

PLANNING COMMISSION CONDITIONS OF APPROVAL

687 GROVE LANE
TSM, MODIFICATION AND WAIVER
JULY 7, 2005

A. **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 with the Parcel 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 Flow of Water.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
2. **Approved Project.** The project approved by the Planning Commission on July 7, 2005 is limited to the subdivision of a 38,891 square foot lot into three lots, and the improvements shown on the Tentative Map, signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

Above ground utilities at the rear of the site shall be placed underground on the subject property and at 668 and 714 Willowglen Road, at the applicant's expense, subject to the acceptance of the respective property owners.

3. **Future Development.** As shown on the Tentative Map, existing and proposed habitable structural development on the individual parcels, including, but not limited to, primary residences, guest houses, studios, garages, and cabanas shall be limited to the areas designated as "Development Envelopes."

As described in the applicant's letter dated May 12, 2005, future development on Lot B shall be limited to a single-story residence of no more than 16 feet in height with no more than 1,700 square feet of habitable and accessory space and no more than a 500 square foot two-car garage.

Future development on Lot C shall be limited to a single-story residence of no more than 16 feet in height with no more than 2,500 square feet of habitable and accessory space and no more than a 500 square foot two-car garage. The garage shall be located within the area designated on the approved Tentative Map.

4. **Design Review.** Future construction of single family homes and additions thereto is subject to the review and approval of the Architectural Board of Review (ABR). Development shall be reviewed by the ABR for consistency with these conditions of approval.
5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).

6. **Garages Available for Parking.** All garages shall 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.
 7. **Storm Water Pollution Control Systems Maintenance.** The Owners 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.
- B. **Parcel Map Submittal.** The Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
- C. **Public Works Submittal Prior to Parcel Map Recordation.** Prior to the recordation of the Parcel Map or issuance of any Public Works permit or Building permit for the project on the Real Property:
1. **Water Rights Assignment.** The Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
 2. **Required Private Covenants.** The Owner shall record a covenant for maintenance of the proposed private driveway and drainage which shall be reviewed as to form by the City Attorney, and as to content by the Community Development Director and the Public Works Director. Said agreement shall be recorded in the office of the County Recorder.
 3. **Covenant Enforcement.** The Owner shall record a covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement for maintenance of the proposed driveway and drainage and which also provides that such covenants may be enforced by any owners' association in accordance with the requirements of California Subdivision Sales Law.
 4. **Street Light Petition.** The Owner shall provide a written Street Light Petition Notice to all property owners, businesses, and residents on the 600 and 700 blocks of Grove Lane fronting the subject property. The Owner shall coordinate with the Public Works Department Facilities Manager to create the Notice. The recipients of the Notice shall vote on whether they do or do not support a mid-block residential street light on their block. A simple majority vote is required to add a mid-block streetlight. The Notice shall contain a description of the issues related to street light placement, and shall include a name and phone number of a contact person who can answer questions and provide related information. The Notice is the standard process used by the Public Works Department to facilitate the addition of mid-block City standard street light(s).

If it is determined that a residential street lights is to be added, the Owner shall install City standard residential street lights, as determined by the Public Works Department at the expense of the Owner.

If a residential mid-block street lights is not installed as a result of the initial petition, then either a) five years following Planning Commission approval or, b) prior to Certificate of Occupancy, whichever occurs first, the Owner shall again provide a written Notice to all property owners, businesses, and residents on those same streets fronting the subject property. The citizens will be given another opportunity to request a residential mid-block street lights. If a residential mid-block street lights is determined to be added, the Owner shall install a City standard residential street lights as determined by the Public Works Department at the expense of the Owner.

5. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Grove Lane. As determined by the Public Works Department, the improvements shall include 5'6" City standard sidewalk, 4'6" City standard parkway, City standard driveway, underground utilities, curb drain outlets, one residential streetlights to City standard, preserve and/or reset contractor stamp and/or survey monuments, drought-tolerant parkway landscaping, street trees, and provide adequate positive drainage from the 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 by the City Engineer.
 6. **Agreement for Land Development Improvements.** The Owner shall submit an executed Agreement for Land Development Improvements, 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. **Hydrology Calculations.** Submit to the Land Development Engineer hydrology calculations justifying that the onsite/offsite proposed and existing drainage conveyance system adequately convey a 25-year storm event. Furthermore, projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
 8. **Utilities Undergrounded.** The existing above-ground utility lines located on proposed Parcel C shall be placed underground, to the extent possible, as shown on the tentative subdivision map dated May 2005.
- D. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Future Residences.** Development shall be reviewed by the ABR for compliance with the approved project description and these conditions of approval and the Single Family Residential Design Guidelines, as amended from time to time.
 2. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
- E. **Required Prior to Building Permit.** 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. **Driveway Access.** Driveway access for fire vehicles shall be 16-20 ft. wide, all-weather concrete or asphalt pavement capable of supporting a 40,000 lb. fire truck. Vertical clearance shall be a minimum of 13 feet-6 inches (13' 6").
 2. **Driveway Design.** The proposed driveway shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
 3. **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, at a minimum, the following:
 - a. Minimize the area of bare soil exposed at one time (phased grading).
 - b. Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.
 - c. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
 - d. Construction entrances should 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.
 - f. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should 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.
 4. **Drainage Improvements:** Plans for individual lot drainage improvements shall be submitted to Building Division staff concurrent with improvement plans for future residences on each parcel.
 5. **Stormwater Quality Control Guidelines Applied.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
 6. **Fire Hydrant Requirements.** Construction plans shall show the fire hydrant at the intersection of Grove Lane and Foxen Drive and include the following information; Hydrant #1233 (FH-C03-014) 861 gpm, residential type.
- F. **Building Permit Plan Requirements.** The following information shall be specified on the construction plans submitted for building permits:
1. **Contractors Contact.** Signage shall be posted at the points of entry to the site that list the contractor(s) name and phone number, work hours, and site rules to assist Building

Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions.

2. **Construction Hours.** Construction (including the preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m. Monday through Friday, and all day Saturdays, Sundays, and holidays observed by the City as legal holidays as shown below:

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

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

3. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
4. **Construction Parking.** Construction parking provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment.
5. **Construction Materials Storage.** Storage of construction materials within the public right-of-way is prohibited.
6. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
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. **Minimize Sediment and Dust.** Sweep daily the frontage of the property and adjacent properties along Grove Lane, paved access roads, parking areas, and staging areas at the construction site to decrease sediment transport to the public storm drain system and dust.
9. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

10. **Construction/Demolition Materials Recycling.** The applicant shall, to the maximum extent feasible, recycle and/or re-use all construction/demolition waste and materials in order to minimize construction-generated waste conveyed to the landfill.
11. **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.

G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy for any lot, 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.
2. **Complete Public Improvements.** Public improvements as shown in the improvement/building plans.
3. **Cross-Connection Inspection Required.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
4. **Utilities Undergrounded.** Place utilities for future development on Parcels B and C underground from the transmission source and within the Real Property as shown on the approved tentative subdivision map.
5. **Storm Water Detention.** Install a storm drain system that includes surface and/or subsurface detention facilities on each lot to establish no net increase in off-site drainage impacts. This may be accomplished by drywells, cellular storm water storage systems, gravel-based tank storage detention/infiltration systems, vegetated swales, or similar measures.

H. Indemnification and Hold Harmless. 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, 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.