and also eliminates the potential for inconsistencies (e.g. typos) between the two conditions.

~~(1) Units No. _____ (2-bedroom units) = (\$271,800) (\$376,400)~~

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~~(2) Units No. _____ (3-bedroom units) = (\$324,200) (\$446,300)~~

~~(3) [Repeat the above paragraph for each affordability category]~~

~~(4) **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.~~

~~[For Rental Housing or secondary dwelling unit]~~ **Affordability Conditions.** Owner shall sign and cause to be recorded against the Property an affordability control covenant, in a form approved by the City Attorney, which requires compliance with the requirements for low income rental units as specified in the City's Affordable Housing Policies and Procedures, with rents targeted as follows:

Comment [ald76]: Although it's unlikely we'd have rental affordability conditions, this condition was left in in case there's a secondary dwelling unit that requires restrictions.

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- (1) For X of the units, the target income percentage shall be eighty percent (80%).
 - (2) For the remaining X units, the target income percentage shall be fifty percent (50%). For these units, HUD housing choice vouchers may be used and the rents shall not exceed the HUD exception rents, and the tenant's share of the rent shall not exceed rents based on a target income percentage of fifty percent (50%).
 - (3) The covenant shall require that the Property be owned by a not-for-profit public benefit corporation, and shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. [If these Conditions restrict the number of motor vehicles that may be owned by the residents, the Covenant shall also contain these restrictions]. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.
- i. [Required if project displaces tenant(s) and documentation hasn't already been received] **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- e. ~~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 300 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 Contractor(s), 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 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.
- j. [Use when project is big and/or has a very long or noisy construction period] **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 for review and approval.
- k. [Use when project is big and/or has a very long or noisy construction period] **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition G.1

Comment [ald77]: Moved to Construction Implementation section
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Comment [ald78]: Allows staff to review the notice and labels prior to issuance of permit. Much of this language was previously in condition G.1, but that was too late for staff to have any "hook" to actually receive it.

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

"Neighborhood Notification Prior to Construction" below. 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.

- l. [Required if project requires a Pre-Construction conference (see Construction Implementation conditions below)] **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition G.2 "Pre-Construction Conference" 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 Archaeologist, the Architect, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator), the Contractor and each subcontractor.
- m. [Include for projects that require off-site parking] **Evidence of Off-Site Parking Agreement Recordation.** Evidence shall be provided to the Community Development Director that the Off-Site Parking Agreement required in Section C "Recorded Conditions Agreement" has been recorded.
- n. [Include for projects with private/shared roads/driveways] **Private Road / Driveway Maintenance Agreement Required.** The Owner shall submit an executed a copy of the draft *Agreement for Shared Maintenance* of the proposed private (road) (driveway). Said Agreement is subject to the review and approval of the Public Works Community Development Director and City Attorney.
- o. [required if there are potential "ducks"] **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to assure that the residence shall remain a single family residence/the unit shall remain a **-bedroom unit.
- p. [For projects where the modification is only supported because it's a re-use / change of use of an existing structure and if the building must be demolished due to structural problems, the _____ should be built to comply with setback standards.] **Structural Exploration for Modification.** The Owner shall provide Staff with a report, prepared by a Structural Engineer that includes review of the grading plan and offers recommendations and conclusions on whether the existing building can be re-used as proposed.

Comment [ald79]: References condition rather than re-stating it.

Comment [ald80]: Contained in condition G.2.

Comment [ald81]: Moved from "Prior to Map Approval" section (Section D).

Comment [ald82]: Added for projects where we're only supporting the Modification because it's an existing structure.

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

An exploratory demolition permit would be issued to allow the preparation of the report. If the building cannot be re-used, the front / interior setback Modification becomes null and void. Despite the report described above, if the building is demolished beyond what is shown on the plans, the construction of the _____ shall be halted, and the front / interior setback Modification becomes null and void.

~~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:~~

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Comment [ald83]: This former section was merged into Requirements prior to Permit Issuance section.

q. [include if design review is required] **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the ~~(Architectural Board of Review) (Historic Landmarks Commission)(Single Family Design Board)~~ appropriate design review board and as outlined in Section E "Design Review," above and all elements/specifications shall be implemented on-site.

Comment [ald84]: Modified to be more generic and therefore simpler.

r. [Required if project includes an MND or EIR] **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the (Mitigated Negative Declaration) (Environmental Impact Report) for the project.

~~8. [The following condition should be standard for any project that does not require monitoring] **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:~~

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Comment [ald85]: Moved to section F.2 - CDD Rqts Prior to Permit Issuance.

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

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

~~If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño-Chumash representative from the most current City Qualified Barbareño-Chumash Site Monitors List shall be retained to monitor all~~

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

~~a. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition ***, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.~~

Comment [ald86]: Addressed in condition D.7 Drainage and Water Quality.
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s. [Rarely required, check DART letter] **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.

~~9. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.~~

Comment [ald87]: Moved to Design Review section.
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[Add for commercial and multi-family projects] Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

~~10. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall provide sufficient and appropriate recycling receptacles in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.~~

Comment [ald88]: Already in Recorded Conditions section.
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~~11. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, bicycle parking spaces shall be provided, including covered spaces and bicycle lockers.~~

Comment [ald89]: Moved to PW Requirements Prior to Permit Issuance (section F.1).

t. [usually for single family residences with no on-street parking available; only include here if units are being built as part of the project] **Guest Parking.** guest parking space(s) shall be provided on each proposed lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. (Their) (Its) size and location shall be determined by the Public

SECTION F.2: CDD RQTS PRIOR TO PERMIT ISSUANCE

Works Director/Transportation Manager and approved by the Community Development Director.

12. ~~Vehicle Access.~~ Vehicles (exiting) (entering) (to) (from) _____ Street shall be restricted to _____ turns only, and a (NO LEFT TURN) (NO RIGHT TURN) sign shall be posted and maintained on-site advising motorists of this restriction.

13. ~~Stop Sign.~~ A "STOP" sign shall be installed at _____.

a. ~~Street/Traffic Control Sign.~~ The Owner must (relocate) (furnish and install) the (street name) (and traffic control) sign(s) to Public Works Department construction standards.

b. ~~[Required for multiple buildings/suites on a single property] Project Directory.~~ A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

14. ~~(Private Road/Driveway) Improvements.~~ The proposed (private road) (driveway) shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.

u. [always required] **Conditions on Plans/Signatures.** The final Planning Commission / Staff Hearing Officer / City Council 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). [include previous two sentences if there are lots of conditions or complicated conditions] 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.

Comment [ald90]: To ensure proposed location complies with setback requirements.

Comment [ald91]: Moved to PW Requirements Prior to Permit Issuance (section F.1).

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Comment [ald92]: Moved to PW Requirements Prior to Permit Issuance (section F.1).

Comment [ald93]: Incorporated into Public Improvement Plan condition (section D)

Comment [ald94]: Moved to Design Review section.

Comment [ald95]: Moved to PW Requirements Prior to Permit Issuance (section F.1).

Please cut and paste from this menu to a template available on the computer for PC & SHG Conditions of Approval. After first page, double click on header to insert project address. THESE INSTRUCTIONS WILL NOT PRINT.

G. [Required for any project with construction] **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, including demolition and grading. ~~(Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)~~ [Only required for major projects and in very rare cases.]

Comment [ald96]: We want this onus to be on applicants, not staff.

