



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 065-05

210 MEIGS ROAD

GENERAL PLAN MAP AMENDMENT, COASTAL PLAN MAP AMENDMENT, ZONING MAP AMENDMENT,
TENTATIVE SUBDIVISION MAP, COASTAL DEVELOPMENT PERMIT

OCTOBER 20, 2005

APPLICATION OF STEVE FORT, TYNAN GROUP, INC., AGENT FOR MICHAEL STEVENS, PROPERTY OWNER, 210 MEIGS ROAD, APN 045-110-011, E-3, SINGLE FAMILY, SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC & INSTITUTIONAL (MST2002-00710)

The subject property is a 53,484 (gross) square foot vacant lot (38,553 square feet net) located in the East Mesa Area adjacent to Washington School at the terminus of Lighthouse Road and across the street from La Mesa School Park. The project consists of a one lot subdivision with ten condominium units (8 market and 2 affordable), composed of two and three bedrooms, and ranging in size from 1,080 square feet to 2,409 square feet. Each unit would have two covered parking spaces and three guest parking spaces would be provided on site.

The project proposes 3,830 cubic yards of grading cut and 10 cubic yards of fill outside of building footprints. Grading under building footprints would be balanced on site involving 1,082 cubic yards. The project includes the removal of approximately 57 existing 4 to 42 inch trees, composed primarily of Eucalyptus trees and other non-natives and the installation of 63 new trees, 43 of which would be 24 inch box trees.

A zone change from E-3/S-D-3 to R-2/S-D-3 is requested. A change in the existing General Plan designation from Major Public and Institutional to Residential, 12 units per acre, and removal of a proposed park symbol would also be necessary as well as a Local Coastal Plan (LCP) Amendment because the General Plan Amendment would affect a parcel in the Coastal Zone.

The discretionary applications required for this project are:

Actions requiring a Planning Commission recommendation to the City Council and subsequent approval by the City Council and the California Coastal Commission:

1. Zoning Map Amendment to change the E-3/SD-3, Single Family Residential Zone/Coastal Overlay Zone, to R-2/SD-3, Two Family Residential Zone/Coastal Overlay Zone (SBMC §28.92.015);
2. General Plan Map Amendment to amend the General Plan Land Use Map for the subject parcel from Major Public & Institutional to Residential, 12 units per acre, which would be consistent with the proposed R-2 Zoning designation, and delete the "Proposed Park" symbol from this area; and
3. Local Coastal Plan Amendment to amend the Local Coastal Plan Land Use Map in the Coastal Zone (SBMC §28.45.009.7).

Actions by the Planning Commission contingent upon above actions by the City Council and Coastal Commission:

1. Modification to allow a wall to exceed the maximum allowable height of eight feet (SBMC§28.87.170);
2. Coastal Development Permit for a one lot subdivision to construct residential condominiums in the nonappealable jurisdiction of the Coastal Zone (SBMC §28.45.009), and
3. Tentative Subdivision Map for a one lot subdivision to construct residential condominiums (SBMC Chapter 27.07).

The Planning Commission will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

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

WHEREAS, no one appeared to speak in favor of the application, and 21 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 17, 2005
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Sharon Tibbitts, via email
 - b. Jeffery Stoutenborough, 317 Mohawk Road
 - c. Charlotte Roach, via email
 - d. Cindy Stoutenborough, 317 Mohawk Road
 - e. Claire B. VanBlaricum, via email
 - f. Jill Stevens, via email
 - g. David C. McClintock, via email
 - h. Cara & Gregg Leach, via fax
 - i. Emmet J. Hawkes, Jr., 505 Bath Street
 - j. Joanne Gordon, 637 Aurora Avenue
 - k. Pam Tanase & Kirk Peacock, via fax
 - l. Gregg Leach, via email
 - m. Joel Thames, 2439 Calle Linares
 - n. Tony & Sherri Black, via email
 - o. Mark Ingalls, via fax
 - p. Jim Buckley & Patty Kelley, 125 Santa Rosa Place
 - q. Kristin Martinez, 3894 Pemm Place
 - r. Brenda McDonald, via email
 - s. Hui-Min Chen, via email
 - t. James and Erica Victor, via email
 - u. Judy Osterhage, via fax
 - v. Teresa Koontz, via email

