City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: April 20, 2016

AGENDA DATE: April 27, 2016

PROJECT ADDRESS: 817 North Milpas Street (MST2005-00667)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer

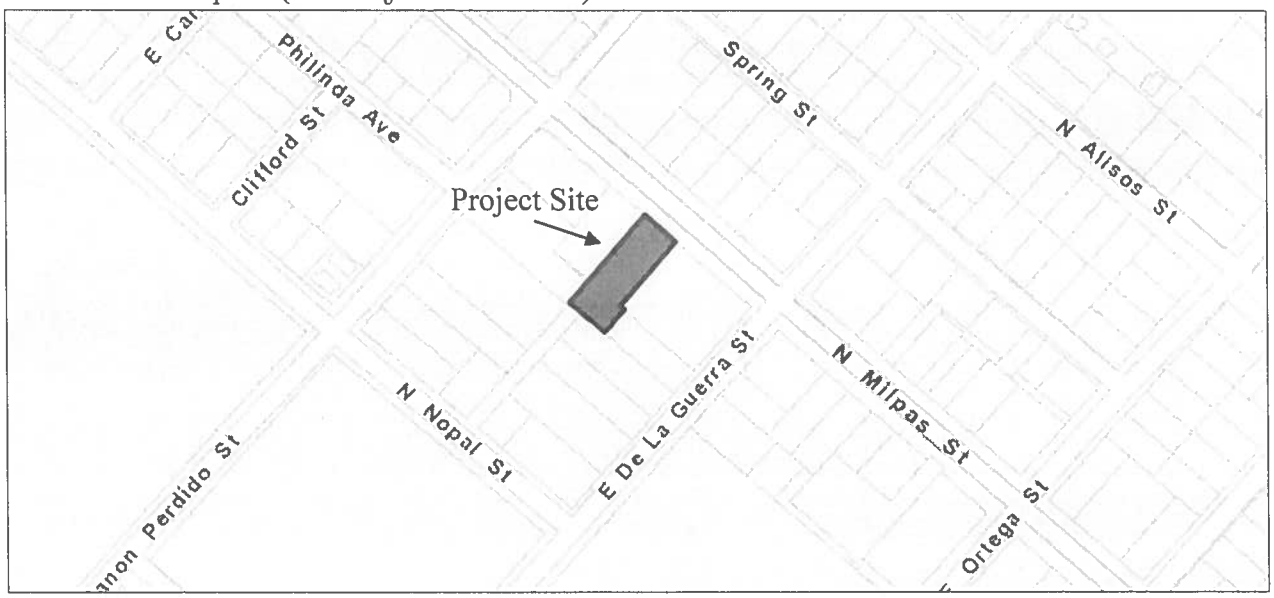
FROM: Planning Division, (805) 564-5470
Beatriz Gularte, Senior Planner BEG
Megan Lowery, Associate Planner

I. PROJECT DESCRIPTION

This is a request for a two year time extension for the Tentative Map approved by the Planning Commission on March 15, 2007 for 817 North Milpas Street. The approved Map would have expired on March 15, 2016, however the time extension request was received prior to the expiration date, on March 15, 2016. Due to potential future zoning changes as a result of the New Zoning Ordinance effort, Staff is recommending that the Staff Hearing Officer approve a one year time extension to March 15, 2017.

The approved project consists of a two- and three-story mixed-use project consisting of five new residential condominium units for a total of 8,846 square feet (net), one new 778 square foot (net) commercial space and 13 parking spaces on a 13,471 square foot lot. The residential units consist of 2 two-bedroom units and 3 three-bedroom units. The existing structures onsite would be demolished.

The discretionary application approved for this project was a Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units and 778 square feet of commercial space (SBMC§27.07 & 27.13).



II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Jarret Gorin, Vanguard Planning Inc.		
Property Owner:	803 North Milpas LLC		
Site Information			
Parcel Number:	031-042-022	**Lot Area:**	13,471 square feet
General Plan:	General Commerce	**Zoning:**	C-2, Commercial
Existing Use:	Residential, Commercial	**Topography:**	average slope is < 4% ; 3/4 of site slopes toward street
Adjacent Land Uses			
North – Taco Bell, Residential **South** – Multifamily Residential, Vacant		**East** – Milpas St. / Commercial **West** –Multifamily Residential	

III. DISCUSSION

According to SBMC §27.07.110.A, B and D, *Expiration and Extension of Tentative Maps*, the approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved, therefore, the original approval on March 15, 2007, was set to expire on March 15, 2009.