1. [Only use when project is big and/or has a very long or noisy construction period.] **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 300 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) Contractor(s), 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 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.~~

Comment [ald97]: Moved from CDD Requirements Prior to Permit Issuance (F.2 above)

2. [Required when project has a lot of construction conditions that you believe warrant coordination/discussion] **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, ~~Community Development Department Building Division, and Planning Divisions,~~ the Property Owner, (Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.

Comment [ald98]: Now covered in F.2 CDD Rqts Prior to Permit Issuance.

~~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.~~

Comment [ald99]: SBMC 7.18 requires use of a certified hauler who takes waste to a certified recycling center. That recycling center must divert 75% or more of the waste received. We'd only apply this condition as a mitigation measure for projects with environmental impacts related to solid waste.

3. [Required for projects with MND/EIR, if project is big and/or has a very long or noisy construction period, or if there are anticipated neighborhood concerns with construction] **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)

EXHIBIT A

SECTION G: CONSTRUCTION IMPLEMENTATION RQTS

(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 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

4. [Required if project frontage has sandstone curb] **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and sent/delivered to the City Corporation Annex Yard on Yanonali Street.
6. ~~Construction-Related Truck Trips.~~ Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
7. ~~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. [If the construction routes are self-evident and/or the project is small, this condition is unnecessary.]
8. ~~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.
9. ~~Traffic Control Plan.~~ All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
5. [Use discretion - always required for big projects, rarely required for individual single-family homes. Keep in mind the SBMC only allows construction from 7am-8pm anyway] **Construction Hours.** Construction (including preparation for construction work) ~~is prohibited~~ shall only be permitted Monday through Friday before between the hours of 7:00 a.m. and after 5:00 p.m.; and all day on Saturdays between the hours of 9:00 a.m. and 4:00 p.m., Sundays and excluding the following holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours, no Saturday construction, depending on project location; also consider special hours for non-noisy construction, e.g. 7-8 a.m.)

Comment [ald100]: Moved to Requirements Prior to Permit Issuance (section F.1)
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Comment [ald101]: Usually for large projects where this would be a mitigation measure.

Comment [ald102]: Moved to Requirements Prior to Permit Issuance (section F.1)

Comment [ald103]: Deleted because this is a standard requirement and doesn't need to be called out in project-specific conditions of approval.

Comment [ald104]: Changed to be easier to read.

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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*

Comment [ald105]: Not widely observed, difficult to enforce.

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night said 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.

6. ~~[always include]~~ **Construction Storage/Staging.** ~~Construction vehicle/equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.~~

Comment [ald106]: The construction parking (see condition G.7 below) and construction storage/staging were separated out because the construction parking condition is only applicable to larger project sites.

7. ~~[Include for large sites]~~ **Construction Parking/Storage/Staging.** ~~Construction parking and vehicle/equipment/materials storage and staging shall be provided as follows: done on-site. No parking or storage shall be allowed within the public right-of-way, unless specifically permitted by the Transportation manager with a Public Works Permit. 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 Public Works Director/Transportation Manager.~~

Comment [ald107]: Captured in new condition G.6 above

~~Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.~~

~~Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.~~

~~a. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager. [Look at potential for night-time construction in the right-of-way,~~

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especially when in the Downtown or other congested areas when impacts to area residents can be minimized.]

12. ~~Water Sprinkling During Grading.~~ The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:

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a. ~~Site grading and transportation of fill materials.~~

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b. ~~Regular water sprinkling, during clearing, grading, earth moving or excavation.~~

c. ~~Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.~~

d. ~~Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.~~

Comment [ald108]: Essentially covered by SBCAPCD per 1979 Air Quality Attainment Plan (AQAP).

e. ~~Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site 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.~~

Comment [ald109]: Covered by SBCAPCD per 1979 AQAP

f. ~~Expeditions 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.

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13. ~~Gravel Pads.~~ Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.

Comment [ald110]: Essentially covered by SBCAPCD per 1979 AQAP

14. ~~Street Sweeping.~~ The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.

Comment [ald111]: This is a standard Erosion and Sediment Control Measure as listed in Building and Safety's "Erosion/Sedimentation Control Policy" condition, and is applicable to any project with a slope <15% and where project area <1 acre. If the project exceeds these amounts, then a Detailed Erosion Control Plan is required prior to Building Permit issuance. Also required by SBCAPCD per 1979 AQAP.

15. ~~Construction Best Management Practices (BMPs).~~ Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

Comment [ald112]: Required in our Erosion/Sedimentation Control Policy and BMPs for minor projects (see Building Div. handouts)

8. [include if project requires an off site parking Agreement in the Recorded Conditions section] [only for projects with MND or EIR] **Mitigation Monitoring Compliance Reports.** The PEC shall submit (weekly) (biweekly) (monthly) reports during demolition, excavation, grading and footing installation and (biweekly) (monthly) reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.

Comment [ald113]: Deleted because it is covered by the Erosion and Sediment Control Measure listed in Building and Safety's "Erosion/Sedimentation Control Policy" condition, which are applicable to any project with a slope <15% and where project area <1 acre. If the project exceeds these amounts, then a Detailed Erosion Control Plan is required prior to Building Permit issuance.

17. ~~Parking Loss Requirements.~~ At least two (2) weeks prior to closure of the parking lot on the Real Property, the Owner shall notify all lot users, in writing, of the closure, and shall inform them of the availability of spaces in the City's commuter parking lots, and offer to pay the commuter parking lot permit cost. A copy of such

Comment [ald114]: Extremely rare, usually a private matter

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~~notification shall be sent to the Community Development Director and Transportation Manager.~~

~~The commuter parking permits may be temporarily or permanently reduced in number or increased back to _____ permits by the City Transportation Division, if necessary, by submitting a letter to the Owner of the Real Property, which states that only a specific number of permits are available, based on the availability of parking in the commuter lots. The City is not obligated to provide permits.~~

~~18. Tree Protection. All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval, as follows:~~

Comment [ald115]: Moved to Design Review section.

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~~a. Grading Plan Notes. Notes on the grading plan that specify the following:~~

Comment [ald116]: Moved to Design Review section.

~~(1) No grading shall occur within three feet of the driplines of the existing tree(s).~~

~~(2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.~~

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~~(3) All excavation within the dripline of the tree(s) shall be done with hand tools.~~

~~(4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.~~

~~(5) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).~~

~~(6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.~~

~~(7) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.~~

~~b. Oak Tree Protection Measures. The following provisions shall apply to existing oak trees on site:~~

Comment [ald117]: Moved to Design Review section.

~~(1) During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.~~

~~(2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the _____. 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~~

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~~within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.~~

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

~~(4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.~~

~~(5) 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.~~

~~e. **Free Relocation.** The existing tree(s) shall be relocated on the Real Property and shall be fenced and protected during construction. [refer to Arborist's Report, if applicable]~~

Comment [ald118]: Moved to Design review section.

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~~d. **Existing Tree Preservation.** The existing tree(s) shown on the approved (Tentative Subdivision Map) (Site Plan) to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.~~

Comment [ald119]: Now addressed in Design Review section

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~~19. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.~~

Comment [ald120]: Very difficult to enforce. Moved to mitigation measures template for use if there are air quality or noise impacts

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~~20. **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.~~

Comment [ald121]: SBMC requirement, no need to include in conditions of approval.

9. [The following condition should be standard for any project that involves ground disturbance (even if a report has been prepared that concludes that there are no known cultural resources - unless an archaeological monitoring contract is required)] **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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-Owner shall retain an archaeologist from the

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most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

H. [always include] **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. [always include] **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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. [always include] **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding, and installation of street trees and street lights, shall be completed.
3. ~~**Cross-Connection Inspection.** The Owner shall request a cross-connection inspection by the Public Works Water Reclamation/Cross-Connection Specialist.~~
4. ~~**Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.~~
5. ~~**Manholes.** Raise all sewer and water manholes on easement to final finished grade.~~

Comment [ald122]: Covered by CA Plumbing Code and SBMC.

