



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 27, 2007
AGENDA DATE: April 5, 2007
PROJECT ADDRESS: 1722 State Street (MST2005-00455)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The project consists of demolition of a 7,200 net square foot commercial building and construction of a new mixed use building that includes approximately 8,400 net square feet of commercial condominium space and 10 residential condominium units above an approximately 23,900 square foot subterranean garage. The residential condominiums will include 6 three-bedroom and 4 two-bedroom units ranging in size from approximately 1,650 to 2,650 square feet. One of the proposed two-bedroom units would be affordable to middle-income homebuyers. Parking (55 spaces) would be located in the subterranean garage. Grading consists of 8,594 cubic yards cut and 255 cubic yards fill, resulting in 8,339 cubic yards of export. A zone change is proposed, which was initiated by the Planning Commission on November 3, 2005, to change the R-1 (single family) portion of the property to the R-3 (multiple family) Zone.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Zoning Map Amendment to change the zoning from R-1, One Family Residential, to R-3, Limited Multi-Family Residence Zone (SBMC §28.92.080.B);
2. A Modification to allow 55 parking spaces instead of the Santa Barbara Municipal Code required 57 spaces (SBMC §28.90.100.G & I and §28.92.110.A.1);
3. A Tentative Subdivision Map for a one-lot subdivision to create ten (10) residential condominium units and approximately 8,400 square feet of commercial condominium space (SBMC §27.07 and 27.13);
4. A Development Plan to allow Minor and Small Additions for the construction of a 1,200 square foot increase of nonresidential development (SBMC §28.87.300); and
5. A Conditional Use Permit to allow nonresidential parking in a residential zone (SBMC §28.94.030 H).

III. RECOMMENDATION

With approval of the requested modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project contingent upon Council approval of the Zone Change and recommend that the City Council approve the Zone Change, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

IV. BACKGROUND

A previous version of this project was reviewed and continued by the Planning Commission on March 1, 2007. The Planning Commission gave feedback on the project and made recommendations for changes. Of particular concern were traffic, parking, massing, unit size, plate heights and pedestrian scale and amenities. Minutes from this meeting are included as Exhibit F.

V. PROJECT REVISIONS

In response to the Planning Commissions' comments from the March 1, 2007 meeting, the applicant has revised the plans in the following ways:

- The commercial square footage of the project has been reduced by approximately 800 square feet.
- Two residential units have been eliminated from the project.
- The size and square footage of the remaining residential units has been reduced overall.
- The project's Floor Area Ratio has been reduced.
- The roof height has been lowered by approximately 4 feet to 39 feet.
- Visual access to the courtyard has been created by "splitting" the building.
- A plaza area has been created on the right-hand side of the arch along the front elevation.

The changes have resulted in changes to parking requirements and traffic generation as discussed in Section VIII below. Additionally, the reduction in units means that a lot area modification is no longer required.

VI. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Jan R. Hochhauser	Property Owner:	1722 State Street Investors, LLC
Parcel Number:	027-102-021	Lot Area:	28,875 square feet
General Plan:	General Commerce & Offices	Zoning:	C-2 and R-1
Existing Use:	Photography and Videography Classroom	Topography:	4-5% slope toward State Street

Adjacent Land Uses: North - Residential/Commercial (C-2, R-1 zones) South - Commercial/Office (C-2, R3 zones)	East - Residential (R-1, E-1 zones) West - State Street, Commercial (C-2 zone)
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B. PROJECT STATISTICS

	Bedrooms		Previous Size (Net)	Current Size (Net)	Parking	Private Outdoor Living Space
	Was	Is				
Unit A	2	3	2,268 sq. ft.	2,373 sq. ft.	2-car garage	1,275 sq. ft.
Unit B	2	2	2,093 sq. ft.	1,997 sq. ft.	2-car garage	1,050 sq. ft.
Unit C	2	2	2,093 sq. ft.	1,997 sq. ft.	2-car garage	1,050 sq. ft.
Unit D	2	2	2,093 sq. ft.	1,997 sq. ft.	2-car garage	1,050 sq. ft.
Unit E	3	3	2,680 sq. ft.	2,554 sq. ft.	2-car garage	1,552 sq. ft.
Unit F	2	2	2,349 sq. ft.	2,291 sq. ft.	2-car garage	806 sq. ft.
Unit G (Is Affordable)	2	3	1,988 sq. ft.	1,580 sq. ft.	2-car garage	270 sq. ft.
Unit H (Was Affordable)	2	N/A	976 sq. ft.	N/A	N/A	N/A
Unit I (Was Affordable)	3	N/A	1,179 sq. ft.	N/A	N/A	N/A
Unit J	2	3	1,771 sq. ft.	2,495 sq. ft.	2-car garage	402 sq. ft.
Unit K	2	3	1,857 sq. ft.	2,300 sq. ft.	2-car garage	270 sq. ft.
Unit L	2	3	2,259 sq. ft.	2,345 sq. ft.	2-car garage	464 sq. ft.