- w. Sylvie Yorbach Monsivais, via fax
- x. Krista Munizich, via email
- y. Janet S. Imel, via fax
- z. April VanWinkle
- aa. Matthew J. Easter, 233 East Carrillo Street
- bb. Gabriella Frederick, 1219 Del Oro
- cc. Mark Sherman
- dd. Barbara Collinson, 247 La Marina Drive
- ee. Barbara Coulson, via email
- ff. Katie Jacobs, 1021 San Diego Road
- gg. David Hetyonk
- hh. Natasha Heifetz Campbell, 1130 Del Sol Avenue

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

- I. Approved the subject application making the following findings and determinations:
 - A. MITIGATED NEGATIVE DECLARATION FINDINGS
 - 1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated October 20, 2004 for the 210 Meigs Road project (MST2002-00710), and comments received during the public review process. The proposed Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the 210 Meigs Road project (MST2002-00710).
 - 2. Mitigation measures identified in the Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the 210 Meigs Road project, which would avoid or reduce all potentially significant impacts to less than significant levels. Additional mitigation measures would be applied as conditions of approval to minimize adverse but less than significant environmental effects. In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that the 210 Meigs Road project (MST2002-00710) will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated October 20, 2005, is hereby adopted.
 - 3. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the 210 Meigs Road project (MST2002-00710) and is hereby adopted.
 - 4. The location and custodian of documents associated with the environmental review process and decision for the 210 Meigs Road project (MST2002-00710) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.

5. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project has the potential to affect fish and wildlife resources. The Initial Study/ Mitigated Negative Declaration for the project identified potential impacts as mitigable to less than significant levels. The project is subject to the DFG fee (\$1250 for a Negative Declaration). A condition of approval has been included which requires the applicant to pay the fee within five days of project approval.

B. WALL HEIGHT MODIFICATION (SBMC §28.87.170)

The Planning Commission finds that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

An increase in the wall height would meet the intent of the Zoning Ordinance. The height of the wall from the school side of the project would continue to be less than the maximum of eight feet. The wall from the project side would be screened with landscaping without compromising safety or aesthetics.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended. In addition, the size and massing of the project would be consistent with the surrounding neighborhood.

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

D. TENTATIVE MAP (SBMC §27.07.100)

With the Rezone and General Plan and LCP Amendments, the tentative subdivision map and design of the development would be 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 design of the project would not cause substantial environmental damage, and associated improvements would not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

E. CONDOMINIUMS (SBMC §27.13.080)

1. *The project complies with the provisions of the City's Condominium Ordinance.*
The project complies with the proposed R-2 zone's density requirements, and each unit includes adequate covered parking areas, with storage, laundry facilities, separate utility

metering, adequate unit size and required outdoor living space.

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

With the proposed General Plan amendment, the project is consistent with policies of the City's General Plan including the Land Use Element, Housing Element, Conservation Element, Circulation Element, and Noise Element subject to the City Council granting the requested Land Use Designation Change.

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 project proposed in an area where residential is a permitted use. The project is adequately served by public streets, would provide adequate parking to meet the demands of the project and would not result in traffic impacts. Adequate park facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire, and schools.

F. **RECOMMENDATIONS TO CITY COUNCIL**

1. **General Plan and Local Coastal Plan Amendments.**

The Planning Commission recommends to the City Council a redesignation of the subject property from Public and Institutional and Proposed Park to Residential, 12 units per acre. This designation recognizes the fact that the property is in private ownership and both the City of Santa Barbara and the Santa Barbara School Districts have declined to purchase the subject property for either school or park purposes. Designation of the property as Residential, 12 units per acre, will allow for development of both market-rate and affordable housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent with nearby development and land uses.

2. **Rezone.**

The Planning Commission recommends to the City Council a rezone of the subject property from E-3/SD-3, Single Family Residential Zone/Coastal Overlay Zone, to R-2/SD-3, Two Family Residential Zone/Coastal Overlay Zone. This zone would be consistent with the proposed General Plan and Local Coastal Plan designation and would be consistent with the Local Coastal Plan text discussion of development in this area of the Mesa Neighborhood.

II. Said approval is subject to the following conditions:

- A. **Approval contingent upon General and Local Coastal Plan and Zoning Amendments.** Approval of the subject Tentative Subdivision Map, related Modifications and Coastal Development Permit is contingent upon City Council and

California Coastal Commission approval of the General and Local Coastal Plan and Zoning Map amendments.

