



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 055-06 1575 LA VISTA DEL OCEANO DRIVE MODIFICATIONS AND VOLUNTARY LOT MERGER DECEMBER 21, 2006

APPLICATION OF BRIAN HOFER, ARCHITECT FOR GENE SCHECTER, PROPERTY OWNER; 1575 LA VISTA DEL OCEANO DRIVE, (035-170-023 & -022); E-1, ONE-FAMILY RESIDENCE ZONE; GENERAL PLAN DESIGNATION: RESIDENTIAL – 3 UNITS PER ACRE (MST2003-00652)

The project consists of the construction of a new residence (approximately 2,800 sq. ft. net and 3,200 sq. ft. gross) at 1575 La Vista del Oceano Drive. The lot would be accessed from the northern portion of the lot off of La Vista del Oceano Drive. Due to topographical site constraints, numerous retaining walls (which vary in height) will be required for this project. The tallest retaining wall would reach approximately 13 feet in height including a 3½-foot guard rail on top of it at its highest point. However, most of the retaining walls would be approximately four feet in height. Additionally, guard rails/fences will be required in certain areas for safety purposes. The proposal involves the merger of two vacant parcels (035-170 and 035-170-022). In terms of grading, approximately 255 cu. yds. of cut and 93 cu. yds. of fill are proposed under the main building footprint. Outside of the main building footprint, approximately 157 cu. yds. of combined cut and fill are expected.

This project was previously reviewed by the Planning Commission as part of five inter-related applications located at the end of the lower portion of La Vista del Oceano Drive which is currently unimproved and centrally located in that neighborhood. The completion of the roadway and three out of the four residences (1568, 1570 and 1576 La Vista del Oceano Drive) were approved by the Planning Commission on October 6, 2005. The development on 1575 La Vista del Oceano Drive was continued indefinitely for further restudy.

The following discretionary applications are required for the project:

1. A Modification to allow fences, walls, and hedges within the required front yard setback and on either side of a driveway to exceed 3½' in height in the E-1 Zone (SBMC §28.87.170).
2. A Modification to allow encroachment into the required front yard setback in the E-1 Zone (SBMC §28.15.060.1).
3. A Modification to allow parking in the required front yard setback in the E-1 Zone (SBMC §28.15.060.1 and §28.90).
4. A Modification to provide less than the required 1,250 square feet of open yard in the E-1 Zone (SBMC §28.15.060.3).
5. Voluntary Lot Merger of APN 035-170-023 and 035-170-022.

The Environmental Analyst has determined that an Addendum to the Final Mitigated Negative Declaration for 1568-1576 La Vista del Oceano Drive (adopted October 6, 2005, SCH#2005051106)

adequately addresses the proposed revisions. The Addendum analysis concludes that no new significant impacts beyond those identified in the prior Final Mitigated Negative Declaration would result from the proposed project revisions.

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 one person expressed concern thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 21, 2006
2. Site Plans

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

- I. Approved the subject application making the following findings and determinations:
 - A. Environmental Findings:
 1. The Planning Commission has considered the Addendum, dated November 30, 2006, for the residential development proposed at 1575 La Vista del Oceano Drive (MST2003-00652), together with the adopted Final Mitigated Negative Declaration (SCH#2005051106) for the original project, and public comments received.
 2. The Addendum to Final Mitigated Negative Declaration (SCH#2005051106) has been prepared in compliance with California Environmental Quality Act requirements. The Addendum together with the adopted Final MND constitute adequate environmental analysis of the current proposed project at 1575 La Vista del Oceano Drive.
 3. Mitigation measures identified in the Final Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the current project as conditions of approval and would avoid or reduce all potentially significant impacts to less than significant levels. In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that the proposed project at 1575 La Vista del Oceano Drive will have a significant effect on the environment.
 4. A Mitigation Monitoring and Reporting Program has been prepared in compliance with the requirements of Public Resources Code § 21081.6, and is hereby adopted.
 5. The location and custodian of documents associated with the environmental review process and decision for the project at 1575 La Vista del Oceano Drive (MST2003-00652) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93102.

6. There is no evidence that the proposed project at 1575 La Vista del Oceano Drive (MST2003-00652) would have any potential for adverse effect on wildlife resources.

B. Modifications (SBMC §28.92.026)

1. Fence, Screen, Wall and Hedge Modification (SBMC §28.87.170)

The modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. The modification is primarily required to enable development. This will allow for appropriate development and access on the site. The heights have been minimized to the greatest extent possible balancing all relevant factors on the sites.