Non-residential	Previous Proposal	Current Proposal
First Floor Commercial	4,384 net square feet	4,000 net square feet
Second Floor Commercial	4,716 net square feet	4,400 net square feet
Parking	33 spaces	35 spaces

VII. ZONING ORDINANCE CONSISTENCY

C-2/R-3 Standard	Requirement/ Allowance		Existing	Proposed	
	C-2	R-3		C-2	R-3
Setbacks					
-Front	None	N/A	None	None	N/A
-Interior	None	6' 1 st & 2 nd fl.	None	None	6' 1 st & 2 nd fl. 6' 1 st fl

-Rear	10 feet	6' 1 st fl. 10' 2 nd & 3 rd fl.	10 feet	16'-6"	10' 2 nd & 3 rd fl.
Building Height	C-2 60' (4 stories)	R-3 45' (3 stories) and meet solar	24 feet (2 stories)	39 feet, 8 inches max. (3 stories)	
Parking	Residential: 20 spaces Guest: 3 spaces <u>Commercial: 34 spaces</u> Total Rqd.: 57 spaces (Total Shared Parking Generation: 50 spaces)		45 spaces	Residential: 20 Commercial: 33 Total: 55 *	
Lot Area Required for Each Unit (Variable Density)	2-Bdrm = 2,320 sq. ft. 3-Bdrm = 2,800 sq. ft. (4) 2,320 = 9,280 sq. ft. (6) 2,800 = 16,800 sq. ft. Total 26,080 sq. ft.		28,875 square feet	28,875 square feet	
Open Yard	15% of the lot (4,331 sq. ft.)		N/A	17.5% (5,122 sq. ft.)	
Private Outdoor Living Space Provided (in addition to Required Open Yard)	2-Bd Units = 84 sq. ft. each 3-Bd Units = 96 sq. ft. each		N/A	All units exceed 200 sq. ft.	
Lot Coverage	N/A		7,500 sq. ft. (26 %)	18,126 sq. ft. (62.7 %)	
-Building	N/A		21,040 sq. ft. (73 %)	7,099 sq. ft. (24.6 %)	
-Paving/Driveway	N/A		335 sq. ft. (01 %)	3,650 sq. ft. (12.6 %)	
-Landscaping	N/A		28,875 sq. ft. (100%)	28,875 sq. ft. (100%)	

* Requires a Modification

VIII. ISSUES

A. CHANGE OF ZONE

Commissioners inquired as to whether the proposed zone change would provide additional density that should be reflected through the provision of additional affordable residential units. The R-1 zoned portion of the property totals 4,125 square feet, and one unit would be the permitted density for this portion of the site. The remainder of the site is capable of handling a density of 6 three-bedroom units and 3 two-bedroom units, based on variable density requirements. This provides for a total of 10 units permitted on site. Although the rezone from R-1 to R-3 would theoretically increase the potential residential density on the site, the proposed project is not using the increased potential. In the context of the proposed project, the rezone from R-1 to R-3 provides flexibility in building and site design, not additional residential density.

Questions were also raised as to whether the zone change from R-1 to R-3 resulted in a taller/larger building relative to ordinance requirements such as solar access. The portion of the building located on the R-1 zoned portion of the lot complies with R-1 standards for setbacks

(five feet). It should be noted that the R-3 standards for setbacks are actually more restrictive than for R-1 (six feet for the first and second floors, and ten feet for the third floor), and the project has been revised to conform to the R-3 standards (see Exhibit B). The maximum solar height limit in R-3 is 6' higher than in R-1 per SBMC §28.11.020. The project has been revised to comply with the City's solar requirements for the R-3 zone (see Exhibit B), although it would not comply with the R-1 solar height limit. The change from single family to multiple family zoning also allows the maximum height limit to increase from 30 to 45 feet. The project would be 31 feet above finished grade in the R-1 portion of the parcel, but that height is mitigated because the lot is three feet lower than the adjacent R-1 zoned lot to the east. In conclusion, staff finds that the rezone from R-1 to R-3 does not result in an overall larger building.

