



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 044-07

1829 STATE STREET AND 11 WEST PEDREGOSA

CONDITIONAL USE PERMIT, DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP

NOVEMBER 8, 2007

APPLICATION OF TOM OCHSNER, ARCHITECT FOR THE HAWKES FAMILY TRUST, 1829 STATE STREET AND 11 W. PEDREGOSA STREET, 027-031-006 and 029-031-007, C-2/R-4, COMMERCIAL AND HOTEL/MOTEL/MULTIPLE RESIDENCE ZONES, GENERAL PLAN DESIGNATION: OFFICES AND GENERAL COMMERCE (MST2004-00132)

The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Street. The project site is located at the southwest corner of State and Pedregosa Streets. The existing 1,180 square foot residential unit located at 11 W. Pedregosa is proposed to be removed. The proposed mixed-use project would provide 2,539 net square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into six commercial units, four of which will be located on the ground floor and two on the second floor. The six residential condominiums are proposed on the second and third floor and range in size from 1,720 to 2,535 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa Street or be located within the project's interior. Twenty-three parking spaces are proposed in a subterranean garage, which includes six, two-car garages for the residential units, one guest parking space and 10 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed.

The discretionary applications required for this project are:

1. Tentative Subdivision Map to create a one-lot subdivision for six commercial and six residential condominium units (SBMC§27.07 and 27.13);
2. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
3. Development Plan Approval to allow the construction of 2,539 net square feet of nonresidential development (SBMC §28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

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 no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 1, 2007.
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. **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 variable 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. **The New Condominium Development (SBMC §27.13.080)**

There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.

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

The project can be found consistent with policies of the City's General Plan including the Housing Element and Land Use Element. The project will provide infill mixed-use development that is compatible with the surrounding neighborhood.

The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill mixed-use project proposed in an area where commercial and residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's HLC, which found the architecture and site design appropriate.

C. **For the Development Plan (SBMC §28.87.300)**

1. The proposed development complies with all provisions of the Zoning Ordinance.

The proposed development complies with all provisions of the Zoning Ordinance, specifically the provisions of the R-4, Multi-Family Residential and C-2, Commercial Zone designations.

2. The proposed development is consistent with the principles of sound community planning.

The project site is located in the Land Use Element's Oak Park Neighborhood and has a General Plan Designation of General Commerce and Office and a Zoning Designation of C-2/R-4, Commercial and Hotel/Motel/Multiple-Family Residential. The Oak Park Neighborhood is characterized as an area containing older homes that are being replaced with apartments. South of Mission Street, the existing mixture of cottages, Victorian homes, and older apartments are being changed by new small-scale apartment developments. It is recognized that State Street between Mission and Micheltorena Streets is substantially developed in accordance with the General Offices and Hotel designation given by the General Plan. The project is a mixed-use proposal and represents an infill development on the subject site. Parcels immediately adjacent to the site are developed with commercial uses, including offices, retail and mixed-use.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.

The HLC conceptually reviewed the project and found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area. The project is also consistent with the Urban Design Guidelines.

4. The proposed development would not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The proposed project would contribute six units to the City and South Coast housing stock and thus, would result in a positive impact to the region's housing stock.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

The proposed project is estimated to demand 1.58 AFY, which would not significantly impact the City's water supply. There is adequate water to meet the needs of the proposed development. The proposed project receives water service from the City of Santa Barbara and is within the anticipated growth rate for the City. Therefore, the City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

Transportation Staff has reviewed the project and determined that the project would not result in significant project or cumulative impacts to any impacted intersection.

D. Conditional Use Permit (SBMC §28.94)

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The project site will be developed with a mixed-use project that will provide retail and office space to local professionals and businesses. The parking garage will provide adequate enclosed parking for the residential unit and commercial space and is intended to allow the sharing of the commercial parking spaces with residential guests.

2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The project site has been vacant for numerous years. The proposed mixed use project is expected to aesthetically enhance the site and be compatible with the surrounding neighborhood.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The project complies with or exceeds all setback requirements. The adjacent properties are currently developed with commercial, mixed use, or residential uses and the proposed project is designed to be compatible with the character of the surrounding area.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

The project will provide 23 parking spaces on site. Each residential unit will be provided with a two-car garage and one guest parking space will also be included. The commercial space will be provided with ten parking spaces.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

The proposed project has been designed to be compatible with the neighborhood in terms of size, bulk and scale and architectural style. The project was reviewed by the HLC, which found the design and land use to be appropriate. The project is compatible with the surrounding area's aesthetics and character and is consistent with other two and three story commercial and mixed-use buildings in the immediate area.

6. The proposal is in compliance with any additional specific requirements for a conditional use permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.

The project will comply with the conditions of approval as outlined in below.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- 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 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 approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the (HLC). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official, in consultation with the Parks

and Recreation Department, Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control devices fail to capture, infiltrate and/or treat, 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. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 8, 2007 is limited to approximately 2,539 net square of commercial building area that can be subdivided into as many as six commercial condominiums and six residential condominiums and the improvements shown on the Tentative Subdivision Map and the Development Plan 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.
 - 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. **Unassigned Parking.** All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to the site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.

- f. **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.
 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. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with a minimum 24-inch box sized tree of an appropriate species or like species.
 2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 3. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk through the use of a different paving material.
 4. **Existing Tree Preservation.** The existing tree shown on the approved demolition plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
 5. **Additional Trees.** Additional canopy trees shall be incorporated into the landscaping.
 6. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 7. **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.
 8. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 9. **Improved Bus Stop.** The existing bus stop on State Street shall be improved with a lighted bus shelter in keeping with the City's Urban Design Guidelines.
 10. **Chimneys.** Restudy chimneys to be more proportional with proposed buildings.