2. Front Yard Setback Modification (SBMC §28.15.060)

The modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. The modification is primarily required to enable development and recommended parking for this site. This will allow for appropriate development on the site. The modification is necessary to promote uniformity of improvement and secure an appropriate improvement on the lot and is consistent with the purposes and intent of the Zoning Ordinance.

3. Parking in the Front Yard Modification (SBMC §28.15.060 & §28.90.001.9)

The modification is necessary to promote uniformity of improvement and secure an appropriate improvement on the lot and is consistent with the purposes and intent of the Zoning Ordinance. Approval of the modification will allow for guest parking to be provided in an area where no on-street parking is available, thus minimizing impacts in the surrounding neighborhood.

4. Open Yard Reduction (SBMC §28.15.060)

The modification is necessary to promote uniformity of improvement and secure an appropriate improvement on the lot and is consistent with the purposes and intent of the Zoning Ordinance. An equivalent undisturbed open area east of the building site will be designated as their "open yard area". Additionally, the applicant is proposing 719 square feet of patios, decks and paved areas which will provide useable recreational areas onsite.

II. Said approval is subject to the following conditions:

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

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
2. **Trash and Recycling.** The Owner shall provide adequate space and maintain it for trash and recycling purposes.
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
4. **Allowed Development.** The development of the Real Property approved by the Planning Commission on December 21, 2006 is limited to the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara and as shown below:
 - a. **1575 La Vista del Oceano Drive** – a single-family residence with an attached garage, totaling 3,300 square feet (gross area), and associated improvements.
5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
7. **Landscape Plan Compliance.** Each Owner shall comply with the Landscape Plan(s) approved for the parcels of Real Property owned by such Owner by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. Each Owner shall provide and maintain the landscaping on the parcels of Real Property owned by such Owner in accordance with said landscape plan.
8. **Landscape Plan.** Each landscape plan shall adhere to the Fire Department Landscape Guidelines for properties that are in the high fire hazard area. These plans shall be reviewed and approved by the Architectural Board of Review and the Fire Department. **(H-2)**
9. **High Fire Vegetation Management.** Residences located in the High Fire Hazard area are required to maintain vegetation to create an effective fuel break by thinning dense vegetation (mosaic style) and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or structures. Each Owner shall perform the following maintenance annually on the parcels of Real Property owned by such Owner for the life of the project.

- a. Cut and remove hazardous brush, shrubs, and flammable vegetation such as dry grass and weeds within 100 feet of any structure and within 2 inches of the ground.
- b. Thin brush from streets and driveways both horizontally and vertically along the property. Flammable vegetation must be cleared on each side of the street or driveway for a distance of 10 feet and a vertical distance of 13 feet, 6 inches. Vegetation must be cut to within 2 inches of the ground. This applies to the public or private driveway and any public or private streets that border the property.
- c. Remove dead wood, trim the lower branches, and limb all live trees to 6 feet above the ground (or as much as possible with younger, smaller trees), especially trees adjacent to buildings.
- d. Trim tree limbs back a minimum distance of 10 feet from any chimney opening.
- e. Remove all dead trees from the property.
- f. Maintain the roof of all structures free of leaves, needles or other vegetative debris.
- g. Legally dispose of all cut vegetation, including any debris left from previous tree trimming and brush removal. Cut vegetation may be chipped and spread throughout the property as a ground cover, up to 12 inches in depth, and at least 30 feet from any structure. **(H-1)**

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

1. **Water Conservation.** The landscape and irrigation plans shall be in compliance with the Landscape Design Standards for Water Conservation (Res. No. 89-077) and shall be subject to approval by the Architectural Board of Review. **(PS-1)**
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.
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.
4. **Retaining Walls.** All retaining walls visible to the public shall be faced with sandstone or similar appearance, as acceptable to the Architectural Board of Review.
5. **Landscape Plan.** The planting per the approved landscape plan shall maximize the size, type, and density of plantings for both short and long-term mitigation.