Staff continues to believe that the proposed R-3 zoning is appropriate and would provide adequate separation of commercial uses along State Street from the area currently developed with single-family residences. The R-3 designation would match the designation of the adjacent property to the southeast, and would prohibit commercial development at the rear of the property should the actual development of the project not come to fruition. The rezoning of the rear portion of the site to the R-3 zone allows for a well-designed residential project compatible with the existing buildout of the surrounding adjacent residential neighborhood.

Staff recommends that the Planning Commission recommend to the City Council the approval of the zone change from R-1 to R-3.

B. CONDITIONAL USE PERMIT

The underground parking garage extends into the residentially zoned portion of the site. Because the parking garage will include commercial parking spaces in the R-3 zone, the commercial parking use must be permitted through issuance of a conditional use permit (CUP) per Section 28.94.030 ("driveways and parking areas for nonresidential uses in residential zones") of the Municipal Code, based upon the findings for approval outlined in Section VII. Given that the commercial parking is below grade, and no equipment or facilities would be apparent to the above grade residential uses, Staff finds that the parking configuration is appropriate and recommends approval of the CUP by the Planning Commission.

C. MEASURE E

The project includes the demolition of approximately 7,200 square feet of commercial space and construction of approximately 8,400 square feet of commercial space. Pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of approximately 1,000 square feet of Measure E nonresidential square footage from the Minor Addition category and 200 square feet from the Small Addition category for the project parcel. Development Plan findings for this square footage are included in Section X below.

D. PARKING MODIFICATION

The residential parking requirement for the project is two covered spaces per residential unit and one guest space for every four units. The commercial requirement for the project is one

space per 250 square feet of space. Therefore, the project requires 23 spaces for the ten residential units (20 spaces for residents and 3 spaces for guests) and 34 parking spaces for the proposed 8,400 square feet of commercial use, for a total of 57 spaces.

A parking demand study was prepared by Associated Transportation Engineers (ATE) to look at the shared parking demand of the revised project. Shared parking recognizes and factors in the peak parking demands that occur during the day and evening for various land uses. The ATE report determined that 50 spaces would be required at peak times for a worst case parking scenario of a medical-dental office using the entire commercial square footage, along with the ten residences. The project proposes 55 spaces, which will accommodate parking for the worst case land use category assumption. Based on the conclusion of the report, Staff supports the parking modification.

IX. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. A more complete discussion of the Mitigated negative Declaration (MND) is contained in the March 1, 2007 Planning Commission staff report.

The Planning Commission raised concerns with the adequacy of the traffic, parking, aesthetics and view discussions and analyses contained within the Initial Study and MND. In response to those comments, and subsequent changes to the project, the final MND and Initial Study have been revised as discussed below. Only the text of the Initial Study (not the Exhibits previously attached) has been provided to the Commission, along with the Final MND (Exhibit D). Please refer to the MND and Initial Study for a more in-depth discussion/analysis of the issue areas outlined below.

The analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

1. AESTHETICS

The project site is located in an urban setting in the Upper East neighborhood of the City. The site is currently developed with a two-story structure, paved parking areas and a limited amount of landscaping. The proposed new building would be three stories and would measure 43 feet above existing grade. Two of the three existing ficus trees on the site would be removed.

A proposed project would result in a substantial visual impact if it would result in the obstruction of an important public scenic view. An "important" public scenic view is generally considered to be a view of a feature generally considered to be visually attractive, such as the mountains or ocean; that is visible from a prominent location widely used and accessible to the general public; and that has certain visual qualities such as magnitude, intactness and distinctiveness.

Views of the Santa Ynez Mountains from the project area are substantially limited due to existing buildings and vegetation, although one narrow view corridor that is provided

from the southern side of State Street does offer views across the project site towards the mountains. This view corridor is only available from a very limited area along the street, and may be substantially obscured when existing deciduous trees in the project area have their leaves. While the mountain views provided by the view corridor may be considered attractive, the corridor is not widely used by the public because of its isolated location along a very small portion of State Street. The proposed building would result in the loss of the narrow view corridor across the project site; however, this visual impact is not significant because the project would not substantially change existing skyline views as seen from State Street, nor would it significantly obstruct or change an important scenic view of the mountains and hillside areas of the City. The project would increase building mass adjacent to State Street, but the size, height and location of the proposed structure would be consistent with other development located in the vicinity.

