



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 022-14

3626 SAN REMO DRIVE

TENTATIVE SUBDIVISION MAP, STREET FRONTAGE MODIFICATIONS, PUBLIC STREET WAIVERS

AUGUST 14, 2014

APPLICATION OF CAPITAL PACIFIC DEVELOPMENT GROUP, APPLICANT FOR MADSEN FAMILY TRUST, 3626 SAN REMO DRIVE, APNS 053-231-010 & 053-231-011, E-3 (ONE-FAMILY RESIDENCE) & SD-2 (UPPER STATE STREET AREA) ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAXIMUM DENSITY OF 5 UNITS/ACRE) (MST2009-00325)

The proposed project involves changes to the four lot subdivision approved by the Planning Commission on October 14, 2010 and an amendment to the subdivision conditions in Planning Commission Resolution No. 015-10. The 1.53 acre project site is adjacent to San Roque Creek and is currently developed with a single-family residence, studio apartment with attached garage, and lath house.

The proposal includes the following revisions to the approved Tentative Subdivision Map: adjustment of development envelopes; removal of four additional coast live oak trees on Lot 4; a shift in the property line between Lots 3 and 4 approximately three feet to the north; a shift in the property line between Lots 2 and 3 approximately four inches to the north; revision to grading quantities resulting in approximately 1,422 cubic yards of cut and 70 cubic yards of fill (the original approval included 125 cubic yards of cut and 25 cubic yards of fill), balanced on-site; removal of proposed creekside berm; removal of proposed private creekside pedestrian path; changes to common storm water management facilities; and adjustment to the sidewalk curvature and related San Remo Drive right-of-way dedication. The project includes planting of additional coast live oak trees to replace the trees proposed for removal.

The proposal also includes a Condition Amendment to Condition B.2 that requires the setback from San Roque Creek be expanded from the existing 35 feet to 45 feet if the historically-significant façade of the existing residence cannot be restored in its location. The new proposal includes demolition of the existing façade and reconstruction consistent with the Secretary of Interior Standards for Reconstruction within 35 feet of the top of bank, instead of restoration.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions).

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

WHEREAS, no one appeared to speak in favor of the application, and 4 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 7, 2014.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. John and Molly Steen and Bob Westwick, via email

b. Shirley Edwards, via email

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

- I. Approved the subject application making the following findings and determinations for the Street Frontage Modifications and Street Frontage Waivers to provide no public street frontage for Lots 1, 2, and 3, which were made by the Planning Commission on October 14, 2010 in Resolution No. 015-10, remain valid:
 - A. **Public Street Waivers for Parcels 1, 2 and 3 (SBMC §22.60.300)**
 1. The private driveway will provide adequate access to the new parcels. The proposed driveway is acceptable to the Fire Department and Public Works Department.
 2. The proposed driveway will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveway will meet Fire Department requirements in terms of width, length, materials and weight capacity.
 3. The project conditions require that the owner(s) of the proposed lots maintain the private driveway pursuant to a shared maintenance agreement that will run with the properties. The shared maintenance agreement would be recorded concurrent with recordation of the Parcel Map.
 4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development with a private driveway rather than a public street allows for an increased creek buffer. In addition, the subdivision includes a pedestrian pathway for access to the future residences. The driveway minimizes impacts to existing adjacent residences and does not require expenditure of public money for maintenance.
 - B. **Street Frontage Modifications for Parcels 1, 2 and 3 (SBMC §28.15.080 & 28.92.110)**

As discussed in Section V.C. of the Staff Report dated August 23, 2010, these modifications are consistent with the purposes and intent of the zoning ordinance and necessary to secure an appropriate improvement because the resulting lots would have frontage on a private driveway rather than a public street, which is preferable because of the site constraints of the creek, historic building and mature trees.

The findings to support approval of the Tentative Subdivision Map for the subdivision of 3626 San Remo Drive into four lots, which were made by the Planning Commission on October 14, 2010 in Resolution No. 015-10 can still be made with the requested changes to the project and conditions. The Tentative Subdivision Map is consistent with the updated General Plan as discussed in Section VIII of the Staff Report dated August 7, 2014.
 - C. **The Tentative Map (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the Subdivision Map Act, and the General Plan and Zoning Ordinance of the City of Santa Barbara as discussed in Sections IV and V of the Staff Report dated August 23, 2010 and Section VIII of the Staff Report dated August 7, 2014. The site is physically suitable for the proposed development due to the creek buffer, the relatively flat topography above the creek bank, and the soil composition. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections IV and V of the Staff Report dated August 23, 2010, and the proposed