- B. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Final Map on 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/or Public Works Director:
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 as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 20, 2005, is limited to ten (10) residential condominiums and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 5. **Middle-Income Unit Sale Restrictions.**

Two (2) of the two-bedroom dwelling units on the Real Property shall be sold at prices affordable to middle-income households in accordance with the City of Santa Barbara AHP&P dated July 2004. The target income for the sale price calculations shall be 130% of AMI for the two-bedroom units. These affordability requirements shall be set forth in more detail in an affordability document executed by Owner and recorded in the chain of title for the Real Property.
 6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County an agreement/declaration, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Disclosures for Adjacent Uses.** Future owners of each condominium unit shall be made aware of the fact that Washington Elementary School is on the adjacent property and that various indoor and outdoor activities

- occur on said property, including, but not limited to outdoor play, organized games, and special events.
- b. **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.
 - c. **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.
 - d. **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.
 - 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 and which also provides that such covenants may be enforced by the owners' association in accordance with the requirements of the state Subdivision Sales Law.
7. **Entry Gates.** There shall be no vehicular front entry gates on any primary entrance to the property.
 8. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Land Development Engineer.
- C. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Design Review.** Prior to building permit issuance, proposed project grading and landform alteration, structural design, landscaping, and lighting is subject to preliminary and final review and approval by the Architectural Board of Review for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting. The ABR shall give attention to privacy and an adequate landscape buffer along east property line. (AES-1)
 2. **Site Wall.** The site wall shall be 10 feet in height and constructed as a sound wall.
 3. **Reduction of mass, bulk and scale.** Restudy Units 7 and 8 to reduce the mass, bulk and scale by lowering the units into the site, reducing plate heights, etc.

4. **Lighting.** Exterior lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects, and shall be approved by the Architectural Board of Review. (AES-2)
5. **Trash Enclosure Provision.** Trash storage areas with an area for recycling containers shall be provided on the Real Property for each unit and shall be screened from view from surrounding properties and the street. Any such storage structure shall be located at least five (5) feet from any building unless protected with fire sprinklers.
6. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
7. **Oak Tree Protection Measures.** The following provisions shall apply to the oak tree on site and be incorporated into the final landscape plan:
 - a. **Protective Fencing** Prior to any ground disturbances, a temporary fence shall be installed, a minimum of 8 feet from the oak tree trunk. Fencing shall be supported by posts on minimum eight-foot centers and shall remain in place during all grading and construction activities. Protective fencing shall be shown on all grading and building plans. If removal of fencing is required at constricted areas adjacent to approved work, fencing shall be reinstalled immediately, and left in place until construction is completed. (BIO-2)
 - b. **Material Storage and Parking** Construction equipment and vehicles shall not be driven or parked within five feet of the dripline of any oak tree. Storage of fill soil, rocks, or construction materials within the protected area shall be prohibited. (BIO-3)
 - c. **Trenching** Excavation within the dripline of the oak shall be done by hand. All native tree roots encountered over 1 inch in diameter shall be cut cleanly by hand. If the root area will be backfilled (east of the wall), then the cut root shall be kept wrapped in moist burlap until backfilled. Soil area next to treated (cut) roots shall be irrigated to encourage regrowth. (BIO-4)
 - d. **Post-Construction Protection Measures** The oak tree shall be protected from stucco or paint during application of such materials to adjacent buildings. No permanent irrigation shall occur within the dripline of the existing oak. The oak tree shall receive deep feeding after grading activities are completed. A certified arborist or tree maintenance firm experienced in deep feeding of oak trees shall perform the deep feeding. (BIO-5)

- e. **Mitigation Planting** The oak tree is expected to survive construction under project circumstances; however, the addition of five coast live oak trees to the landscape plan is required to further ensure that the project results in no significant impacts to oak trees. (BIO-6)
- D. **Final Map Submittal.** The Owner shall submit to the Public Works Department, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the current Subdivision Map Act and City Survey Control Ordinance.
 - E. **Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Final Map for the project:
 1. **Water Rights Assignment.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.
 2. **Common Area Maintenance.** The Owner shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement providing an express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities, common drainage facilities, 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. Prior to recording, the agreement shall be reviewed as to form by the City Attorney and as to content by the Community Development Director and the Public Works Director.
 3. **Meigs Road Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the subject property road frontage, and the frontage to the south of the school parking lot to the north of the subject property on Meigs Road, providing a continuous sidewalk. As determined by the Public Works Department, the improvements shall include a six foot wide City standard sidewalk, a four foot parkway, an 8-10 wide median along the length of the project frontage on Meigs Road designed in a manner to allow all turn access to and from the project driveway, a driveway apron modified to meet Title 24 requirements, curbs, gutters, crack seal to the centerline of the street, road striping, underground utilities, connection to City/ water and sewer mains, drainage system including A470 curb drain outlets, slot/trench drain at back of driveway approach, drop inlets, detention where feasible & erosion protection, supply and install City standard street lights every 100 feet and pedestal meter