The Historic Landmarks Commission (HLC) has reviewed the project and has made generally positive comments. The size, height, architecture and siting of the proposed building would result in a visual change to the site; however, this is considered a less than significant environmental impact.

2. CULTURAL RESOURCES

The City historian has reviewed the screen that exists on the building. While he recommends that the applicants offer it to an architectural salvage company or incorporate it into the design of the proposed building, it does not represent a historical resource, and there would be no impact from its removal.

3. NOISE

The project is located in an area where noise levels range from 60-65 dBA Ldn, due primarily to traffic noise. Proposed Units K and L face State Street and have private outdoor living space facing State Street. These units will require mitigation for interior spaces to reduce noise impacts to less than significant levels. Mitigation is also recommended for these units' outdoor patios facing State Street because they have exterior noise levels that exceed 60 dBA. It should be noted that the private outdoor living areas for these units are in addition to the required outdoor living space, which is provided in the central courtyard, and there would be a less than significant environmental impact related to noise for these units. Although mitigation is recommended, it is not required for environmental reasons if the Planning Commission determines that the noise levels at these outdoor living areas are consistent with the general plan.

4. TRANSPORTATION/CIRCULATION

The project (based on 10 residential units and 8,400 net square feet of commercial space calculated at a Medical Office rate) is expected to generate 25 a.m. peak hour trips, 36 p.m. peak hour trips and 362 average daily trips. The project is expected to result in a net reduction of a.m. and p.m. peak hour trips and average daily trips based on ITE rates for both the prior bank use and the previous, but non-conforming classroom/ATM use.

The project is also expected to result in a net reduction of a.m. and p.m. peak hour trips and average daily trips based on driveway counts performed at the site while the classroom/ATM use was operational. In order to provide information in response to traffic generation concerns raised by the Planning Commission, traffic generation numbers were also generated for two alternative scenarios.

Scenario 1 assumed that the existing building was occupied by an office (without an ATM), and that the proposed building would be occupied by office uses and 10 residential units. The evaluation of this scenario concluded that, when compared to traffic conditions that would have resulted from the use of the existing building as an office, the proposed project would generate an additional 86 average daily trips, 8 additional A.M peak hour trips, and 9 additional P.M peak hour trips. After distributing the net increase in peak hour traffic generated by the project site onto the surrounding street network, it was concluded that the project-generated traffic would result in a less than significant traffic impact to Mission Street intersections.

Scenario 2 assumed that the existing building was occupied by an office (without an ATM), and that the proposed building would be occupied by medical office-related uses and 10 residential units. The evaluation of this scenario concluded that, when compared to traffic conditions that would have resulted from the use of the existing building as an office, the proposed project would generate an additional 199 average daily trips, 4 additional A.M peak hour trips, and 11 additional P.M peak hour trips. After distributing the net increase in peak hour traffic generated by the project site onto the surrounding street network, it was concluded that the project-generated traffic would result in a less than significant traffic impact to Mission Street intersections.

Therefore, there would be no impact to traffic or the operation of intersections in the area.

A parking study was prepared for the proposed development and determined that the 55 proposed parking stalls would satisfy the project's parking demand (see discussion of Parking Modification above).

The Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Pursuant to CEQA, and prior to approving the project, the Planning Commission must consider the Mitigated Negative Declaration. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision makers are required to make the mitigation measures conditions of project approval and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation [PRC Sec.21081.6]. The mitigation measures described in the proposed Final Mitigated Negative Declaration have been incorporated into the recommended conditions of approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included as Exhibit E.

X. FINDINGS

The Planning Commission finds the following:

A. PARKING MODIFICATION (SBMC §28.92.110.A.1)

The modification is consistent with the purposes and intent of the zoning ordinance and is necessary to construct a housing development which is affordable to moderate income households. The parking provided on site will meet the project's parking demand.