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Comment [ald123]: Incorporated into Public Improvement Plans condition (section D)

Comment [ald124]: Captured in Public Improvements conditions.

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3. [include if noise is an issue in MND/EIR or if noise may be inconsistent with GP] **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR) / Historic Landmarks Commission (HLC) / Single Family Design Board (SFDB).
- ~~7. Existing Street Trees.~~ Submit a letter from a qualified arborist verifying that the existing street tree(s) have been properly pruned and trimmed.
4. [For projects with affordable ownership units] **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.

[For projects subject to affordable rental housing restrictions:] **Rental Affordability Provisions Approval.** Obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the of the following: (a) the recorded affordability covenant as approved by the City Attorney, (b) the process for selecting the initial residents of the affordable rental units, (c) the eligibility of the initial residents, and (d) the form of the rental agreement used. For projects with senior occupancy requirements or restrictions on the number of motor vehicles per resident, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the recorded implementing document, which assures compliance with the senior housing restriction and/or the restrictions on the number of motor vehicles owned, used, possessed or stored by residents.
5. [include if project had an archaeological monitor] **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the (Certificate of Occupancy) (Final Inspection), whichever is earlier.
6. [include if project includes new construction and had story poles or similar] **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 1/2 x 11" board and submitted to the Planning Division.

Comment [ald125]: Never used. City is responsible for pruning and trimming street trees. If project construction interfered with that routine work, then the applicant would be contacted, but no way to know ahead of time.

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- 7. [include if project has an MND or EIR with mitigation measures] **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
- 8. [include if project requires on-going biological monitoring] **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.
- 9. [include if project has required private covenants in the Recorded Conditions section] **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section C "Recorded Conditions Agreement" have been recorded.
- 10. [include if project has required maintenance Agreement in the Recorded Conditions section] **Evidence of Private Road / Driveway Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private road / driveway Agreement for Shared Maintenance required in Section F.2 "Requirements Prior to Permit Issuance" has been recorded.

Comment [ald126]: Added because we need to know that this recordation actually occurred.

I. [always include] **General Conditions.**

- 1. [include if there are conditions from a prior project on the site] **Prior Conditions.** These conditions shall supersede / are in addition to the conditions identified in Planning Commission / Staff Hearing Officer Resolution _____.
- 2. [always include] **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
- 3. [always include] **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Comment [ald127]: This new section was added to capture those conditions that didn't have a good home otherwise.

Comment [ald128]: Added to help staff know whether the conditions supersede prior conditions for a project site.

Comment [ald129]: Catch-all to state that applicant is still subject to laws/requirements, even if not specifically stated herein.

Comment [ald130]: For standard dust control measures.

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4. [include if project is not exempt from CEQA] **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,792.25 (current for 2010, need to update thereafter) for projects with Environmental Impact Reports and \$2,010.25 (current for 2010, need to update thereafter) for projects with Negative Declarations. 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. 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. Please note that a filing fee of \$50.00 (current for 2010, need to update thereafter) is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.

Comment [ald131]: Was previously its own section.

5. [always include] **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.

Comment [ald132]: Procedural information for staff and applicant.

Comment [ald133]: Added to ensure this gets paid.

6. [include when existing development needs to be maintained until project begins] **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.

Comment [ald134]: Added to ensure existing development isn't abandoned.

7. [always include] **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.

Comment [ald135]: Was previously its own section.

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 being notified of a lawsuit regarding 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

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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.

[For the following time limit notices, except when a CDP or TSM is involved, use only the approval that is the longest (for example, if the project involves a DPA & a Mod, only include the DPA time limit. Time limits for CDPs & TSMs are set by State law, so they supersede all other approvals. A project with a DPA & TSM should use the TSM notice]

NOTICE OF APPROVAL TIME LIMITS:

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

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

Comment [aid136]: Prior language regarding time limits has been updated to reflect new Ordinance language and to be more clearly written.

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

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

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

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

~~2. A time extension is granted by the Staff Hearing Officer for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.~~

2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

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.~~

The Planning Commission's / Staff Hearing Officer's action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

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

The Planning Commission's / Staff Hearing Officer's action approving the Tentative Map shall expire ~~three (3)~~ two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

(PROJECT ADDRESS)

(DATE)

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

PLANNING COMMISSION / STAFF HEARING OFFICER CONDITIONS OF APPROVAL

TENTATIVE SUBDIVISION MAP TEMPLATE ("A" TRACK)

A. **Order of Development.**

1. Pay Fish and Game fee immediately upon project approval.
2. Obtain all additional land use approvals. Refer to condition B "Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment)."
3. Obtain all required design review approvals.
4. Pay Land Development Team Recovery Fee.
5. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading.
6. Make application and obtain a Public Works Permit (PBW) for all required public improvements as identified in condition D.8 "(Street Name) Public Improvements," and **complete** said improvements.
7. Make application and obtain Building Permit(s) (BLD) for, and complete, the construction of all private improvements required to ensure the lot is ready for subdivision.
8. Make application and obtain City Council approval of the Parcel / Final Map and Agreement(s) and record said documents.
9. Make application and obtain a Building Permit (BLD) for construction of approved development.

B. **Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment) (street setback variance).**

C. **Recorded Conditions Agreement.** ~~Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition or other appropriate (as determined by City staff) building permit for work in anticipation of primary project improvements[we'd add this exception when there is existing development to be demolished].~~ 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 concurrent with the Parcel / Final Map, and shall include the following:

1. **Approved Development.**

2. **Development Rights Restrictions.**
3. **Building Height Restriction.**
4. **Use Limitations.**
5. **Future Development.**
6. **Uninterrupted Water Flow.**
7. **Recreational Vehicle Storage Prohibition.**
8. **Recreational Vehicle Storage Limitation.**
9. **Landscape Plan Compliance.**
10. **(Oak) Tree Protection.**
11. **Storm Water Pollution Control and Drainage Systems Maintenance.**
12. **Ownership Unit Affordability Restrictions.**
13. **Secondary Dwelling Unit Restrictions.**
14. **Senior Housing Restrictions.**
15. **Required Redesign if Senior Housing Not Used.**
16. **Sewer Connection Requirement.**
17. **Pesticide or Fertilizer Usage Near Creeks.**
18. **Coastal Bluff Liability Limitation.**
19. **Geotechnical Liability Limitation.**
20. **Transportation Demand Management.**
 - a. **TDM Administrator.**
 - b. **Carpool Parking Spaces.**
 - c. **Shared Vehicle Spaces.**
 - d. **Bus Passes.**
 - e. **Bus Routes and Schedules Posted.**
 - f. **Shower and Locker Facilities.**
 - g. **Ride-Sharing Program.**
 - h. **Employee Lunch Room.**
 - i. **Bicycle Parking.**
 - j. **Guaranteed Ride Home.**
 - k. **Company Vehicle.**
21. **Visitor Information Program.**
22. **Recyclable Material Use and Collection.**
23. **Recyclable Material Use and Collection.**
24. **BMP Training.**
25. **Off-Site Parking Agreement.**
26. **Residential Permit Parking Program.**
27. **Required Private Covenants, Conditions and Restrictions.**
 - a. **Common Area Maintenance.**
 - b. **Garages Available for Parking.**
 - c. **Landscape Maintenance.**
 - d. **Trash and Recycling.**
 - e. **Gates.**
 - f. **Covenant Enforcement.**