servicing those lights, if three or more lights are required, final style and placement of street lights subject to approval by ABR & Public Works Facilities Construction, preserve and/or reset contractor stamps and survey monuments, provide directional/regulatory traffic control signs, storm drain stenciling, pollution prevention interceptor devices on-site to be approved by City Water Conservation Division, drought-tolerant parkway landscaping, six (6) new street trees as determined by the City Arborist, and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.

4. **Land Development Improvements Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, an approved Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements as provided in Chapter 27.11 of the Santa Barbara Municipal Code.
 5. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain surface pollutant interceptor. The Plan shall be reviewed and approved by the Land Development Engineer.
 6. **Hydrology Calculations.** Submit to the Land Development Engineer revised final hydrology calculations justifying that the proposed and existing drainage conveyance system adequately conveys a 25-year storm event, as directed by the Land Development Engineer.
 7. **Dedicated Easements.** The Owner shall covenant or offer to make a dedication for easement for water, sewer and other utility purposes as shown on the approved tentative subdivision map a minimum of ten (10) feet wide, subject to approval as to form by the City Attorney and content by the Public Works Director and the Community Development Director:
 8. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices. All new residential development projects shall address water quality through the use of best management practices (BMPs) as determined by the City. BMPs shall be applied in the following order of priority: site design, source control, and treatment control. Furthermore, projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
- F. **Recorded Affordability Document.** Prior to the issuance of building permits, the Owner shall obtain from Housing and Redevelopment Staff an affordability document

requiring that five of the two bedroom units be affordable to middle income households at 130% of AMI. Said document shall be executed by the applicant and recorded prior to recording of the final map for the project.

G. **Required Prior to Permit Issuance.** Issuance of all permits shall be in compliance with “**Construction Site Regulations**” as outlined in condition H. The following shall also be finalized and specified in written form and submitted prior to or with any public works and site building permit applications:

1. **Mitigation Monitoring and Reporting Requirement.** The Owners shall submit to the City’s Environmental Analyst a monitoring program for the project’s mitigation measures, as stated in the Mitigated Negative Declaration for the project, applicable to each building and public works permit for this project. A Project Environmental Coordinator (PEC) and Mitigation monitors responsible for permit compliance monitoring must be hired and paid for by the applicant. The mitigation monitoring program shall include, but not be limited to:
 - a. A list of the project’s mitigation measures.
 - b. An indication of the frequency of the monitoring of these mitigation measures.
 - c. A schedule of the monitoring of the mitigation measures.
 - d. A list of reporting procedures.
 - e. A list of the mitigation monitors to be hired.
2. **Project Environmental Coordinator Required.** A qualified representative for the Owners, approved by the City Planning Division, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
3. **Construction Notification to Neighbors.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notification to property owners and residents within 450 feet of the project area, to surrounding area homeowners associations, Washington School, and posted at the access to construction site. The notice shall provide a construction schedule, required noise conditions applied to the project, and the name and telephone number of the Project Manager who can address questions and problems that may arise during construction. (N-2)
4. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owners, Architect, Project Engineer, Project

Environmental Coordinator, School Representative, Mitigation Monitors, Contractor and Subcontractor(s).

5. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions and Conditions of Approval.
- H. **Phasing of Permits.** Issuance of a site clearance and rough grading permit shall be allowed prior to issuance of other public works and site building permits with incorporation of proper storm water control, drainage, and erosion control measures, all items outlined in Section G above, and all items outlined in grading and erosion conditions and Section I, as approved by City Staff.
- I. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Design Review Requirements Included on Plans.** Plans submitted for building permits shall show all design elements, as approved by Architectural Board of Review, outlined in Section C above.
 2. **Raptor Seasonal Restriction.** If construction, grading, and/or tree removal is to occur during the raptor breeding season (February 1st through August 15th), a survey by a biologist to locate active raptor nests shall be conducted. If active nests are found, construction, grading and tree removal may be conducted, but shall not occur within a circle around any active nest with a radius of 200 feet measured horizontally on the ground with a point directly below the active nest as the center, until fledglings leave. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply. (BIO-1)
 3. **Geotechnical Conditions and Design.** The project shall be constructed in accordance with California Building Code requirements and the recommendations contained in the Preliminary Foundation Investigation prepared by Pacific Materials Laboratory, dated April 5, 2004, regarding site preparation, grading, paving, foundation design, and construction plans, and any additional information required by Building Division Staff, and as approved by the City Building Division. (G-1)
 4. **Construction Techniques.** Applicant shall prepare and submit a noise analysis that identifies construction techniques to ensure that the project complies with the normally acceptable maximum exterior ambient noise level of 60 dB(A) and maximum interior noise level of 45 dB(A). The project design shall incorporate construction design measures to minimize potential interior noise nuisance impacts from the adjacent school use. (N-1)

5. **Drainage and Grading Plan Required.** Each Owner shall submit a drainage and grading plan for the parcel(s) of Real Property owned by such Owner and shall carry out the requirements of such plans in the field.
6. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations. The plans shall identify retention basins on-site sufficient to accommodate the 0.2 cfs increase in flow anticipated or a study prepared by a licensed civil engineer shall demonstrate that sufficient capacity in downstream drainage capacity exists to accommodate the 25-year statistical storm. (W-1)
7. **Storm Drain Markings.** Stenciled information shall be printed on all curb storm drains warning of the direct connection to the ocean.
8. **Site Runoff.** All project runoff waters from areas such as the access roads, roofs, driveways shall be captured on-site and conducted, via the proposed drainage system, to prevent increased site runoff.
9. **Smoke Detectors.** Smoke detectors shall be provided inside and outside of the sleeping area(s) pursuant to City requirements.
10. **Utilities.** Provide individual water, electricity, gas meter, and building-sewer for each residential unit. Service lines for each unit shall be separate until a point five (5) feet outside the building. Utilities from one unit may not pass through another unit pursuant to Santa Barbara Municipal Code Section 27.13.060.
11. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, pursuant to Santa Barbara Municipal Code Section 14.20.020, Water Saving Devices, subject to the approval of the Water Resources Management Staff.
12. **Unanticipated Archaeological Resources.** Prior to the removal of any vegetation or paving, or any demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by Owner. 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, preparation and implementation of a Phase III Archaeological Resources Report in accordance

with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, 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.

13. **Erosion Control Plan.** An Erosion Control Plan shall be developed for construction activities to maintain all sediment on site and out of the drainage system. The plan shall include Best Management Practices approved by the City and Regional Water Quality Control Board, and shall include, at a minimum, the following:
 - a. Minimize the area of bare soil exposed at one time (phased grading).
 - b. Install silt fencing (installed with a 6 inch by 6 inch right-angled, buried lip) and/or closely aligned hay bales on the edge of all development envelopes.
 - c. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction. Any area outside of the development envelopes shall be seeded to promote immediate erosion control and long-term cover. Utilize the seed mix and hydroseeding procedures for grassland restoration of disturbed slopes adjacent to the development envelopes per the Rachel Tierney's Biological Resources Assessment Report.
 - d. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - e. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
14. **Solid Waste Management Plan.** A solid waste management plan identifying measures for reuse, source reduction, and recycling shall be developed for construction of the proposed project, and submitted to the City's Environmental Analyst and the City's Solid Waste Specialist for review and approval prior to building permit issuance.

15. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, Washington School, the Property Owner, Architect, Contractor and Subcontractor(s).

J. **Construction Site Regulations.** All construction onsite will adhere to the following regulations. These regulations shall be reproduced on all plans issued:

1. **Construction Hours.** Construction activities (which may include preparation for construction work), such as activities using heavy equipment, framing, sheathing, and roofing, shall be permitted weekdays between the hours of 7:00 a.m. and 7:00 p.m., excluding holidays observed by the City as legal holidays: New Year's Day (January 1st); Martin Luther King Jr.'s Birthday (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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.

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

Construction activities, other than use of heavy equipment, framing, sheathing, and roofing, may occur on holidays and weekends between the hours of 8:00 a.m. and 5:00 p.m.