B. CONDITIONAL USE PERMIT (SBMC §28.94)

For the underground parking in a residential zone (SBMC §28.94.030.H)

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 because it supports mixed-use development in an area that is well-suited to such a development;
2. Such use 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 because the commercial parking is below grade and no equipment or facilities would be apparent to the above grade residential uses;
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;
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;
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, open space and other features is compatible with the character of the area.

C. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

1. The proposed development complies with all of provisions of the Zoning Ordinance upon approval of the requested Zone Boundary Change;
2. The proposed development is consistent with the principles of sound community planning;
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;

4. The proposed development will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock;
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;
7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

D. AMENDMENTS AND CHANGES TO ZONE BOUNDARY (SBMC §28.92.020)

The change from R-1 to R-3 is justified by public convenience, general welfare and good zoning practice. The proposed zone boundary change would ensure a buffer between commercial uses along State Street and lower density residential uses to the north.

E. 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.

F. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. 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.
2. 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, Conservation Element, Noise Element and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
3. 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 residential project proposed in an area where 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 design review board, which found the architecture and site design appropriate.

G. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

- The Planning Commission 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.

H. 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 is subject to the Department of Fish and Game fee, unless otherwise determined by the Department of Fish and Game.

Exhibits:

- A. Conditions of Approval
- B. Reduced Tentative Map and Project Revisions
- C. Applicant's letter, dated March 27, 2007

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- D. Final Mitigated Negative Declaration and Initial Study (excluding Exhibits)
- E. Mitigation Monitoring and Reporting Program
- F. Draft Planning Commission Minutes, March 1, 2007
- G. Addendum to the Traffic and Parking Study prepared by Associated Transportation Engineers, dated March 13, 2007

PLANNING COMMISSION CONDITIONS OF APPROVAL

1722 STATE STREET
ZONING MAP AMENDMENT, PARKING MODIFICATION, CONDITIONAL USE PERMIT,
DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP
APRIL 5, 2007

- I. 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. **Approval Contingent Upon Adoption of Zoning Map Amendment.** Approval of the subject project is contingent upon adoption of an Ordinance by the City Council approving the Zoning Map Amendment.
- B. **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. **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. **Ownership Unit Affordability Restrictions.** The dwelling unit designated as Unit G on the Project Plans shall be designated as an Affordable Middle Income Units with a price targeted to 120% of Area Median Income and sold only to and occupied only by households who qualify as Middle Income Households as defined

in the City's adopted Affordable Housing Policies and Procedures. The maximum sale price upon initial sale shall not exceed the following:

Unit G (3-bedroom unit) = \$320,600

The Affordable Unit shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale price of the Affordable Unit shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 5, 2007 is limited to approximately 8,400 net square feet of commercial building area that may be subdivided into as many as 33 commercial condominium units, and 10 dwelling units (6 three-bedroom and 4 two-bedroom units), as shown on the approved plans, and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
7. **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 private 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. **Assigned Residential Parking.** At least one, but no more than two, parking space(s) shall be assigned to each residential unit.
 - d. **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.
 - e. **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.
 - f. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.

provided by the project. The proposed landscape plan shall be submitted to the HLC for review and approval. (B-1)

3. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Bill Spiewak, dated February 27, 2006, shall be implemented.
 - c. **Oak Tree Protection Measures.** The following provisions shall apply to the existing off site oak trees:
 - (1) 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.
 - (2) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (3) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Historic Landmarks Commission (HLC). No irrigation system shall be installed under the dripline of any oak tree.
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. **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.
6. **Lighting.** Lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects. The proposed lighting plan shall be approved by the Historic Landmarks Commission. (A-2)
7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the project site and screened from view from surrounding properties and the street.
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.

- E. **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 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.
 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 draft copy of the private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 5. **Drainage Calculations.** The Owner shall submit drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.
 6. **State Street Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on State Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk; driveway apron modified to meet Title 24 requirements; curbs; gutters; crack seal to the centerline of the street along entire subject property frontage; underground service utilities; connection to City water, sewer and storm drain mains; private drainage improvements with supporting drainage calculations for installation of on-site drainage pipe and curb drain outlets (provide on-site storm water BMP plan); supply and install one City standard street light, style to be determined by the Public Works Department and the HLC; coordinate with City staff to retire light standard on existing utility pole; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs; on-site pollution prevention interceptor device; four new designated street trees as determined by approval of the City Arborist; and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before the new dwellings are 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 or licensed architect. 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. **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.
- F. **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. **Traffic Control and Staging:** Owner shall submit a detailed traffic control and staging plan to the Transportation Operations Supervisor for final review and approval.
 4. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report annually. (W-3)
 5. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality: Trash containers shall have drainage from adjoining roofs and pavement diverted around the areas; and trash container areas shall be screened or walled to prevent off-site transport of trash. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The owners association shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect at least annually and report to City annually. (W-4)

G. **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.
 - e. Submittal of semi-weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance by the PEC to the Community Development Department.