D. **Public Works Submittal For Parcel / 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 Parcel / Final Map ~~except a demolition or other appropriate (as determined by City staff) permit for work in anticipation of primary project improvements:~~

1. **Parcel / Final Map.**
2. **Dedication(s).**
3. **Can and Will Serve Letters.**
4. **Water Rights Assignment Agreement.**
5. **Required Private Covenants.**
6. **Private Road / Driveway Maintenance Agreement.**
7. **Drainage and Water Quality.**
8. **(Street Name) Public Improvements.**
9. **Agreement to Secure Public Improvements.**
10. **Encroachment Permits.**
11. **Inclusionary Housing Fee.**

E. **Design Review.**

1. **Tree Removal and Replacement.**
2. **Parks and Recreation Commission Tree Removal Approval.**
3. **Tree Relocation.**
4. **Tree Protection Measures.**
 - a. **Tree Preservation.**
 - b. **Landscaping Under Trees.**
 - c. **Oak Trees.**
 - d. **Arborist's Report.**
 - e. **During Construction.**
5. **Appropriate Plants on (Bluff)(Steep Slope).**
6. **Irrigation System.**
7. **Landscape Screening.**
8. **Pedestrian Pathway.**
9. **Screened Backflow Device.**
10. **Green Building Techniques Required.**
11. **Project Directory.**
12. **Trash Enclosure Provision.**
13. **(Landmark)(Structure of Merit) Designation.**

F. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits pulled pursuant to condition A.5, or for public improvement permits pulled prior to recordation of the Parcel / Final Map. Please

note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Public Improvement Plans.** Public Improvement Plans as identified in condition D.8 "(Street Name) Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of securities and a Land Development Agreement, a Public Works permit shall be issued.
- b. **Lot Line Adjustment Required.**
- c. **Haul Routes Require Separate Permit.**
- d. **Construction-Related Truck Trips.**
- e. **Vehicle Access.**
- f. **Stop Sign.**
- g. **Private Road Improvements.**
- h. **Bicycle Parking.**

2. **Community Development Department.**

- a. **Project Environmental Coordinator Required.**
- b. **Archaeological Monitoring Contract.**
- c. **Requirement for Archaeological Resources.**
- d. **Arborist's Monitoring.**
- e. **Prepare a Structural Crack Survey and Video Reconnaissance.**
- f. **Recorded Affordability Covenant.**
Initial Sale Price and Resale Restrictions.
Affordability Conditions.
- g. **Tenant Displacement Assistance Ordinance Compliance.**
- h. **Contractor and Subcontractor Notification.**
- i. **Letter of Commitment for Neighborhood Notification Prior to Construction.**
- j. **Letter of Commitment for Pre-Construction Conference.**
- k. **Evidence of Off-Site Parking Agreement Recordation.**
- l. **Zoning Compliance Declaration.**
- m. **Structural Exploration for Modification.**
- n. **Design Review Requirements.**
- o. **Mitigation Monitoring and Reporting Requirement.**
- p. **Emergency Evacuation Plan.**
- q. **Guest Parking.**
- r. **Conditions on Plans/Signatures.**

G. **Construction Implementation Requirements.**

- 1. **Neighborhood Notification Prior to Construction.**
- 2. **Pre-Construction Conference.**

3. **Construction Contact Sign.**
 4. **Sandstone Curb Recycling.**
 5. **Construction Hours.**
 6. **Construction Storage/Staging.**
 7. **Construction Parking**
 8. **Mitigation Monitoring Compliance Reports.**
 9. **Unanticipated Archaeological Resources Contractor Notification.**
- H. Prior to Recordation of the Map. Prior to recordation of the Map, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.**
 2. **Complete Public Improvements.**
 3. **Archaeological Monitoring Report.**
 4. **Mitigation Monitoring Report.**
 5. **Biological Monitoring Contract.**
 6. **Evidence of Private CC&Rs Recordation.**
 7. **Evidence of Private Road / Driveway Maintenance Agreement Recordation.**
- I. **Prior to Certificate of Occupancy.**
1. **Repair Damaged Public Improvements.**
 2. **Noise Measurements.**
 3. **Ownership Affordability Provisions Approval.**
Rental Affordability Provisions Approval.
 4. **Archaeological Monitoring Report.**
 5. **New Construction Photographs.**
 6. **Mitigation Monitoring Report.**
- J. **General Conditions.**
1. **Prior Conditions.**
 2. **Compliance with Requirements.**
 3. **Approval Limitations.**
 4. **California Department of Fish and Game Fees Required.**
 5. **Land Development Team Recovery Fee Required.**
 6. **Site Maintenance.**
 7. **Litigation Indemnification Agreement.**

PLANNING COMMISSION / STAFF HEARING OFFICER CONDITIONS OF APPROVAL

TENTATIVE SUBDIVISION MAP TEMPLATE ("B" TRACK)

A. Order of Development.

1. Pay Fish and Game fee immediately upon project approval.
2. Obtain all additional land use approvals. Refer to condition B "Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment)."
3. Obtain all required design review approvals.
4. Pay Land Development Team Recovery Fee.
5. Obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading.
6. Obtain Building Permit(s) (BLD) for, and complete, the construction of all private improvements required **prior** to approval of the Map[e.g. private road to access new lots].
7. Obtain City Council approval of the Parcel / Final Map and Agreement(s) and record said documents.
8. Permits.
 - a. Obtain a Building Permit (BLD) for construction of approved development.
 - b. Obtain a Public Works Permit (PBW) for all required public improvements.

B. Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment) (street setback variance).

C. Recorded Conditions Agreement.

1. **Approved Development.**
2. **Development Rights Restrictions.**
3. **Building Height Restriction.**
4. **Use Limitations.**
5. **Future Development.**
6. **Uninterrupted Water Flow.**
7. **Recreational Vehicle Storage Prohibition.**
8. **Recreational Vehicle Storage Limitation.**
9. **Landscape Plan Compliance.**
10. **(Oak) Tree Protection.**
11. **Storm Water Pollution Control and Drainage Systems Maintenance.**
12. **Ownership Unit Affordability Restrictions.**

13. **Secondary Dwelling Unit Restrictions.**
14. **Senior Housing Restrictions.**
15. **Required Redesign if Senior Housing Not Used.**
16. **Sewer Connection Requirement.**
17. **Pesticide or Fertilizer Usage Near Creeks.**
18. **Coastal Bluff Liability Limitation.**
19. **Geotechnical Liability Limitation.**
20. **Transportation Demand Management.**
 - a. **TDM Administrator.**
 - b. **Carpool Parking Spaces.**
 - c. **Shared Vehicle Spaces.**
 - d. **Bus Passes.**
 - e. **Bus Routes and Schedules Posted.**
 - f. **Shower and Locker Facilities.**
 - g. **Ride-Sharing Program.**
 - h. **Employee Lunch Room.**
 - i. **Bicycle Parking.**
 - j. **Guaranteed Ride Home.**
 - k. **Company Vehicle.**
21. **Visitor Information Program.**
22. **Recyclable Material Use and Collection.**
23. **Recyclable Material Use and Collection.**
24. **BMP Training.**
25. **Off-Site Parking Agreement.**
26. **Residential Permit Parking Program.**
27. **Required Private Covenants, Conditions and Restrictions.**
 - a. **Common Area Maintenance.**
 - b. **Garages Available for Parking.**
 - c. **Landscape Maintenance.**
 - d. **Trash and Recycling.**
 - e. **Gates.**
 - f. **Covenant Enforcement.**

