



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 005-07  
1776 EUCALYPTUS HILL ROAD  
TENTATIVE SUBDIVISION MAP  
JANUARY 18, 2007

**APPLICATION OF RICK JEFFREY FOR EUCALYPTUS MODERN, LLC, 1776  
EUCALYPTUS HILL ROAD, APN 015-161-054 , A-2 / ONE-FAMILY RESIDENCE ZONE,  
GENERAL PLAN DESIGNATION: RESIDENTIAL – 2 UNITS PER ACRE, (MST2002-  
00614)**

The project consists of the subdivision of a 172,137 net square foot lot into two parcels. Parcel A would be 75,301 net square feet with an average slope of 36%. Parcel B would be 96,836 net square feet with an average slope of 35% and would contain the existing approximately 9,000 square foot single-family residence. Ingress to both lots would be provided via the existing driveway apron located primarily on Parcel B. No residential development is currently proposed for Parcel A, although a conceptual study has been prepared to illustrate development potential. The building envelope for Parcel A is 5,200 square feet, with a 28% slope. The project also includes removal of the paved driveway that leads to the bottom of the hill, restoration of the hillside to its natural topography, and installation of a new storm drain that outlets at the edge of the creek that runs along the east side of the lot, thus correcting an existing erosion problem.

The discretionary application required for this project is:

A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC 27.07).

The Planning Commission will consider approval of the Mitigated 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 2 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 10, 2007
2. Site Plans
3. Correspondence received in support of the project:
  - a. John Fiske, Via email

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

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

**A. The Tentative Map (SBMC §27.07.100)**

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

**B. Final Mitigated Negative Declaration Adoption**

- The Planning has considered the proposed final mitigated negative declaration together with comments received during the public review process.
- The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
- The Planning Commission finds that the final mitigated negative declaration reflects the Planning Commission's independent judgment and analysis.
- The Planning Commission finds that the final mitigated negative declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.
- The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

**C. Department of Fish and Game Fee Finding**

An Initial Study has been conducted by the lead agency, which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources or the habitat on which the wildlife depends. For this purpose, "wildlife" is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability" (Section 711.2 Fish and Game Code). This project has the potential to affect wildlife resources or the habitat on which wildlife depend, and is subject to the Department of Fish and Game fee.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "*Agreement Relating to Subdivision Map Conditions Imposed on Real Property*", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
  2. **Recreational Vehicle Storage 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).
  3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR) and the Fire Department. Such plan shall not be modified unless prior written approval is obtained from the ABR and Fire Department. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
  4. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building permit is required to authorize such work.
  5. **Development Rights Restrictions.** The owner shall limit the location of buildings, structures and habitable space to within the building envelopes identified for each parcel, as shown on the Tentative Map. The Owner shall continue to be responsible for (i) maintenance of the entire parcel, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
  6. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 18, 2006 is limited to a two-lot subdivision and the improvements shown on the Tentative Subdivision Map,

including landscaping and hardscape work associated with the existing residence and the new private storm drain, signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The maximum home size on Parcel A, including garage and accessory space, shall be limited to 2,500 net square feet. There shall be no increase in size, height or volume to the existing residence on Parcel B.

7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
8. **Riparian Habitat Protection.** A 25-foot wide outer riparian buffer zone shall be established from the edge of the oak riparian woodland. The existing non-native trees and shrubs in this outer buffer zone shall be removed and the area landscaped with non-invasive native vegetation appropriate for the riparian setting. Plants listed by the California Invasive Plant Council as invasive plants shall not be used. (B-2)
9. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the outer riparian buffer zone, which drains directly into Chelham Creek.
10. **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. The owner(s) shall perform the following maintenance annually 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)
11. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain energy dissipater and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Parks and Recreation Department, Creeks Division.
12. **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 access way, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the lots.
  - b. **Trash and Recycling.** Trash and recycling containers shall contain equal volume, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler.
  - c. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
  - d. **Maintenance Agreement Required.** The Owner shall submit an Executed *Agreement for Maintenance* of the proposed private drainage system and private sewer laterals, subject to the review and approval of the Public Works Director and City Attorney. The Owner shall provide an *Operations and Maintenance Procedure Plan* for the operation and use of the storm drain system. The Plan shall be approved by the Parks and Recreation Department, Creeks Division, and the Community Development Department, Building and Safety Division.
- B. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee required is \$1,800 for projects with Mitigated Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to