use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage with the conservation area in the creek buffer, the preservation of the historic resource and the view corridor, and associated improvements will not cause serious public health problems as discussed in Section V of the Staff Report dated August 23, 2010.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. **Design Review Approvals.** Obtain all required design review approvals for public and private improvements related to the subdivision including creek restoration landscaping. Refer to Section B "Design Review."
2. **LDT Recovery Fee.** Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. **Demolition Permit.** Obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Parcel Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Refer to Section E "Construction Implementation Requirements."
4. **Public Works and Building Permits for Private Improvements.** Obtain Public Works and Building Permits (PBW and BLD) for the following private and public improvements, which must be completed prior to approval of the Map. Refer to Section D "Requirements Prior to Permit Issuance," and Section E "Construction Implementation Requirements."
 - a. **Construct Private Water Line.** A private water line shall be constructed prior to constructing the finish course of the new shared on-site driveway access.
 - b. **Construct New Private Sewer Laterals.** Install new sewer wye and laterals from the existing sewer main to serve the new undeveloped parcels, and replace any existing private sewer laterals that are damaged and/or require replacement.
 - c. **Construct New Shared On-Site Driveway Access.** The new shared on-site access driveway shall be constructed with a hard surface material to meet minimum Fire Department access requirements of 60,000 pounds. Plans shall include cross sections for driveway construction and specifications using standardized construction methods to meet this condition.
 - d. **San Remo Drive Public Improvements.** All public improvements as identified in Condition D.7 of these Conditions of Approval, shall be either constructed prior to approval of the Parcel Map, or securities and a Land Development Agreement shall be submitted to the Public Works counter prior to approval of the Map.
5. **Inclusionary Housing In-Lieu Fee.** Pay Inclusionary Housing In-Lieu Fee.

6. **City Council Approval.** Obtain City Council approval of the Parcel Map and Agreements and record said documents. Refer to Section C “Recorded Conditions Agreement” and Section F “Public Works Submittal for Parcel Map Approval.”
7. **Construction.** During construction, including demolition and grading, all conditions identified in Section E “Construction Implementation Requirements” must be followed.

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

- B. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant Project Design Approval of the project until the following Planning Commission land use conditions have been satisfied
1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, required street lighting, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map.
 2. **San Roque Creek Setback.** The Conservation Easement referenced on TM1 shall include the entire area within 45 feet of the top of the western bank of San Roque Creek, with the exception of the footprint of the existing historically-significant building on Parcel 3, which would remain at 35 feet. The Mitigation Monitoring and Reporting Plan prepared by Althouse and Meade, Inc., dated May 27, 2010, shall be revised to include the entire conservation easement area. The revised Mitigation Monitoring and Reporting Plan shall be subject to the review and approval of the City Creeks Division and the resultant landscape plan shall be subject to review by the SFDB.
 3. **Tree Removal and Replacement.** All trees greater than four inches (4”) in diameter at four feet (4’) above grade that are removed, except oak trees, fruit trees, and front setback trees approved for removal without replacement by the Parks Department, shall be replaced on site on a one-for-one basis with minimum 15-gallon size trees 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.
 4. **Tree Protection/Replacement Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Arborist’s Report.** Include a note on the plans referencing the arborist’s report prepared by Bill Spiewak, dated November 11, 2013, and noting that the recommendations/conditions contained in the revised report shall be implemented.
 - b. **Landscaping Under Trees.** Landscaping provided under trees shall be compatible with preservation of the trees as determined by the Single Family Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.
 - c. **Oak Tree Replacement.** 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) ratio, at a minimum fifteen (15) gallon size, from South

Coastal Santa Barbara County stock, as recommended by Storrer Environmental Services in the Biological Assessment dated November 13, 2009.

5. **View Corridor.** Appropriate landscaping shall be provided in the view corridor so as not to exceed 42 inches in height at maturity. The existing oak trees and jacaranda tree located within the view corridor exceeding 42 inches in height referenced in the Oak Tree Inventory & Mitigation Plan dated September 28, 2009 as Trees 38, 40, 41, and 42 shall remain. The three pittosporum trees located on the left side of the existing driveway between the jacaranda tree and the main house shall be removed. Canopies of trees in the areas adjacent to the view corridor may encroach into the view corridor provided that an adequate view of the building from San Remo Drive is retained at the time the vegetation reaches maturity.
6. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
7. **Permeable Paving.** Incorporate a permeable paving system for the project driveway 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.
8. **Pedestrian Pathway.** To improve pedestrian access, a separate pedestrian pathway serving all four lots shall be provided along the driveway from the sidewalk using a different material and/or color.
9. **Guest Parking.** At least one guest parking space shall be provided on Parcels 1, 2 and 4.