D. Public Works Submittal For Parcel / Final Map Approval.

1. **Parcel / Final Map.**
2. **Dedication(s).**
3. **Can and Will Serve Letters.**
4. **Water Rights Assignment Agreement.**
5. **Required Private Covenants.**
6. **Drainage and Water Quality-(Drainage Calculations) (Hydrology Report).**
7. **(Street Name) Public Improvements.**
8. **Land Development Agreement to Secure Public Improvements.**
9. **Encroachment Permits.**

E. Design Review.

1. **Tree Removal and Replacement.**
2. **Parks and Recreation Commission Tree Removal Approval.**
3. **Tree Relocation.**
4. **Tree Protection Measures.**
 - a. **Tree Protection.**
 - b. **Landscaping Under Trees.**
 - c. **Oak Trees.**
 - d. **Arborist's Report.**
 - e. **During Construction.**
5. **Appropriate Plants on (Bluff)(Steep Slope).**
6. **Irrigation System.**
7. **Landscape Screening.**
8. **Pedestrian Pathway.**
9. **Screened Check-Valve/Backflow Device.**
10. **Green Building Techniques Required.**
11. **Project Directory.**
12. **Trash Enclosure Provision.**
13. **(Landmark)(Structure of Merit) Designation.**

F. Requirements Prior to Permit Issuance.

1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.**
 - b. **Lot Line Adjustment Required.**
 - c. **Haul Routes Require Separate Permit.**
 - d. **Construction-Related Truck Trips.**
 - e. **Private Road Improvements.**
 - f. **Vehicle Access.**
 - g. **Stop Sign.**
 - h. **Bicycle Parking.**
2. **Community Development Department.**
 - a. **Recordation of Parcel / Final Map and Agreements.**
 - b. **Inclusionary Housing Fee.**
 - c. **Project Environmental Coordinator Required.**
 - d. **Archaeological Monitoring Contract.**
 - e. **Requirement for Archaeological Resources.**
 - f. **Arborist's Monitoring.**
 - g. **Prepare a Structural Crack Survey and Video Reconnaissance.**
 - h. **Recorded Affordability Covenant.**
Initial Sale Price and Resale Restrictions.
Affordability Conditions.
 - i. **Tenant Displacement Assistance Ordinance Compliance.**

- j. **Contractor and Subcontractor Notification.**
- k. **Letter of Commitment for Neighborhood Notification Prior to Construction.**
- l. **Letter of Commitment for Pre-Construction Conference.**
- m. **Evidence of Off-Site Parking Agreement Recordation.**
- n. **[include for projects with private/shared roads/driveways] Private Road / Driveway Maintenance Agreement.**
- o. **Zoning Compliance Declaration.**
- p. **Structural Exploration for Modification.**
- q. **Design Review Requirements.**
- r. **Mitigation Monitoring and Reporting Requirement.**
- s. **Emergency Evacuation Plan.**
- t. **Guest Parking.**
- u. **Conditions on Plans/Signatures.**

G. Construction Implementation Requirements.

- 1. **Neighborhood Notification Prior to Construction.**
- 2. **Pre-Construction Conference.**
- 3. **Construction Contact Sign.**
- 4. **Sandstone Curb Recycling.**
- 5. **Construction Hours.**
- 6. **Construction Storage/Staging.**
- 7. **Construction Parking**
- 8. **Mitigation Monitoring Compliance Reports.**
- 9. **Unanticipated Archaeological Resources Contractor Notification.**

H. Prior to Certificate of Occupancy.

- 1. **Repair Damaged Public Improvements.**
- 2. **Complete Public Improvements.**
- 3. **Noise Measurements.**
- 4. **Ownership Affordability Provisions Approval.**
Rental Affordability Provisions Approval.
- 5. **Archaeological Monitoring Report.**
- 6. **New Construction Photographs.**
- 7. **Mitigation Monitoring Report.**
- 8. **Biological Monitoring Contract.**
- 9. **Evidence of Private CC&Rs Recordation.**
- 10. **Evidence of Private Road / Driveway Maintenance Agreement Recordation.**

I. General Conditions.

- 1. **Prior Conditions.**
- 2. **Compliance with Requirements.**

3. **Approval Limitations.**
4. **California Department of Fish and Game Fees Required.**
5. **Land Development Team Recovery Fee Required.**
6. **Site Maintenance.**
7. **Litigation Indemnification Agreement.**

PLANNING COMMISSION / STAFF HEARING OFFICER CONDITIONS OF APPROVAL

CONDOMINIUM CONVERSION PERMIT TEMPLATE ("C" TRACK)

A. Order of Development.

1. Tenants shall be notified of the Condominium Conversion Permit approval.
2. Pay Fish and Game fee immediately upon project approval.
3. Obtain all additional land use approvals. Refer to condition B "Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment)."
4. Obtain all required design review approvals.
5. Pay Land Development Team Recovery Fee.
6. Obtain a "Physical Standards" Building Permit (BLD) to perform all physical improvements necessary to bring the existing development up to condominium standards.
7. Obtain a Public Works Permit (PBW) for all required public improvements, which shall be issued concurrently with the "Physical Standards" Building Permit.
8. The "Physical Standards" Building Permit and Public Works Permit listed above shall be signed off ("finalized") by the Building Division and/or Public Works Department, as appropriate.
9. Apply for a "Condominium Conversion" Building Permit (BLD) pursuant to SBMC §28.88.029, and, concurrently, apply for a Public Works Permit (PBW) for Parcel / Final Map review and approval.
10. Obtain City Council approval of the Parcel / Final Map and Agreement(s) and record said documents concurrently with the Private CC&Rs.
11. Provide evidence of recordation of the Map and Agreements to Building and Safety to receive "Occupancy" status on the Condominium Conversion Building Permit, which is required before the newly subdivided lots or condominiums can be legally sold.

B. Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment) (street setback variance).

C. Recorded Conditions Agreement. ~~Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, The Owner shall execute an Agreement Relating to Subdivision Map Conditions Imposed on Real Property, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director. Said Agreement(s) shall be recorded in the Office of the County Recorder concurrent with the Parcel / Final Map following completion of any~~

physical improvements required to bring the structure up to Condominium Standards, and shall include the following:

1. **Approved Development.**
 2. **Development Rights Restrictions.**
 3. **Building Height Restriction.**
 4. **Use Limitations.**
 5. **Uninterrupted Water Flow.**
 6. **Recreational Vehicle Storage Prohibition.**
 7. **Landscape Plan Compliance.**
 8. **(Oak) Tree Protection.**
 9. **Storm Water Pollution Control and Drainage Systems Maintenance.**
 10. **Ownership Unit Affordability Restrictions.**
 11. **Senior Housing Restrictions.**
 12. **Required Redesign if Senior Housing Not Used.**
 13. **Sewer Connection Requirement.**
 14. **Pesticide or Fertilizer Usage Near Creeks.**
 15. **Coastal Bluff Liability Limitation.**
 16. **Geotechnical Liability Limitation.**
 17. **Off-Site Parking Agreement.**
 18. **Residential Permit Parking Program.**
 19. **Required Private Covenants, Conditions and Restrictions.**
 - a. **Common Area Maintenance.**
 - b. **Garages Available for Parking.**
 - c. **Landscape Maintenance.**
 - d. **Trash and Recycling.**
 - e. **Gates.**
 - f. **Covenant Enforcement.**
- D. [always required] **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88), including adjustments to the tenant assistance specified in SBMC §28.88.100.G, as specified below:
1. [always required] **Notice of Approval of Condominium Conversion.** Owner shall provide written notice of the condominium conversion approval to each tenant within 15 days of the approval of said conversion. The content of such notice shall include an explanation of any Condominium Conversion Ordinance requirements and conditions of approval that affect the tenants, including, but not limited to, notice of time to vacate the unit (SBMC §28.88.100.C, and E.) moving expenses, and tenant's right to purchase (SBMC §28.88.100.B). Evidence of delivery of such notice shall be provided to the Community Development Department, Planning Division prior to submitting plans for design review approval, or prior to issuance of any Building or Public Works permits, whichever comes first.
 2. [always required] ~~Tenant Displacement Assistance~~ **Moving Expenses.** Evidence shall be provided that in place of the moving expenses specified in Subsection

28.88.100.G of the Santa Barbara Municipal Code, Owner shall ~~provide~~ has provided each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89 of the Santa Barbara Municipal Code. This information shall be provided in the Notice of Approval of Condominium Conversion identified above.