file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

- C. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Parcel A Development.** Development on Parcel A shall be limited to 2,500 net square feet, including garages and accessory structures. The height of development shall be measured from existing grade as shown on the approved Tentative Map, not based on restoration grading.
  2. **Parcel B Development.** Development on Parcel B shall be limited to the size (net square footage), height, and volume of the existing house.
  3. **Landscape Plan.** The landscape plan shall adhere to the Fire Department Landscape Guidelines for properties in the high fire hazard area. These plans shall be reviewed and approved by the Architectural Board of Review, Transportation Planning Division, and the Fire Department. (H-2)
  4. **Oak Tree Replacement.** A replacement plan for the three Coast Live Oaks to be removed shall be included in the landscape plans for Parcel A and/or Parcel B, to be reviewed and approved by the Architectural Board of Review. Replacement oaks shall be the same species as those removed. The replacement rate shall be at least one-to-one. Final tree size and ratio for replacement to be approved by the ABR. (B-4)
  5. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
    - a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
    - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
    - c. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
      - (1) During construction, fencing or protective barriers shall be placed around the dripline of all oak trees located within 25 feet of development.
      - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan. Grading within the dripline of any oak shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it

shall only be operated under the supervision and direction of a qualified Arborist.

- (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
  - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
  - (5) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
6. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced during construction.
  7. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
  8. **Permeable Paving.** Permeable/porous paving materials shall be utilized where possible to reduce the impermeability of hardscape surfaces. (W-3)
  9. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- D. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map, subject to approval by the Public Works Department and/or the Building and Safety Division:

- a. Owner shall grant a 20-foot wide easement over Parcel A for sanitary sewer purposes in favor of Parcel B as shown on the approved Tentative Subdivision Map.
  - b. Owner shall grant a reciprocal easement of variable dimensions as required to provide for vehicle and pedestrian access in favor of Parcels A and B, to be located only at the driveway approach.
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. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
  5. **Drainage Facilities.** The existing on-site and proposed on-site drainage system shall adequately convey a minimum of a 25-year storm event. The two 2500 gallon precast concrete detention tanks shall be installed below ground per sheet 4 of Preliminary Drainage Calculations dated 2-27-2005 by Flowers & Associates, Inc.
  6. **Public Street Improvement Plans for Eucalyptus Hill Road.** The Owner shall submit C-1 public improvement plans for construction of improvements along the entire property frontage on Eucalyptus Hill Road (approximately 370 linear feet). 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 and/or remove and replace to City standards, the following: one driveway apron to serve both lots, at least 4 feet of additional paving at the edge of the existing road, asphalt curb along the entire length of the property frontage, underground service utilities, connection to City water and sewer mains for both lots, construct a new drop inlet, supply and install with AbTech filter. The C-1 drawings and drainage calculations shall be prepared by a registered civil engineer. Any work in the public right of way requires a public works permit. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer. Any work in the public right of way requires a public works permit.
  7. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by Engineering Division staff, an Engineer's Estimate, signed and stamped by a registered civil



engineer, and securities for construction of improvements prior to execution of the agreement.

8. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
  9. **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.
  10. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed private driveway, subject to the review and approval of the Public Works Director and City Attorney.
- E. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Parcel Map and Related Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
  2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
  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 system. The Plan shall be approved by the Creeks Division and Building and Safety Division.
  4. **Landscape Plan Approval Required.** The landscape plan shall be reviewed and approved by the Transportation Planning Division to ensure compliance with sight visibility requirements.
- F. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, approved by the Planning Division, to act 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 (MMRP) to the City. The contract shall include the following, at a minimum:

- a. The frequency and/or schedule of the monitoring of the mitigation measures.
- b. A method for monitoring the mitigation measures.
- c. A list of reporting procedures, including the responsible party, and frequency.
- d. A list of other monitors to be hired, if applicable, and their qualifications.

