

PLANNING COMMISSION CONDITIONS OF APPROVAL

110-116 EAST COTA STREET

TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN, AND MODIFICATION

NOVEMBER 17, 2004

- 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 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 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. **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.
 5. **Allowed Development.** The development of the Real Property approved by the Planning Commission on November 17, 2005 is limited to three (3) commercial condominiums totaling approximately 1,824 square feet, five (5) 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.
 6. **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.

EXHIBIT A

- 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. **Storm Water Pollution Control Systems Maintenance.** A covenant that provides that the drainage system, storm drain water interceptor and other storm water pollution control devices shall be maintained in accordance with the Operations and Maintenance Procedure Plan approved by the City Land Development Engineer.
- 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.

B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):

- 1. **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.
- 2. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers.
- 3. **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.

C. **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 approval and 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 water from under 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. **Final Map Preparation.** The Final Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act requirements and in conformance with the requirements of the City Survey Control Ordinance.
 3. **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.
 4. **Public Street Improvements.** The Owner shall submit building plans for construction of drainage and street improvements along the subject property road frontage on Cota Street. As determined by the Public Works Department, the improvements shall include driveway apron modified to meet Title 24 requirements, underground utilities serving the parcel, drainage system (curb drain outlets, slot/trench drain, drop inlet) preserve and/or reset contractor stamp and/or survey monuments, pollution prevention interceptor device, biofilter/swale, 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.
 5. **Lot Merger.** The Real Property known as APN 031-201-003 and APN 031-201-030 shall be merged into one (1) legal parcel, following the procedure in the Municipal Code.
 6. **Separate Water Meters.** Separate water meters are required for each individual dwelling unit, which may be installed with a meter manifold. Owner shall provide flow calculations from a registered civil engineer, for water, fire, and irrigation metered services larger than 5/8-inch. Flow calculations and hydraulic design are the responsibility of the developer/engineer.
 7. **Buy-in Fees.** Owner is required to pay all associated buy-in fees for establishing new water and/or sewer connections.
 8. **Sewer Location.** Owner to identify the location of the proposed sewer location. If the existing or proposed sewer connection is located within the nonpublic paved driveway on adjacent Vera Cruz Park, an encroachment permit or sewer easement shall be obtained from the City.
 9. **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.
- D. **Required Prior to Building Permit Issuance.** The following shall be finalized and specified in written form and submitted with the application for a building permit:
1. **Archaeological Monitoring Contract.** Contract with an archaeologist from the most current City Qualified Archaeologists List to complete an intensive Phase 1 survey of

the entire ground surface of the property once the pavement has been removed and the site cleared, as indicated in the Phase 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting, dated November 2003. The contract shall be subject to the review and approval of the Environmental Analyst.

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

If no cultural remains are identified during the ground inspection, only proposed excavation along the southern project boundary in the vicinity of the outhouse indicated on the 1892 Sanborn Fire Insurance Map shall be monitored to at least a 3-foot depth below grade.

If prehistoric or historic cultural remains are identified during the Phase 1 survey, an Extended Phase 1 investigation (shovel test pits or controlled backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit. If the remains appear to be potentially significant, a Phase 2 significance assessment shall be performed, pursuant to the City's MEA criteria, to determine any further treatment.

If cultural resources are encountered or suspected, work shall be halted or redirected immediately and the City Environmental Analyst 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 Environmental Analyst grants authorization.

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

2. **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 shall be reviewed and approved by the City Planning Division prior to being distributed.

3. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be held, which 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 Owner, Architect, Contractor and Subcontractor(s).
4. **Construction Staging Plan.** A construction staging plan shall be submitted and implemented, subject to review and approval by the Transportation, Operations and Parking Manager, in consultation with Community Development and Fire Department staff. At a minimum, said plan shall identify the main stages of construction, including but not limited to: excavation; foundation; construction of walls, interior components and roof; and finish work. Necessary night work shall be identified and justification for such activities outlined. For each construction stage, identify required street closures (including loss of on-street parking), pedestrian detours, location of construction worker parking, emergency access, proposed use of private property, and other information determined to be necessary by the City. Closures of any portion of Cota Street, Vera Cruz Park, or any public right-of-way shall be shown, including timing, duration, extent and pedestrian and emergency access. Closure of any public right-of-way shall require an encroachment permit issued by the City, subject to applicable terms and conditions. The plan shall also include public notification procedures and any necessary detour sign design, wording and locations.

E. **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. **Commercial Dumpsters.** Commercial dumpsters, including an area for recycling containers, shall be provided as approved by the ABR.
2. **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. Special attention shall be paid to the location of such materials due to the close proximity to the park.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
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 Transportation Operations Manager.

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

New Year's Day	January 1 st *
Martin Luther King's Birthday	3 rd Monday in January
Presidents' 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.

6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
- 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.
 - On-site or off-site storage shall be provided for construction materials and equipment.
 - Storage of construction materials within the public right-of-way is prohibited without an encroachment permit issued by the City.
 - (Free) off-site parking for construction workers and off-site storage for materials and equipment shall be provided (during phases of the construction when it cannot be accommodated on-site). The location of this off-site area shall be subject to the approval of the Community Development Director.
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.
10. **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.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- 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 (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.
3. **Cross Connection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
5. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Modification and the Tentative Subdivision Map shall expire two (2) years from the date of approval, unless otherwise extended in accordance with SBMC §27.07.110 or the provisions of the Subdivision Map Act.