In response to the severe impact the recession had on developers, the California State Legislature passed a series of statutory extensions for tentative, vesting and parcel maps:

- SB1185 (2008) provided a 12-month extension, extending the approval of the subject tentative map until March 15, 2010;
- AB 333 (2009) provided a 24-month extension, extending the approval of the subject tentative map until March 15, 2012;
- AB 208 (2011) provided a 24-month extension, extending the approval of the subject tentative map until March 15, 2014; and
- AB 116 (2013) provided a 24-month extension, extending the approval of the subject tentative map until March 15, 2016.

The subdivider may request an extension of the tentative map approval by written application to the Staff Hearing Officer filed with the Community Development Department before the expiration date of the tentative map. The Staff Hearing Officer may impose new conditions or revise existing conditions. An extension or extensions of tentative map approval or conditional approval shall not exceed in aggregate three (3) years beyond the expiration of the original twenty-four (24) month period.

Progress To-Date

Following the approval, the owner had various concepts for the site evaluated that could take advantage of the new higher densities that the City adopted as part of its 2011 General Plan. However, the owner would prefer to build out the existing approval rather than redesign to

incorporate additional units, which would require new design approvals. Therefore, the applicant is requesting the time extension to retain the existing approval and be able to complete the project.

IV. ENVIRONMENTAL REVIEW

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305, Minor Alterations in Land Use Limitations, which, as determined by the City Council, allows for extensions of time limits on approved projects where circumstances have not changed.

V. RECOMMENDATION

The time extension application was submitted prior to the expiration of the subject map approval. The project continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve a one-year time extension, to March 15, 2017 for the Tentative Map, subject to the original conditions of approval in Exhibit B.

Exhibits:

A. Applicant's letter, dated March 7, 2016
B. Resolution No. 013-07

vanguardplanning

ACQUISITION | DESIGN | ENTITLEMENT

City of Santa Barbara
Receipt 1455
Date 3.7.16

March 7, 2016

John Campanella, Chair
City of Santa Barbara Planning Commission
Community Development Department
630 Garden Street
Santa Barbara, CA 93101

Hand Delivered

RE: 817 North Milpas Street (MST 2005-00667) – Request for Two Year Time Extension

Dear Mr. Campanella:

Vanguard Planning Inc.is submitting this request on behalf of 803 North Milpas LLC (the "Owner"), the current owner of the above referenced property (the "Subject Property") and the approved subdivision thereon.

The Planning Commission (hereinafter the "PC") approved a commercial subdivision of the existing structure on November 16, 2011 (the "Approval"). A copy of the PC approval resolution (Resolution No. 013-07) is attached to this letter.

Following the Approval, Owner has evaluated various concepts for the site to potentially take advantage of new, higher densities that the City of Santa Barbara (the "City") adopted as part of its 2011 General Plan update. However, it appears to make sense to retain and build out the existing approvals. As a result, Owner still desires to record the final map and implement the Approval, and it would be a waste of City staff time and resources to have to re-process this entire project again to achieve exactly the same thing again. Therefore, we respectfully request that the City grant this time extension so that Owner may retain the Approval and complete the project.

Please let me know if you have any questions about this request.

Sincerely,

VANGUARD PLANNING INC.

Jarrett Gorin, AICP
Principal

ATTACHMENTS

A. Resolution No. 013-07 dated March 15, 2007

cc: Kathleen Kennedy (via E-mail)

Vanguard Planning ~~LLC~~ INC.
735 State Street, Suite 204
Santa Barbara, CA 93101-5502

Tel: (805) 966-3966
Fax: (805) 715-7005
www.vanguardplanning.com

EXHIBIT A

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 013-07
817 N. MILPAS STREET
TENTATIVE SUBDIVISION MAP
MARCH 15, 2007

APPLICATION OF JAN HOCHHAUSER, ARCHITECT FOR CASITAS DE MILPAS, LLC, 817 N. MILPAS STREET, APN: 031-042-022, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2005-00667)

The project consists of a proposal for a two- and three-story mixed-use project consisting of five new residential condominium units for a total of 8,846 square feet (net), one new 778 square foot (net) commercial space and 13 parking spaces on a 13,471 square foot lot. The residential units consist of 2 two-bedroom units and 3 three-bedroom units. The existing structures onsite would be demolished.