E. Design Review.

1. **Tree Removal and Replacement.**
2. **Parks and Recreation Commission Tree Removal Approval.**
3. **Tree Relocation.**
4. **Tree Protection Measures.**
 - a. **Tree Protection.**
 - b. **Landscaping Under Trees.**
 - c. **Oak Trees.**
 - d. **Arborist's Report/Tree Protection Plan.**
 - e. **During Construction.**
5. **Appropriate Plants on (Bluff)(Steep Slope).**
6. **Irrigation System.**
7. **Landscape Screening.**
8. **Pedestrian Pathway.**
9. **Screened Backflow Device.**
10. **Green Building Techniques Required**
11. **Project Directory.**
12. **Trash Enclosure Provision.**
13. **(Landmark)(Structure of Merit) Designation.**
14. **[always required] Evidence of Compliance With Condominium Conversion Ordinance.** Evidence of compliance with the notification requirements identified in Condition of Approval D "Condominium Conversion Ordinance Compliance" shall be provided to the Planning Division.

F. Requirements Prior to "Physical Standards" Building Permit Issuance. The Owner shall submit the following, or evidence of completion of the following for review and approval, or shall incorporate said requirements/notes into the construction plans, as appropriate, prior to the issuance of any Building or Public Works Permit for the project.

1. **Public Works Department.**
 - a. **Submittal for Recordation of Parcel / Final Map and Agreements.**
Owner shall submit application for approval and recordation of the Parcel / Final Map and Agreements to the Public Works Department.
 - b. **Lot Line Adjustment Required.**
 - c. **Haul Routes Require Separate Permit.**
 - d. **Construction-Related Truck Trips.**
 - e. **Private Road Improvements.**
 - f. **Vehicle Access.**

- g. **Stop Sign.**
 - h. **Bicycle Parking.**
 - i. **Drainage and Water Quality.**
 - j. **(Street Name) Public Improvements.**
 - k. **Encroachment Permits.**
2. **Community Development Department.**
- a. **Project Environmental Coordinator Required.**
 - b. **Archaeological Monitoring Contract.**
 - c. **Requirement for Archaeological Resources.**
 - d. **Arborist's Monitoring.**
 - e. **Prepare a Structural Crack Survey and Video Reconnaissance.**
 - f. **Recorded Affordability Covenant.**
Initial Sale Price and Resale Restrictions.
 - g. **Contractor and Subcontractor Notification.**
 - h. **Letter of Commitment for Neighborhood Notification Prior to Construction.**
 - i. **Letter of Commitment for Pre-Construction Conference.**
 - j. **Zoning Compliance Declaration.**
 - k. **Structural Exploration for Modification.**
 - l. **Design Review Requirements.**
 - m. **Mitigation Monitoring and Reporting Requirement.**
 - n. **Emergency Evacuation Plan.**
 - o. **Conditions on Plans/Signatures.**
- G. **Construction Implementation Requirements.**
- 1. **Neighborhood Notification Prior to Construction.**
 - 2. **Pre-Construction Conference.**
 - 3. **Construction Contact Sign.**
 - 4. **Sandstone Curb Recycling.**
 - 5. **Construction Hours.**
 - 6. **Construction Storage/Staging.**
 - 7. **Construction Parking**
 - 8. **Mitigation Monitoring Compliance Reports.**
 - 9. **Unanticipated Archaeological Resources Contractor Notification.**
- H. **Prior to Finaling the Physical Standards Building Permit and Public Improvements.**
Prior to signing off or being "finalled," the Physical Standards Building Permit and/or Public Works Permit, the Owner of the Real Property shall complete the following:
- 1. **Repair Damaged Public Improvements.**
 - 2. **Complete Public Improvements.**
 - 3. **Noise Measurements.**
 - 4. **Ownership Affordability Provisions Approval.**
Rental Affordability Provisions Approval.

5. **Archaeological Monitoring Report.**
 6. **New Construction Photographs.**
 7. **Mitigation Monitoring Report.**
 8. **Biological Monitoring Contract.**
 9. [include if Physical Elements Report identifies elements with less than five years of remaining "life"] **Physical Elements Report Completion.** All elements identified in the Physical Elements Report as having five or fewer years of life remaining shall be repaired or replaced.
- I. [always include] **Public Works Submittal For Parcel / 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 / Parcel Map:
1. [always include] **Building Permit Required for Conversion.** Provide evidence that a Physical Standards Building Permit has been issued and all work completed for the future conversion of the units to condominiums.
 2. [always include] **Condominium Conversion Building Permit.** Provide evidence that a Condominium Conversion Building Permit has been applied for.
 3. **Parcel / Final Map.**
 4. **Dedication(s).**
 5. **Can and Will Serve Letters.**
 6. **Water Rights Assignment Agreement.**
 7. **Required Private Covenants.**
 8. **Private Road / Driveway Maintenance Agreement.**
 9. **Inclusionary Housing Fee.**
- J. **Prior to Certificate of Occupancy for the Condominium Conversion Building Permit.** The following conditions shall be completed after the Physical Standards Building Permit and Public Works Permit have been signed off, and prior to granting Occupancy of the Condominium Conversion Building Permit.
1. [Always required] **Parcel / Final Map Recordation.** Provide evidence of recordation of the Map and Agreements to the Public Works and Community Development Departments.
 2. [Always required] **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Public Works and Community Development Departments that the private CC&Rs required in Section B have been recorded.
 3. **Evidence of Off-Site Parking Agreement Recordation.**
 4. **Evidence of Private Road / Driveway Maintenance Agreement Recordation.**
 5. [Only required for 5 or more units] **Notice of Department of Real Estate Report.** Owner shall deliver written notice to each tenant household that an application for a public report has been submitted to the California Department of Real Estate within 10 days of the submission of such application. Proof of such notification shall be submitted to the Public Works Director and Planning Division.
 6. **Notice To Tenants of Parcel / Final Map Approval.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of

such approval. Proof of such notification shall be submitted to the Planning Division.

K. General Conditions.

1. **Prior Conditions.**
2. **Compliance with Requirements.**
3. **Approval Limitations.**
4. **California Department of Fish and Game Fees Required.**
5. **Land Development Team Recovery Fee Required.**
6. **Litigation Indemnification Agreement.**

PLANNING COMMISSION / STAFF HEARING OFFICER CONDITIONS OF APPROVAL

NO MAP TEMPLATE ("D" Track)

A. Order of Development.

1. Pay Fish and Game fee immediately upon project approval.
2. Obtain all additional land use approvals. Refer to condition B "Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment)."
3. Obtain all required design review approvals.
4. Pay Land Development Team Recovery Fee.
5. A Building Permit (BLD) may be obtained to demolish existing structures / improvements and/or perform rough grading.
6. Record any required documents (see Recorded Conditions Agreement section, et. al.)
7. Permits.
 - a. Obtain a Building Permit (BLD) for construction of approved development.
 - b. Obtain a Public Works Permit (PBW) for all required public improvements.

B. Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment).

C. Recorded Conditions Agreement. ~~Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, t~~The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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.**
2. **Development Rights Restrictions.**
3. **Building Height Restriction.**
4. **Use Limitations.**
5. **Uninterrupted Water Flow.**
6. **Recreational Vehicle Storage Prohibition.**
7. **Recreational Vehicle Storage Limitation.**
8. **Landscape Plan Compliance.**
9. **(Oak) Tree Protection.**
10. **Storm Water Pollution Control and Drainage Systems Maintenance.**
11. **Rental Housing Restrictions.**

For _____ of the dwelling units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low-income units targeted to seventy percent (70%) of Area Median Income (AMI).

- a. For _____ of the rental residential units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for very low-income units targeted to fifty percent (50%) of Area Median Income (AMI).
- b. The Affordable Units shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.

[Optional project-specific language regarding Section 8] Owner may charge rents higher than the identified affordability targets if Section 8 vouchers are used in accordance with the City's AHP&P, but the tenant share of the rent shall not be higher than the affordability targets stated above.

12. **Secondary Dwelling Unit Restrictions.**
13. **Senior Housing Restrictions.**
14. **Required Redesign if Senior Housing Not Used.**
15. **Sewer Connection Requirement.**
16. **Pesticide or Fertilizer Usage Near Creeks.**
17. **Coastal Bluff Liability Limitation.**
18. **Geotechnical Liability Limitation.**
19. **Transportation Demand Management.**
 - a. **TDM Administrator.**
 - b. **Carpool Parking Spaces.**
 - c. **Shared Vehicle Spaces.**
 - d. **Bus Passes.**
 - e. **Bus Routes and Schedules Posted.**
 - f. **Shower and Locker Facilities.**
 - g. **Ride-Sharing Program.**
 - h. **Employee Lunch Room.**
 - i. **Bicycle Parking.**
 - j. **Guaranteed Ride Home.**
 - k. **Company Vehicle.**
20. **Visitor Information Program.**
21. **Recyclable Material Use and Collection.**
22. **Recyclable Material Use and Collection.**
23. **BMP Training.**
24. **Off-Site Parking Agreement.**
25. **Residential Permit Parking Program.**
26. [~~Include for projects that have an HOA~~] **Required Private Covenants.**

26. **Common Area Maintenance.** ~~An express method for the appropriate and regular maintenance of the common areas. All common/-access ways, common utilities and other similar shared or common facilities/-or improvements of the development, which methodology shall also provide for an appropriate cost sharing of such shall be regularly maintained among the various owners of the (condominium units) (parcels).~~
27. **Garages Available for Parking.** ~~A covenant that includes a requirement that all garages~~All parking areas and access thereto shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for in which the it was garages were designed and permitted.
- a. ~~Trash and Recycling.~~
28. **Gates.**
- f. ~~Covenant Enforcement.~~

D. Design Review.

1. **Tree Removal and Replacement.**
2. **Parks and Recreation Commission Tree Removal Approval.**
3. **Tree Relocation.**
4. **Tree Protection Measures.**
 - a. **Tree Protection.**
 - b. **Landscaping Under Trees.**
 - c. **During Construction.**
 - d. **Oak Trees.**
 - e. **Arborist's Report/Tree Protection Plan.**
5. **Appropriate Plants on (Bluff)(Steep Slope).**
6. **Irrigation System.**
7. **Landscape Screening.**
8. **Pedestrian Pathway.**
9. **Screened ~~Cheek Valve/Backflow Device.~~**
10. **Green Building Techniques Required.**
11. **Project Directory.**
12. **Trash Enclosure Provision.**
13. **(Landmark)(Structure of Merit) Designation.**

E. Requirements Prior to Permit Issuance.

1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.**

Public Improvement Plans as identified in condition D.8 "(Street Name) Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building Permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct*

and Install Improvements (Not a Subdivision) for Land Development Improvements.

- b. **Dedication(s).**
 - c. **Can and Will Serve Letters.**
 - d. **Water Rights Assignment Agreement.**
 - e. **Drainage and Water Quality.**
 - f. **(Street Name) Public Improvements.**
 - g. **Lot Line Adjustment Required.**
 - h. **Lot Merger Required.** The Real Property known as APN - - - and APN - - - shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.
 - i. **Haul Routes Require Separate Permit.**
 - j. **Construction-Related Truck Trips.**
 - k. **Private Road Improvements.**
 - l. **Vehicle Access.**
 - m. **Stop Sign.**
 - n. **Bicycle Parking.**
 - o. **Private Road / Driveway Maintenance Agreement.**
 - p. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 - q. **Encroachment Permits.**
2. **Community Development Department.**
- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C above to the Community Development Department prior to issuance of any building permits.
 - b. **Project Environmental Coordinator Required.**
 - c. **Archaeological Monitoring Contract.**
 - d. **Requirement for Archaeological Resources.**
 - e. **Arborist's Monitoring.**
 - f. **Prepare a Structural Crack Survey and Video Reconnaissance.**
 - g. **Recorded Affordability Covenant.**
Affordability Conditions.
 - h. **Tenant Displacement Assistance Ordinance Compliance.**
 - i. **Contractor and Subcontractor Notification.**
 - j. **Letter of Commitment for Neighborhood Notification Prior to Construction.**
 - k. **Letter of Commitment for Pre-Construction Conference.**
 - l. **Evidence of Private Road / Driveway Maintenance Agreement Recordation.**
 - m. **Evidence of Off-Site Parking Agreement Recordation.**

- n. **Zoning Compliance Declaration.**
 - o. **Structural Exploration for Modification.**
 - p. **Design Review Requirements.**
 - q. **Mitigation Monitoring and Reporting Requirement.**
 - r. **Emergency Evacuation Plan.**
 - s. **Guest Parking.**
 - t. **Conditions on Plans/Signatures.**
- F. Construction Implementation Requirements.**
- 1. **Neighborhood Notification Prior to Construction.**
 - 2. **Pre-Construction Conference.**
 - 3. **Construction Contact Sign.**
 - 4. **Sandstone Curb Recycling.**
 - 5. **Construction Hours.**
 - 6. **Construction Storage/Staging.**
 - 7. **Construction Parking**
 - 8. **Mitigation Monitoring Compliance Reports.**
 - 9. **Unanticipated Archaeological Resources Contractor Notification.**
- G. Prior to Certificate of Occupancy.**
- 1. **Repair Damaged Public Improvements.**
 - 2. **Complete Public Improvements.**
 - 3. **Noise Measurements.**
 - 4. **Rental Affordability Provisions Approval.**
 - 5. **Archaeological Monitoring Report.**
 - 6. **New Construction Photographs.**
 - 7. **Mitigation Monitoring Report.**
 - 8. **Biological Monitoring Contract.**
 - 9. ~~[include if project has required private covenants in the Recorded Conditions section]~~
Evidence of Private CC&Rs Recordation.
 - 10. ~~[include if project has required maintenance Agreement in the Recorded Conditions section]~~
Evidence of Private Road / Driveway Maintenance Agreement Recordation.
- H. General Conditions.**
- 1. **Prior Conditions.**
 - 2. **Compliance with Requirements.**
 - 3. **Approval Limitations.**
 - 4. **California Department of Fish and Game Fees Required.**
 - 5. **Land Development Team Recovery Fee Required.**
 - 6. **Site Maintenance.**
 - 7. **Litigation Indemnification Agreement.**

EXISTING
PLANNING COMMISSION/STAFF HEARING OFFICER
CONDITIONS OF APPROVAL MENU
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A. Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment).