6. **Photovoltaic Cells.** The Owner shall incorporate photovoltaic cells into the design, preferably on the south side of the roof rather than down at grade so that they will not be visible.
 7. **Garage Storage Space.** Study the proposal to minimize the encroachment of northwest corner of the garage. The Owner shall submit an alternate solution which eliminates the northwest corner of the garage that protrudes from the face of the building in order to see the impact on the building footprint and mass of the structure. The ABR shall decide on the best garage design.
- C. **Public Works Submittal and Approval Prior to Site Building Permit Issuance.** The Owners shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the project:
1. **Public Improvement Securities.** The Owners shall provide an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the "Agreement to Construct and Install Improvements (Not a Subdivision)" Securities will reflect 200% of the approved Engineer's Estimate per Municipal Code 27.11. 100% of the Engineer's Estimate for the Performance security and 100% of the Engineer's Estimate for the Labor & Materials security. Upon completion and acceptance of the required public improvements, 75% of the Performance security will be released and the labor and materials security will be released in total. Section 5 of the Agreement for Land Development Improvement, or Agreement to Construct and Install Improvements (Not a Subdivision)) requires that the retention of 25% of the performance security to cover the cost of any defects in work discovered within the first year following acceptance of the work.
 2. **Public Street Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the entire property frontage on La Vista del Oceano Drive as outlined in Planning Commission Conditions of Approval Resolution No. 063-05. The C-1 plans shall be submitted separately from plans submitted for a Building permit. As determined by the Public Works Department, the improvements shall include new driveway aprons to meet Title 24 requirements, new concrete curbs, gutters, and 16-foot minimum varying width asphalt concrete roadway, underground service utilities, install one city standard street light as determined by ABR and Public Works at bend of road, retaining wall designed to support the public road shall be submitted and design by a licensed structural engineer and built to City Standard, submit application for installation of new water services and connection to city water main, removal, replacement or relocation of any public utilities or structures shall be approved by the City and at Owners expense, and preserve and/or reset survey monuments and provide adequate positive drainage from site.

The Owners must furnish and install traffic control signs, striping, and guardrails in the public right-of-way as approved by the Transportation Operations Manager.

3. **Drainage Calculations or Hydrology Report.** The Owners shall submit to the Land Development Engineer drainage calculations/hydrology report justifying that the existing on-site and proposed on-site drainage conveyance system adequately conveys a minimum of a 25-year storm event.
 4. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 5. **Voluntary Merger Required.** The Real Property known as APN 035-170-230 and APN 035-170-220 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30, including submittal of a Master Application and payment of required fees by the Owners to Public Works for preparation of the necessary Certificate of Voluntary Merger, and including submittal of a description of the merged lots by a qualified surveyor, prior to Owners' execution of the required Certificate and submittal by Public Works for its recordation in the Official Records.0.
 6. **Construction Best Management Practices.** Construction Best Management Practices Required. All construction activities conducted by the Owners, either individually or collectively, shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.
 7. **Private Storm Drain Facilities.** Storm drain facilities not built to city standard are to be privately maintained and located on private property.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- E. **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, 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, 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.
- F. **Phasing of Permits.** Issuance of a rough grading permit may 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 Condition E above, and all items outlined in Condition G.7 and Condition H, as approved by City Staff.

- G. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and 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 or Final Inspection for any of the individual building permits issued to this project:
1. **Design Review Requirements Included on Plans.** Plans submitted for building permits shall show all design elements, as approved by the Architectural Board of Review, outlined in Section B above.
 2. **Guest Parking.** One guest parking space shall be provided on each proposed building site in addition to the two (2) covered parking spaces required by the Zoning Ordinance as approved.
 3. **Green Building Design.** Each Owner shall incorporate feasible green building measures into project design on the parcel(s) of Real Property owned by such Owner, which may include but are not limited to: energy conservation measures beyond Title 24 requirements; reduction of hazardous materials use, waste reduction measures, and water conservation measures. (AQ-9)
 4. **Long-term Recycling.** Each Owner shall provide equal space and/or bins for storage of recyclable material and trash for each residential unit on the parcel(s) of Real Property owned by such Owner. This information shall be shown on the building plans and installed as a part of the project's improvements. (PS-3)
 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. These permits shall be coordinated such that no work on any one property negatively affects work on any other private property and so that as much work across properties can be done at the same time.
 6. **Earthwork, Foundation, and Structural Design.** Each Owner shall incorporate into the construction plans and implement all recommendations specified in the individual geology and soils reports prepared by licensed engineers, geologists or equal for the parcel(s) of Real Property owned by such Owner. (G-1)
 7. **Erosion Control Plan.** A comprehensive Erosion/Sedimentation Control Plan for all construction activities to maintain all sediment on site and out of the drainage system shall be submitted to the Building Division for approval prior to Building Permit issuance, including any rough grading permit, and shall be implemented by the Owners on site. 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. Excavation and grading shall be limited to the dry season of the year (i.e., April 15-November 1).
- b. Grading shall incorporate any and all applicable measures recommended in soils and geology reports. Detailed plans and geologic report shall be submitted for any permanent erosion-control structures.
- c. Grading shall be designed to minimize erosion hazards.
- d. Minimize the area of bare soil exposed at one time (phased grading).
- e. Stockpiles of earth and other construction related materials shall be protected from being transported from the site by the forces of wind or water.
- f. Any slopes with disturbed soils or denuded of vegetation shall be stabilized so as to inhibit erosion by wind and water.
- g. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
- h. Graded areas shall be revegetated within four weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion. Planted areas shall be irrigated if necessary, and maintained to ensure that plants are established. Geotextile binding fabrics shall be used as necessary to hold slopes until vegetation is established. The species used for this revegetation shall be approved by City Staff prior to its being applied to the site.
- i. Install silt fencing (installed with a 6 inch by 6 inch right-angled, buried lip) on the edge of all development envelopes.
- j. All construction entrance roadways shall be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions shall be swept up immediately and shall not be washed down by rain or other means.
- k. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
- l. Eroded sediments and other pollutants shall be retained on site and shall not be transported from the site via sheet flow, swales, area drains, natural drainage courses or wind.
- m. Fuels, oils, solvents and other toxic materials shall be stored in accordance with their listing and shall not contaminate the soil and surface waters. All approved storage containers shall be protected from the weather. Spills shall not be washed into the drainage system.
- n. Provisions shall be made to retain concrete wastes on site until they can be disposed of as a solid waste.

construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-1)

2. **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) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
3. **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. (AQ-3, TC-1)
4. **Construction Parking/Storage.** Construction parking and storage shall be 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 Transportation and Parking Manager.
 - b. 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 a Public Works permit. (TC-2)
5. **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. (TC-3)
6. **Construction Source Reduction/ Recycling Measures.** Recycling bins shall be placed on the site throughout the construction process, and the applicant shall maximize resource recovery, reuse and recycling of demolition and construction waste as feasible. (PS-2)
7. **Construction 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 residents. (N-3)
8. **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 onsite 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 shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-8)
9. **Unanticipated Archaeological Resource Discovery Procedures.** 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.
- a. If such cultural resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be consulted. The latter shall be employed by the applicant to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, including but not limited to redirection of grading and/or excavation activities.
 - b. If the findings are potentially significant, a Phase III program (which may entail measures such as project redesign to avoid resources, documentation and capping of resources in place, or recovery) shall be prepared and accepted by the Environmental Analyst and the Historical Landmarks Commission. That portion of the Phase III program which requires work on-site shall be completed prior to continuing construction in the affected area.

- c. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbance in the area of the find. If a discovery potentially consists of human remains, the Santa Barbara County Coroner and California Native American Heritage Commission must also be contacted and federal and state regulations followed. **(CR-1)**
10. **Construction Discovery of Hazardous Materials.** In the event that potentially hazardous materials are uncovered during grading or construction processes, the applicant shall take appropriate measures to assure worker and public safety and provide for assessment and remediation in accordance with State, County, and City regulations. **(H-3)**
11. **Well Abandonment.** In the event that a well is found during construction activities, the well shall be properly abandoned in accordance with State regulations. **(H-4)**
12. **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 issuance of any grading permits for the project. **(AQ-7)**
13. **Watering of Site.** 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.
 - a. 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. **(AQ-1)**
14. **Covered Fill Material/Truck Loads.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered from the point of origin. **(AQ-2)**

15. **Wind Erosion Control.** 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:
 - 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. (AQ-4)
16. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-5)
17. **Gravel pads.** Gravel pads must be installed at all access points to prevent tracking of mud on to public roads. (AQ-6)
18. **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:

<hr/>		
Property Owner		Date
<hr/>		
Contractor	Date	License No.
<hr/>		
Architect	Date	License No.
<hr/>		
Engineer	Date	License No.

- I. **Prior to Certificate of Occupancy.** Prior to issuance of a Certificate of Occupancy for any of the residences, the Owners of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements caused by construction (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.
3. **Backflow Device.** Provide an approved backflow device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
5. **Utilities Undergrounded.** Place utilities underground from the transmission source and within the Real Property.
6. **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 8½" x 11" board and submitted to the Planning Division.

J. **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 APPROVAL TIME LIMITS:

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

1. A Building permit for the use authorized by the approval is issued within twenty-four (24) months of granting the approval. An extension may be granted by the Community

Development Director, if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.
3. The project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail.

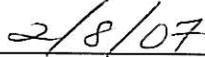
This motion was passed and adopted on the 21st day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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



Kathleen Goo, Acting Planning Commission Secretary



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.