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units and 786 square feet of commercial space (SBMC§27.07 & 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (new construction of small structures).

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

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

1. Staff Report with Attachments, March 15, 2007
2. Site Plans
3. Correspondence received in support of the project:

a) Bill Collyer, Santa Barbara High School PTSA Safety Chair, 700 E. Anapamu Street Santa Barbara, CA 93103

b) Jarrett Gorin, Centerpoint Development Partners, LLC, 735 State Street, Santa Barbara, CA 93101-5502

EXHIBIT B

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

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

A. Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

B. New Residential Condominium Development (SBMC§27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with the physical standards for condominiums related to parking, private storage space, utility metering, laundry facilities, density, and private outdoor living space requirements.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project can be found consistent with policies of the City's General Plan including the Housing Element, Circulation Element and Land Use Element. The project will provide infill residential and commercial development that is compatible with the surrounding neighborhood.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential and commercial project proposed in an area where mixed-use developments are permitted. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

II. Said approval is subject to the following conditions:

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

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

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

3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.

4. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 15, 2007 is limited to a two-and three-story, mixed-use project consisting of five new condominium units for a total of 8,846 square feet (net), one new 778 square foot commercial space and 13 parking spaces and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

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

   a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium 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.

   d. **Trash and Recycling.** Trash and Recycling Containers shall contain equal volume, 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 offsite by the landscaping maintenance company. If no containers are used for multi-unit

residential developments, include an item in the CC&R stating that the green waste will be hauled offsite.

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

6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

7. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.

8. **Residential Parking Program Prohibited.** Future residential owners and tenants are prohibited from receiving Residential Parking Permits if the program is applied to the area around or near this project.

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

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

2. **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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.

3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.

4. **Drainage Calculations or a Hydrology Report.** The Owner shall submit drainage calculations or a hydrology report justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.

5. **Street Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Milpas Street. 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 new and/or remove and replace to City standards,

the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City/private water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide on/off-site storm water BMP plan), etc.); preserve and/or reset survey monuments and contractor stamps, new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

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

7. **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.

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

C. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR) and the ABR shall not grant preliminary approval until the following conditions are satisfied:

1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

2. **Sound Barriers.** As recommended in the Noise Study prepared by Dohn & Associates dated September, 28, 2006, five foot high sound barriers are required on the balconies of the two front residential condominium units.

3. **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.

4. **Consider Alley Access.** The applicant shall present for consideration to the ABR and Transportation staff an alternative design that shows Unit E exiting onto the alley to Nopal Street.

5. **Front Elevation.** Revise the southerly building on the front elevation to make it more pedestrian friendly.

6. **Courtyard Landscaping.** Study additional landscaping in the courtyard/motorcourt.

D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

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

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

E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the 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.

2. **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.

3. **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 1 Archaeological Resources Report prepared for this site

by Stone Archaeological Consulting, dated April 2006. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: 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 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.

4. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.

F. **Building Permit Plan Requirements**. The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission.

2. **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.

3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

4. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.

5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.

6. **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.

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field 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 containers for collection of demolition/construction materials.

2. **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.

3. **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 Public Works Director.

4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.

5. **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
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.

6. **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.

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

   Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

9. **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.

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

11. **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.

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

13. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

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

15. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed in a timely manner may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

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

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.

3. **Backflow or Backwater Device.** Provide an approved backflow or backwater device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.

4. **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 ½ x 11" board and submitted to the Planning Division.

I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent

contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF 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 or the provisions of the California Subdivision Map Act.

This motion was passed and adopted on the 15th day of March, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

Kathleen Goo, Alternate Commission Secretary

4-19-07
Date

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