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

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 14, 2014 is limited to the subdivision of a 66,372 square foot property into four lots ranging in size between 14,094 square feet and 17,350 square feet; demolition of the existing garage, studio apartment, the existing residence, shed, lath house, and driveway; construction of a new driveway, drainage improvements, implementation of a creek restoration plan, and approximately 1,492 cubic yards of total grading; documentation of the existing residence; a view corridor easement; conservation easement; and the improvements shown on the Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara, with the following change:
 - a. The portion of the View Corridor on Parcel 4 shall be expanded westward to include the area between the western top of bank and a line 45 feet west of and parallel to the western top of bank.
2. **Design Review for Future Residences.** Any new residence proposed for construction on Lots 1, 2, or 4 created by the subdivision, shall be subject to the review and approval of the Single Family Design Board (SFDB). Demolition of, or alterations to, the existing

residence on Lot 3 require approval by the Historic Landmarks Commission (HLC) because the existing house is on the City's List of Potential Historic Resources.

3. **Tree Removal Timing.** No tree greater than four inches (4") in diameter at four feet (4') above grade shall be removed for the development of the individual lots until after the tree removal receives Final Approval by the Single Family Design Board in association with the subdivision grading plan or a landscape plan for the development of each of the individual lots. Tree removals may occur, however, if it is demonstrated that a tree is diseased, and the tree's condition is a source of present danger to healthy trees in the immediate vicinity, the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, the tree is dead, or the Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.
4. **Lighting.** All outdoor lighting shall conform with the City's Outdoor Lighting and Streetlight Design Guidelines and Chapter 22.75 of the Municipal Code (Outdoor Lighting). Exterior lighting shall be designed to control glare, minimize light trespass into the riparian habitat area and onto adjacent properties, and minimize direct upward light transmission.
5. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
6. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
7. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) or Historic Landmarks Commission (HLC), as applicable. Such plan shall not be modified unless prior written approval is obtained from the SFDB or HLC, as applicable. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB or HLC, as applicable, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:
 - a. **Tree Protection.** The existing trees shown on the Oak Tree Inventory and Mitigation Plan prepared by Bill Spiewak dated November 11, 2013 shall be preserved, protected, and maintained in accordance with the recommendations contained in the accompanying Arborist's report prepared by Bill Spiewak.
 - b. **Irrigation.** No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - c. **Herbicides and Fertilizer.** The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree except as provided by the Tree Protection Measures in the aforementioned Arborist's Report.
8. **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 Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

9. **Development Rights Restrictions.** The Owner(s) shall not make any use of the property contained in the Conservation Easement other than passive recreation, native plantings, creek restoration, and stormwater facilities. The restricted area shall be shown on the Parcel Map. The Owner(s) shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
10. **Required Private CC&Rs.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, including landscaping; common access ways; common utilities and other similar shared or common facilities or improvements of the development, including the driveway, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.
 - b. **Garages and Carports Available for Parking.** A covenant that includes a requirement that all garages and carports be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages or carports were designed and permitted.
 - c. **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.
 - d. **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.
11. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Conservation Easement area adjacent to San Roque Creek.

12. **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.

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit 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. Please note that these conditions are in addition to the standard submittal requirements for each department.

Public Works Department

1. **San Remo Drive Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on San Remo Drive. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following to City Standards: *installation of a new City Standard residential dome-style street light, five-foot wide sidewalk, realignment of curb and construction of sidewalk around existing tree encroaching into the existing sidewalk area, driveway apron modified to meet Title 24 requirements, saw-cut and replace any existing damaged curb and gutters, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting hydrology report for installation of curb drain outlets, supply and install directional/regulatory traffic control signs, storm drain stenciling per the MUTCD during construction, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
2. **Land Development Agreement.** The Owner shall submit an Engineer's Estimate, signed, and stamped by a registered civil engineer, securities for construction of improvements, and an executed *Agreement for Land Development Improvements*, prepared by the Engineering if public improvements are not constructed prior to recordation of the Parcel Map.
3. **Encroachment Permits.** Any encroachment or other permits from the City or the County Flood Control and Water Conservation District for the construction of improvements (including any required appurtenances) within their rights of way or easements.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around

McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

Community Development Department

5. **Park and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park 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 setback.
6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Stormwater Management Plan (treatment, rate and volume). The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building & Safety 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 (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
7. **Documentation and Archive.** The applicant shall provide documentation of the main house at 3626 San Remo Drive consistent with the City of Santa Barbara's "Required Documentation of Buildings Prior to Demolition." The photo-documentation and a copy of the Historic Structures/Sites Report shall be submitted to the Santa Barbara Historical Museum's Gledhill Library prior to permit issuance.
8. **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 identified for protection in the Arborist's Report 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.
9. **Mitigation Monitoring and Reporting.** Submit to the Planning Division an executed contract with a qualified expert to implement the Mitigation Monitoring and Reporting Plan for the subdivision restoration area. The contract shall include:
 - a. The monitoring schedule.
 - b. Performance criteria with target dates and success rates.
 - c. A list of reporting procedures, including content of monitoring reports.
 - d. Submittal of annual monitoring reports outlining compliance with performance standards and providing recommendations to achieve compliance until the performance criteria are met.

10. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
11. **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 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.
12. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board or Historic Landmarks Commission, as applicable, outlined in Section B above.
13. **Nesting Birds.** Construction and demolition activity shall occur outside the bird nesting season (February 1 – August 15), unless a clearance survey for nesting birds is provided to the satisfaction of the City Environmental Analyst and, if nesting bird species are identified, the affected area is avoided.
14. **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 and any related Conditions of Approval.
15. **Grading Plan Notes.** Notes on the grading plan that specify the following:
 - (1) No grading shall occur within three feet of the driplines of the existing trees indicated on the plans to remain.
 - (2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (3) All excavation within the dripline of the trees 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 trees.
 - (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:

- (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 driveways and development plans for individual lots. 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.
- (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.
- (6) Landscaping provided under the oak trees shall be compatible with preservation of the trees. No irrigation system shall be installed under the dripline of any oak tree.

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

16. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified

Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

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

17. **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 draft copy of the notice to the Planning Division for review and approval.
18. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
 1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.

2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **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.
4. **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
5. **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.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

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 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.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the

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

- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
9. **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:
- a. Site grading and transportation of fill materials.
 - 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.
 - 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.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
12. **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.
13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors telephone numbers, 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.

15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
16. **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.
17. **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.
18. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
19. **Complete Public Improvements.** Complete public improvements, as shown in the improvement and building plans, including utility service undergrounding and installation of street trees, or provide securities to complete public improvements within six months.
20. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if a backflow device is installed on a separate fire line.
21. **Manhole.** Raise new sewer manhole in San Remo Drive to final finished grade, if needed.
22. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified

Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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

- F. **Public Works Submittal for Parcel Map Approval.** The Owner shall submit the following, or proof of completion of the following, to the Public Works and Community Development departments for review and approval:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance and shall comply with the Tentative Subdivision Map signed by the chair of the Planning Commission on August 14, 2014 and on file at the City of Santa Barbara and subject to any revisions made by the Planning Commission approval, including:
 - a. Removing references to Development Envelopes in the Parcel Map.
 - b. Showing the Conservation Easement as a continuous line running the length of the property from north to south, and from the eastern property boundary to a point 45 feet west of the top of creek bank, with the exception of a 35 foot dimension west of the top of bank at the location of the existing house and patio on Lot 3.
 2. **Dedications.** Dedication of Easements as shown on the approved Tentative Subdivision Map and described as follows, are subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division. The public easement dedications shall be offered on the Parcel Map (Map), the private easement documents shall be recorded as separate instruments prior to recordation of the Map, and the Recorded Instrument Numbers of the private easements shall be referenced on the title sheet of the Map:
 - a. A variable width private Conservation Easement for passive recreation, native plantings, creek restoration, and stormwater facilities.
 - b. A variable width Right of Way for All Street Purposes along San Remo Drive.
 - c. A public sewer easement on the northwest corner of the subject site.
 - d. A 4-foot wide public utilities easement (PUE).
 - e. A 15-foot wide easement for storm drainage for the Santa Barbara County Flood Control and Water Conservation District for emergency access and creek maintenance purposes.
 - f. A view corridor between San Remo Drive and the historic structure to be maintained in perpetuity limiting new development to landscaping, walls, patios

or decks 42 inches or less in height. Existing trees within and adjacent to the view corridor shall be maintained to protect the trees and maintain the view of the historic structure through the view corridor.

- g. A variable width reciprocal private access, drainage, and utility easement on Parcels 2, 3, and 4, in favor of Parcels 1, 2, 3 and 4.

- 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
- 4. **Required Conditions and Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
- 5. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.

G. **Requirements Following Map Recordation.** The Owner shall submit the following for review and approval by the departments listed below following Map Recordation. Some of these conditions may be waived for demolition or rough grading permits. Please note that these conditions are in addition to the standard submittal requirements for each department.

- 1. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Community Development Department.
- 2. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department that the private CC&Rs required in Section C have been recorded

H. **General Conditions.**

- 1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolution No. 015-10.
- 2. **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. **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.
 - 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.

4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
5. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of 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 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.

III. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission's actions approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

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

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

IV. NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

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

This motion was passed and adopted on the 14th day of August, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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



Julie Rodriguez, Planning Commission Secretary



Date

PLEASE BE ADVISED:

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