B. California Department of Fish and Game Fees Required.

C. Design Review.

1. **Tree Removal and Replacement.**
2. **Tree Protection Measures.**
 - a. **Landscaping Under Trees.**
 - b. **Arborist's Report.**
 - c. **Oak Tree Protection Measures.**
3. **Appropriate Plants on (Bluff)(Steep Slope).**
4. **Irrigation System.**
5. **Landscape Screening.**
6. **Useable Common Open Space.**
7. **Pedestrian Pathway.**
8. **Minimize Visual Effects of Paving.**
9. **Crime Analyst Plan Review.**
10. **Screened Check Valve/Backflow.**
11. **Permeable Paving.**
12. **(Landmark)(Structure of Merit) Designation.**

D. Recorded Conditions Agreement.

1. **Approved Development.**
2. **Uninterrupted Water Flow.**
3. **Recreational Vehicle Storage Prohibition.**
4. **Recreational Vehicle Storage Limitation.**
5. **Landscape Plan Compliance.**
6. **(Oak) Tree Protection.**
7. **Storm Water Pollution Control and Drainage System Maintenance.**
8. **Ownership Unit Affordability Restrictions.**
9. **Rental Housing Restrictions.**
10. **Secondary Dwelling Unit Restrictions.**
11. **Senior Housing Restrictions.**
12. **Required Redesign if Senior Housing Not Used.**
13. **Development Rights Restrictions.**
14. **Building Height Restriction.**

15. **Required Private Covenants.**
 - a. **Common Area Maintenance.**
 - b. **Garages Available for Parking.**
 - c. **Landscape Maintenance.**
 - d. **Trash and Recycling.**
 - e. **Gates.**
 - f. **Covenant Enforcement.**
 16. **Use Limitations.**
 17. **(Cliff Drive) Sewer Connection Requirement.**
 18. **Pesticide or Fertilizer Usage Near Creeks.**
 19. **Coastal bluff Liability Limitation.**
 20. **Geotechnical Liability Limitation.**
 21. **Transportation Demand Management.**
 - a. **TDM Administrator**
 - b. **Carpool Parking Spaces.**
 - c. **Shared Vehicle Spaces.**
 - d. **Bus Passes.**
 - e. **Bus Routes and Schedules Posted.**
 - f. **Shower and Locker Facilities.**
 - g. **Ride-Sharing Program.**
 - h. **Employee Lunch Room.**
 - i. **Bicycle Parking.**
 - j. **Guaranteed Ride Home.**
 - k. **Company Vehicle.**
 22. **Visitor Information Program.**
 23. **Shuttle Bus Passes.**
 24. **Recyclable Material Use and Collection.**
 25. **BMP Training.**
 26. **Off-Site Parking Agreement.**
 27. **Residential Permit Parking Program.**
- E. Public Works Submittal Prior to Final/Parcel Map Approval.**
1. **Final/Parcel Map.**
 2. **Dedication(s).**
 3. **Can and Will Serve Letter.**
 4. **Water Rights Assignment Agreement.**
 5. **Required Private Covenants.**
 6. **(Drainage Calculations)(Hydrology Report).**
 7. **Drainage and Water Quality.**
 8. **(Street Name) Public Improvement Plans.**
 9. **Land Development Agreement.**
 10. **Encroachment Permits.**
 11. **Removal or Relocation of Public Facilities.**
 12. **Relocation of MTD Fixtures.**
 13. **Off-Site Parking Agreement Required.**

14. **Maintenance Agreement Required.**
15. **Inclusionary Housing Fee.**

F. Public Works Requirements Prior to Building Permit Issuance

1. **Recordation of (Parcel/Final Map, Voluntary Merger, Lot Line Adjustment) Agreements.**
2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.**
3. **Voluntary Lot Merger Required.**
4. **Lot Line Adjustment Required.**
5. **Solid Waste Management Plan.**
6. **Traffic Control Plan.**
7. **Shower and Locker Facilities.**

G. Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.

1. **Project Environmental Coordinator Required.**
2. **Zoning Compliance Declaration**
3. **Neighborhood Notification Prior to construction.**
4. **Contractor and Subcontractor Notification.**
5. **Archaeological Monitoring Contract.**
6. **Park Commission Tree Removal Approval.**
7. **Arborist's Monitoring.**
8. **Geology Report.**
9. **Soils Report.**
10. **Structural Engineering Report.**
11. **Prepare a Structural Crack Survey and Video Reconnaissance.**
12. **Green Building Techniques Required.**
13. **Recorded Affordability Covenant.**
 - a. **[For Ownership Units] Initial Sale Price Restrictions.**
 - b. **Resale Restrictions.**
14. **Tenant Displacement Ordinance Compliance.**
15. **Letter of Commitment for Pre-Construction Conference.**
16. **Inclusionary Housing Fee.**

H. Building Permit Plan Requirements.

1. **Design Review Requirements.**
2. **Mitigation Monitoring and Reporting Requirement.**
3. **Grading Plan Requirement for Archaeological Resources.**
4. **Post-Construction Erosion Control and Water Quality Plan.**
5. **Emergency Evacuation Plan.**
6. **Trash Enclosure Provision.**
7. **Recyclable Material Use and Collection.**
8. **Bicycle Parking.**

9. **Guest parking.**
10. **Vehicle Access.**
11. **Stop Sign.**
12. **Street/Traffic Control Sign.**
13. **Project Directory.**
14. **(Private Road/Driveway) Improvements.**
15. **Conditions on Plans/Signatures.**

I. Construction Implementation Requirements.

1. **Pre-Construction Conference.**
2. **Demolition/Construction Materials Recycling.**
3. **Sandstone Curb Recycling.**
4. **Construction-Related Truck Trips.**
5. **Construction-Related Traffic Routes.**
6. **Haul Routes.**
7. **Traffic Control Plan.**
8. **Construction Hours.**
9. **Construction Parking/Storage/Staging.**
10. **Water Sprinkling During Grading.**
11. **Expeditious Paving.**
12. **Gravel Pads.**
13. **Street Sweeping.**
14. **Construction Best Management Practices (BMPs).**
15. **Mitigation Monitoring Compliance Reports.**
16. **Parking Loss Requirements.**
17. **Construction Contact Sign.**
18. **Tree Protection.**
 - a. **Grading Plan Notes.**
 - b. **Oak Tree Protection Measures.**
 - c. **Tree Relocation.**
 - d. **Existing Tree Preservation.**
19. **Construction Equipment Maintenance.**
20. **Graffiti Abatement Required.**
21. **Unanticipated Archaeological Resources Contractor Notification.**

J. Prior to Certificate of Occupancy.

1. **Repair Damaged Public Improvements.**
2. **Complete Public Improvements.**
3. **Cross-Connection Inspection.**
4. **Fire Hydrant Replacement.**
5. **Manholes.**
6. **Noise Measurements.**
7. **Existing Street Trees.**
8. **Ownership Affordability Provisions Approval.**

- Rental Affordability Provisions Approval.**
 - 9. **Archaeological Monitoring Report.**
 - 10. **New Construction Photographs.**
 - 11. **Mitigation Monitoring Report.**
 - 12. **Biological Monitoring Contract.**
 - 13. **Evidence of Private CC&Rs Recordation.**
- K. **Litigation Indemnification Agreement.**