- C. **Public Works Submittal Prior to Final 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 Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. An easement for all street purposes along State Street in order to establish a minimum of a four-foot wide clearance at the back of corner access ramp to accommodate ADA requirements for the public right-of-way.
 3. **Land Development Agreement.** The Owner shall submit an executed "Land Development 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. This agreement shall be recorded concurrently with the map and Agreement Relating to Subdivision Conditions Imposed on Real Property.
 4. **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 in an "Agreement Assigning Water Extraction Rights". Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
 5. **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.
 6. **Drainage Calculations or Hydrology Report.** The Owner shall submit drainage calculations or a hydrology report demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site to the maximum extent feasible as designed by a registered civil engineer.
 7. **Drainage and Water Quality.** The first 1" of stormwater runoff shall be retained and treated on-site in accordance with the City's NPDES Storm Water Management Permit. Runoff shall be directed into passive water treatment methods such as a bioswale landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater devices,

and project development shall be subject to review and approval by the Building and Safety Division and Public Works Department. 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 Owners shall maintain the drainage system and storm water pollution control devices in a functioning state.

8. **State Street Improvement Plans.** The Owner shall submit C-1 plans for construction of improvements along the subject property road frontage on State Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *seven-foot (7') sidewalk, four-foot (4') parkway, provide an MTD approved bus stop, supply and install 2 bicycle hitching posts in parkway, curb, gutter, access ramp at corner of State Street and Pedregosa Street, underground service utilities, connection to City water and sewer mains, drainage system including Alhambra A470 and/or Type B curb drain outlets, supply and install one Type A commercial style standard street light as determined by Public Works, apply slurry seal to centerline of the street along entire property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, drought-tolerant landscaping in parkway, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed and signed by the City Engineer.
9. **Pedregosa Street Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the subject property road frontage on Pedregosa Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: *ten-foot (10') sidewalk, with tree wells and tree grates, one new 36" box size street tree as determined by the City Arborist, maximum twenty-foot (20) driveway apron modified to meet Title 24 requirements, curbs, gutters, apply slurry seal to centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, underground service utilities, connection to City water and sewer mains, construct plus/minus (+/-) 45 linear feet of eight-inch (8") PVC sewer main extension, drainage system (curb drain outlets, slot/trench drain, drop inlet), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs, on-site pollution prevention interceptor device, drought-tolerant parkway landscaping, and provide adequate positive drainage from site.* The C-1 public improvement plans shall be prepared by a registered civil engineer and reviewed by the City Engineer.

10. **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.

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. **Recordation of Final Map and 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, Building and Safety Division, and the Public Works Department.
4. **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. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no containers are used for multi-unit residential developments, include an item in the CC&Rs stating that the green waste will be hauled off site

E. **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. **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.
2. **Soil Contamination.** Prior to the issuance of a demolition or grading permit for the proposed project, the applicant shall provide evidence to the City that the Santa Barbara that the County Fire Prevention Division has issued a No Further Action (NFA) letter for the project site. If required, proposed building plans shall include measures approved by the SBC FPD to reduce potential health risk impacts to occupants of the proposed building to a less than significant level. All approved mitigation measures shall be depicted on proposed building plans prior to the approval of a building permit.
3. **Soils Report.** Submit to the Building and Safety Division a soils report.

4. **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.
 5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and shall strive to meet Three-Star Standards.
 6. **Solar Energy System or Systems.** Provide, at a minimum, a photo-voltaic system and potentially a solar thermal energy system designed to serve, to the maximum extent feasible, within all areas designated for roof top equipment; which equates to approximately 200 square feet per residential unit. All systems shall be designed to be consistent with the City of Santa Barbara's Solar Energy Systems Design Guidelines.
- F. **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 Historic Landmarks Commission, outlined in Section B above.
 2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including but not limited to hydro-carbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition D.3 above, which shall include the regular sweeping and/or vacuuming of parking areas where interceptors and clarifiers are located and a catch basin cleaning program.
 3. **Technical Reports.**
 - a. All recommendations of the noise study prepared by Dudek and dated February 1, 2007, shall be incorporated into the construction plans. Mechanical ventilation and/or air condition systems as well as sound rated windows for all residential units exceeding the 60 dBA L_{dn} shall be installed to ensure compliance with the 45 dB L_{dn} interior noise standard.

- b. All recommendation of the Foundation Exploration Report prepared by Coast Valley Testing, Inc., and dated July 7, 2005, shall be incorporated into the construction plans.
4. **Fire Sprinkler System.** A fire sprinkler system shall be provided.
5. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.
6. **Bicycle Parking.** Four bicycle parking spaces shall be provided.
7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
8. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficient for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
9. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
10. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
11. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
12. **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:

Property Owner	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials.
2. **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 on adjacent streets and roadways.
3. **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.
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 Public Works Director.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 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.

6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur. 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, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **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, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
15. **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.
16. **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.

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, roadways, etc.) caused by construction 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. **Backwater Valve or Backflow Device.** Provide an approved (backwater valve) (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. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).
6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.

7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

I. **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 (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

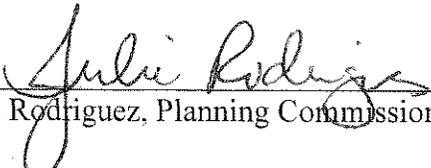
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.

This motion was passed and adopted on the 8th day of November, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No. 044-07
1829 STATE STREET AND 11 WEST PEDREGOSA
NOVEMBER 8, 2007
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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.