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 thirty (30) days prior to commencement of demolition or 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) who can answer questions and provide additional information or address problems that may arise during construction, 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. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. 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. (N-3)

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. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by MacFarlane Archaeological Consultants, dated March 9, 2006. The contract shall be subject to the review and approval of the Planning Division. (CR-1)

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain 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 Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, the Owner shall retain 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 Planning Division grants authorization.

(CR-2)

5. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the relocation of one street tree.
6. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work within the dripline of the off-site oak tree 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.

7. **Groundwater Contamination.** Prior to the issuance of a demolition permit for the proposed project, the applicant shall provide evidence to the City that the SBC FPD has reviewed required soil vapor testing results, and if necessary, a health risk evaluation prepared for the proposed project. 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 vapor control mitigation measures shall be depicted on proposed building plans prior to the approval of a building permit. (H-1)
8. **Sound Barriers.** Prior to the approval of a demolition permit, the applicant shall prepare and submit a sound control plan that identifies noise attenuation measures and/or devices, such as the use of noise shields and blankets, to reduce noise impacts to the office uses located north of and adjacent to the project site. If noise control devices are provided, they shall be maintained on the project site throughout all proposed demolition and grading operations. (N-6)
9. **Construction and Demolition Material Salvage.** Prior to the approval of a demolition permit for the proposed project, a construction and demolition waste management plan shall be developed and submitted to the City's Environmental Analysis for review and approval. (PS-3)
10. **Soils Report.** Submit to the Building and Safety Division a soils report.
11. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an Affordability Control Covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - a. **Initial Sale Price Restrictions.** The dwelling unit designated as Unit G on the Project Plans shall be designated as an Affordable Middle Income Unit with a price targeted to 120% of Area Median Income and sold only to and occupied only by households who qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale price upon initial sale shall not exceed the following:

Unit G (3-bedroom unit) = \$320,600
 - b. **Resale Restrictions.** The Affordable Unit shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale price of the Affordable Unit shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

12. **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 include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Archaeologist, the Architect, the Arborist, the Project Environmental Coordinator, the Contractor and each subcontractor.
 13. **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.
- H. **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 D above.
 2. **Monitoring Well Relocation.** The location of proposed replacement monitoring wells, as approved by the SBC FPD, shall be depicted on a final site plan. The final site plan shall be submitted to the City for review and approval prior to the issuance of a demolition permit for the proposed project. (H-2)
 3. **Exterior Noise Reduction.** A minimum five (5)-foot high wall extending upward from the exterior balcony floor shall be provided for units "K" and "L." The wall height requirement is relative to the patio floor elevation. (N-2)
 4. **Interior Noise Reduction.** Prior to the issuance of a building permit, a final interior noise assessment for proposed units facing State Street (units "K" and "L") shall be provided to the City. The assessment shall identify noise attenuation measures to be provided to ensure that interior noise levels do not exceed 45 dBA CNEL. Noise control measures may include, but are not limited to:
 - The use of sound-rated windows.
 - Installation of a ventilation system/air conditioning system. (N-1)
 5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the project site 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. (PS-1)

6. **Pre-Construction Conference.** 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, Archaeologist, Architect, Arborist, Project Environmental Coordinator, Contractor and each Subcontractor.
7. **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.
8. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division 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 Planning Division grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier. (CR-2)

9. **Erosion Control/Water Quality Protection Plan.** Provide an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water

quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site.

At minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation and/or maintenance of each of the following water resource protection strategies:

Paving and Grinding, Sandbag Barriers, Spill Prevention/Control, Solid Waste Management, Storm Drain Inlet Protection, Stabilize Site Entrances and Exits, Illicit Connections and Illegal Discharges, Water Conservation, Stockpile Management, Liquid Wastes, Street Sweeping and Vacuuming, Concrete Waste Management, Sanitary/Septic Waste Management, Vehicle and Equipment Maintenance, Vehicle and Equipment Cleaning, Vehicle and Equipment Fueling.