Occasional night work may be approved for the hours between 7:00 p.m. and 7:00 a.m. on weekdays by the Chief Building Official (per Section 9.13.015 of the Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any night work. Night work shall not be permitted on weekends and holidays. (N-3)

2. **Equipment Mufflers and Shields.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. Sound control devices and techniques, such as noise shields and blankets, shall be employed as needed to reduce the level of noise to surrounding uses. A noise control plan shall be submitted prior to any building permit issuance that shows how construction noise will be reduced for surrounding uses, with particular attention to

Washington School. The plan shall include, but not be limited to, the use of sound control devices and techniques, such as noise shields and blankets. (N-4)

3. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 2. 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.
4. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. AQ-2
5. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. AQ-3
6. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by: AQ-4
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District.
7. **Construction Dust Control – 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. AQ-5
8. **Dust Control Monitor.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control

District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. AQ-6

9. **Construction Equipment Requirements.** The following shall be adhered to during project grading and construction to reduce NOx and particulate emissions from construction equipment:
 - a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible.
 - b. Clean diesel fuel (Ultra-Low Sulfur Diesel) fuel shall be used.
 - c. The engine size of construction equipment shall be the minimum practical size.
 - d. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - e. Construction equipment shall be maintained in tune per the manufacturer specifications.
 - f. Construction equipment operating on-site shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
 - g. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - h. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
 - i. Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - j. Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site. (AQ-7)
10. **Equipment Washing.** Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.
11. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill. (PS-1)
12. **Construction Traffic.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the

Transportation Engineer. 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. and consider school peak hours as well as surrounding area) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods.

13. **Truck 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 Transportation Operations Manager. The route of construction-related traffic shall also be established to minimize trips through surrounding residential neighborhoods.
14. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 2. During construction, free parking spaces for construction workers and storage for construction materials shall be provided on-site.
 3. Storage of construction materials within the public right-of-way is prohibited.
15. **Construction Staging Areas.** Appropriate construction equipment staging areas shall be identified, such that the short-term construction impacts to neighboring residences/schools would be minimized.
16. **Delivery and Storage of Materials and Equipment.** All deliveries of material and equipment will occur on-site within the construction barricades and only during the hours specified by the City on weekdays. The queuing of construction vehicles outside the site specified hours will be strictly prohibited. Vehicles delivering materials and equipment to the site shall be operated in strict conformance with regulations established by the United States Department of Transportation and all State and Local requirements. The vehicles shall all utilize mufflers and other devices to minimize noise levels. All materials and equipment will be stored on-site and within the confines of the construction barricades.
17. **Portable Equipment.** Where portable power generation or air compressors are required on the site, locate these noise sources as far away from the property line as possible. Where required because of proximity to residential areas, utilize a three or four sided enclosure which is lined with a sound absorbing material. Locate portable equipment where the noise shielding provided by remaining building structure will be beneficial. Another approach is to utilize very quiet power generation and air compressors, similar to those utilized in the motion picture industry on location.
18. **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 and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

19. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

| | | |
|----------------|--|------|
| Property Owner | | Date |
|----------------|--|------|

| | | |
|------------|------|-------------|
| Contractor | Date | License No. |
|------------|------|-------------|

| | | |
|-----------|------|-------------|
| Architect | Date | License No. |
|-----------|------|-------------|

| | | |
|----------|------|-------------|
| Engineer | Date | License No. |
|----------|------|-------------|

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

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
2. **Complete Public Improvements.** Public improvements as shown in the C-1 plans approved by the Public Works Department.
3. **Cross Connection Inspection.** The owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
4. **Affordability Provisions Approval.** Obtain from the Community Development Director, for all dwelling units subject to affordability conditions, written approval of the following: (a) the resident selection process; (b) the initial sales prices and terms (including financing); (c) the eligibility of the

initial residents; and (d) the recorded implementing documents which assure continued compliance with the affordability conditions.

5. **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.

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

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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

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

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

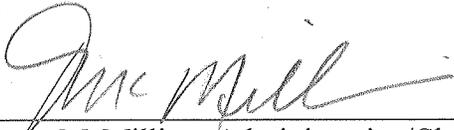
NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval, per SBMC Section 28.07.110.a & .b, unless the subdivider requests an extension of time, not to exceed two (2) years beyond the expiration of the original two (2) years expiration date or per the allowances provided in the Subdivision Map Act.

This motion was passed and adopted on the 20th day of October, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 ABSTAIN: 0 ABSENT: 2

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.



Deana McMillion, Administrative/Clerical Supervisor



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.