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 the MMRP, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

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 Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
4. **Outside Agency Permits.** Prior to issuance of a building permit, obtain permits, or evidence of exemption from permits, from the Department of Fish and Game (a Streambed Alteration Agreement), U.S. Army Corps of Engineers and Regional Water Quality Control Board, for grading and installation of drainage devices within the banks of the creek. (B-3)
5. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work within the dripline of all oak trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
6. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to

review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall be held within twenty days of the commencement of construction and shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Landscape Architect, the Biologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.

7. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- G. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section C above.
  2. **Pre-Construction Conference.** No more than twenty days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held 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, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
  3. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
  4. **Storm Drain Size.** The new private storm drain shall be identified as 18" diameter, not 6" diameter as shown on the approved Planning Commission plan set.
  5. **Storm Drain Alignment.** A note shall be included on the construction plans indicating that the exact alignment of the aboveground storm drain pipe shall be staked prior to installation for review by City staff and other permitting agencies. Alignment shall avoid all native trees and shall minimize removal of mature vegetation. (B-5)

6. **Drainage and Water Quality.** Any increase in runoff above existing conditions shall be retained on site, consistent with the City's NPDES Guidelines. Runoff shall be directed into a bioswale-type area or landscape features such as planter beds and/or lawns to increase soil infiltration. 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. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the storm drain energy dissipater consistent with an approved maintenance plan. This plan shall be provided with the building plan submittal for review and approval by Community Development prior to approval of building permits. (W-1)
7. **Grading and Foundation Recommendations.** Site preparation, grading and project construction related to soil conditions shall be in accordance with the recommendations contained in the Preliminary Foundation Investigation prepared by Pacific Materials Laboratory, dated November 12, 2004. Compliance shall be demonstrated on plans submitted for grading and/or building permits for both Phase 1 and Phase 2. (G-1)
8. **Grading During Rainy Season Limitation.** No grading shall be permitted on the subject parcel during the rainy season. This applies to grading for Phase 1 improvements as well as future construction of a residence (Phase 2). Said restriction shall be noted on the grading plans and construction drawings.
9. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner

Date

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Contractor

Date

License No.

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Architect	Date	License No.
Engineer	Date	License No.

H. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **Riparian Habitat Protection.** Temporary construction fencing shall be installed six feet away from the outer edge of the riparian oak tree canopy. The fencing shall be installed prior to any grading on site and shall be maintained throughout duration of construction activities. (B-1)
2. **Storm Drain Alignment.** The alignment of the aboveground storm drain pipe shall be staked prior to installation for review by City staff and other permitting agencies. Alignment shall avoid all native trees and shall minimize removal of mature vegetation. (B-5)
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.). The purpose of this condition is to help reduce truck traffic and noise on adjacent streets and roadways. (T-1)
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director. (T-1)
5. **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 Engineer. (T-1)
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-1)

7. **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.
  - b. On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited. (T-2)
8. **Construction Dust Control.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
9. **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. (AQ-2)
10. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads. (AQ-4)
12. **Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is complete, 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-5)
13. **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. The engine size of construction equipment shall be the minimum practical size.
  - c. 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.
  - d. Construction equipment shall be maintained in tune per the manufacturer specifications.
  - e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - f. Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-6)
13. **Grading During Rainy Season Limitation.** No grading shall be permitted on the subject parcel during the rainy season. This applies to grading for Phase 1 improvements as well as future construction of a residence (Phase 2).
14. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
15. **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's) name, contractor(s) and PEC's telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
16. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.
17. **Tree Protection.** Notes on the grading plan that specify the following:
- a. No grading shall occur under the driplines of the existing tree(s).

- b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which are required to be protected.
  - c. All excavation within the dripline of the tree(s) shall be done with hand tools.
  - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
  - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
  - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
18. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-2)
19. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
20. **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, 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.

I. **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 public improvements damaged by construction (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department, per SBMC §22.60.090. 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 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 domestic water service pursuant to Santa Barbara Municipal Code Section 14.20.120 for sprinklers if required by the Fire Department.
4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

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 TENTATIVE SUBDIVISION MAP TIME LIMITS:**

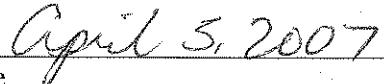
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.

This motion was passed and adopted on the 18th day of January, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 (Jostes, White, Larson) ABSTAIN: 0 ABSENT: 0

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.

  
\_\_\_\_\_  
Julie Rodriguez, 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.