(W-1)

10. **Minimization of Storm Water Pollutants of Concern.** The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The owners association shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to City annually. (W-2)
11. **Technical Reports.** All recommendations of the Preliminary Foundation Investigation prepared by Pacific Materials Laboratory, dated July 27, 2005, and approved by the Building and Safety Division, shall be incorporated into the construction plans. (G-1)
12. **Fire Department Access Modification.** A copy of the Fire Department code modification approval regarding access shall be provided on the cover sheet of the building plans. (T-1)
13. **Fire Sprinkler System.** A fire sprinkler system shall be provided.
14. **Fire Alarm System.** A fire alarm system shall be provided pursuant to City requirements.
15. **Bicycle Parking.** Ten bicycle parking spaces shall be provided.
16. **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.

17. **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.
18. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
19. **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.

- I. **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 Notification.** Applicant shall submit an "Asbestos Demolition/Renovation Notification" Form to the Santa Barbara APCD and EPA Region IX at least ten days prior to starting any construction.
 2. **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 an appropriately sized container, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. (PS-2)

3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. (T-2)
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods and minimize congestion, subject to approval by the Public Works Director. (T-2)
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-2)
6. **Construction Hours.** Noise-generating construction activities (which may include 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 450 feet of the project property boundary and the City planning and Building Divisions 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. Night work shall not be permitted on weekends and holidays. (N-4)

7. **Construction Parking/Storage.** Construction parking and vehicle/equipment/materials 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 Transportation and Parking Manager.

- 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-3)
8. **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-1)
9. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-2)
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. (AQ-3)
11. **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-4)
12. **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. (AQ-5)
13. **Stockpiled Soil.** Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
14. **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.

15. **Construction Ozone Precursors.** The following shall be adhered to during project grading and construction to reduce NOx and PM 2.5 emissions from construction equipment:
 - a. **Diesel Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized to the maximum extent feasible.
 - b. **Engine Size.** The engine size of construction equipment shall be the minimum practical size.
 - c. **Equipment Use Management.** 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. **Equipment Maintenance.** Construction equipment shall be maintained in tune per the manufacturer's specifications.
 - e. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
 - f. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - g. **Low Sulfur Fuel.** All diesel-powered equipment shall use ultra low sulfur diesel fuel.
 - h. **Diesel Emission Reduction.** 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 Equipment Reduction.** Diesel powered equipment shall be replaced by electric equipment whenever feasible.
 - j. **Engine Idling Limitations.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible.
 - k. **Minimize Employee Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.
 - l. **Bio-diesel.** To the extent feasible, diesel-powered construction equipment and vehicles used on site shall be fueled using bio-diesel fuels. (AQ-6)
16. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
17. **Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management

practices (BMPs) to minimize identified storm water pollutants of concern including automobile oil, grease and metals. (W-2)

18. **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.
19. **On-Site Tree Protection.** A temporary construction fence shall be provided around the ficus tree that is to be retained on the project site. To the extent possible, the construction fence shall be installed outside the dripline of the tree. (B-2)
20. **Off-Site Tree Protection.** The following tree protection measures shall be implemented during the construction of the proposed project.
 - a. A qualified tree worker who practices proper pruning standards in accordance with the International Society of Arboriculture, Best Management Practices (ISA Certified Tree Worker or Certified Arborist) shall be used to raise the crown on the west side of the oak tree adjacent to the project site by removing the lowest 8-inch and 5-inch diameter limbs and several smaller branches.
 - b. Construction equipment and materials shall not be parked or stored beneath the dripline of the off-site oak tree located adjacent to the eastern boundary of the project site. The canopy of the oak tree shall be protected from paint overspray, plaster and other construction-related materials. (B-3)
21. **Tree Protection.** Notes on the grading plan that specify the following:
 - a. No grading shall occur under the driplines of the existing, protected tree(s).
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - c. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - d. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - e. Any root pruning and trimming shall be done under the direction of a qualified Arborist..
22. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-5)

23. **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.

J. **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.) 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 or Backflow Device.** Provide an approved backwater and/or 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 and exterior 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 tree(s) have been properly pruned and trimmed.
7. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
8. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier. (CR-2)

9. **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.
 10. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 11. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
- K. **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.