



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 022-08

800 SANTA BARBARA STREET

TENTATIVE SUBDIVISION MAP AND DEVELOPMENT PLAN APPROVAL

JUNE 12, 2008

**APPLICATION OF TRISH ALLEN, AGENT FOR 800 SANTA BARBARA STREET LLC, PROPERTY OWNER OF 800 SANTA BARBARA STREET, APN: 031-012-028, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC & INSTITUTIONAL/OFFICES (MST2006-00129)**

The proposed project involves the demolition of the existing 1,965 square foot one-story commercial building and the construction of a 14,747 square foot, two and three-story mixed-use building containing six residential condominium units and ten commercial condominiums totaling 4,838 square feet. The residential mix includes five three-bedroom units and one two-bedroom unit, ranging in size from 1,316 square feet to 2,249 square feet. The ten proposed commercial condominiums would be range in size from 400 net square feet to 478 net square feet. Twenty-seven parking spaces are proposed in an underground parking structure, with eleven of those spaces provided per a lease agreement with 223 E. De la Guerra Street.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create six residential condominium units and ten commercial units (SBMC Chapters 27.07 and 27.13); and
2. A Development Plan Approval to allow 2,878 square feet of net new non-residential use (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 15332, which allows infill development within urbanized areas.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person appeared to speak in favor of the application, and 11 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 15, 2008.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Gordon Sichi, Anacapa School Head Master.
  - b. Paula Westbury, local resident.

c. Santa Barbara Trust for Historic Preservation

**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)***

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 is consistent with policies of the City's General Plan including the Land Use Element, Housing Element, Conservation Element, Noise Element and Circulation Element. 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 will provide infill residential and commercial development in the downtown 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 mixed-use project proposed in an area where residential and commercial 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. Adequate park facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire, and schools. The design has been reviewed by the City's design review board, 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 C-2, Commercial Zone designation.*

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

*The project site is located in the Land Use Element's Laguna Neighborhood and has a General Plan Designation of Major Public & Institutional and Offices and a Zoning Designation of C-2, Commercial. The Laguna Neighborhood is developed with single-family dwellings, duplexes, and higher-density multiple units in the eastern and northern portions and mixed residential and commercial uses on the west as it merges with the downtown. The project is a mixed-use proposal and represents an infill development on the subject site. It would allow for additional residential units and commercial spaces in the Downtown area, and is consistent with the existing mix of uses in the surrounding neighborhood. Parcels immediately adjacent to the site are developed with commercial, cultural and educational uses.*

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 2.26 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.*

II. Said approval is subject to the following conditions:

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

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 22, 2008 is limited to six residential condominium units and up to 2,873 new square feet for a total of 4,838 square feet of commercial development that may be subdivided into as many as 10 commercial condominium units 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.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **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. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control

methods 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 a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

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 units.
  - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
  - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
  - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, 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 green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
  - 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.

- g. Noise. Future residents shall be informed of the potential noise resulting from student activities at the Anacapa School.
  - 7. **Tree Protection.** The existing tree(s) shown on the Tree Removal and Protection Plan) shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Peter Winn, dated August 17, 2007). A copy of this report shall be attached to the recorded conditions as an exhibit. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees.
  - 8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- B. **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 of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
    - a. A reciprocal access easement (18 feet in width) for vehicles and pedestrians on subject property in favor of adjacent lot, APN 031-012-027.
  - 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 in an *Agreement Assigning Water Extraction Rights*. Public Works Engineering Division staff will prepare said agreement for the Owner's signature.
  - 4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.6 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
  - 5. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect 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.

6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building 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 pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
7. **Santa Barbara Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Santa Barbara Street. The C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following: *realignment of curb and gutter and construction of new bulb-out with one-way directional ramp at intersection of Santa Barbara and De La Guerra Streets, (6') six-foot wide sidewalk, (4') four-foot wide parkway, slurry seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, private on-site sewer and water mains, public drainage improvements with supporting drainage calculations for installation of A470 curb drain outlets etc., coordinate with City staff to remove the traffic signal from the existing street light standard, carefully remove the existing Cobra Head & concrete pole and deliver to the City yard undamaged, install a commercial height Dome Style street light on a fluted concrete pole at the back of new curb alignment, re-mount traffic signal on new pole with timing of work and final location of new light standard to be determined by the Facilities Construction Superintendent, relocate existing fire hydrant and place proposed water meters to back of new curb, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/CA supplements, restripe the crosswalk across Santa Barbara Street to safely align with the pedestrian pathway through the property, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. C-1's shall be prepared by a licensed civil engineer, and require the review, approval and signature of the City Engineer.*
8. **De la Guerra Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on De la Guerra Street. The C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works

Department, the improvements shall include the following: *realignment of curb and gutter and construction of new bulb-out with one-way directional ramp at intersection of Santa Barbara and De la Guerra Streets, (6') six-foot wide sidewalk, (4') four-foot wide parkway, driveway apron modified to meet Title 24 requirements, re-stripe traffic lanes and cross walk, paint curbs as determined by the Transportation Operations Engineer, slurry seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, underground service utilities, connection to City water and sewer mains, private on-site sewer and water mains, public drainage improvements with supporting drainage calculations for installation of drainage pipe, curb drain outlets, slot/trench drain, etc., preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/CA supplements,* and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit. C-1's shall be prepared by a licensed civil engineer, and require the review, approval and signature of the City Engineer.

9. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
  10. **Encroachment Permits.** Apply for an *Encroachment Permit* from the Public Works Department for the existing stone wall encroaching into the public right of way, and provide a report from a licensed civil engineer or structural engineer ascertaining the structural integrity of the decorative sandstone wall, with recommendations for repair.
  11. **Miscellaneous Permits.** Owner shall obtain a Wastewater Discharge Permit from El Estero Wastewater Treatment Plant to discharge polluted water from the below grade Garage Area Drain to the City sewer main per CBC §311.2.2.
  12. **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.
- C. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
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 minimum 24-inch box sized trees of an appropriate species or like species.

2. **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) shall be 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 Peter Winn, dated August 17, 2007, shall be implemented.
  3. **Landscaping.** Substantially increase landscaping, including deep-rooted trees, along the De la Guerra Street frontage, as well as the northwest corner along Santa Barbara Street, and the area abutting the Anacapa School, allowing for potential loss of up to four parking spaces which will be offset by reducing the leased parking spaces, if needed.
  4. **Setback on Santa Barbara Street.** Increase setback to a minimum of 10 feet along Santa Barbara Street
  5. **Northerly Elevation.** The northerly elevation of the building shall be softened adjacent to Anacapa School.
  6. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
  7. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the units on the property from the sidewalk using a different paving/walkway material.
  8. **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.
  9. **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.
  10. **Permeable Paving.** Incorporate a permeable paving system for the project walkway(s) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.
- 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 Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.

- a) Agreement Relating to Subdivision Conditions Imposed on Real Property;
  - b) Land Development Agreement;
  - c) Agreement Assigning Water Extraction Rights.
2. **Approved Public Improvement Plans and Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued with a Building permit.

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. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
3. **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 David Stone, dated November 2006. The contract shall be subject to the review and approval of the Planning Division.

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.

4. **Historic Structures Report Mitigation.** The mitigation measures contained in the Historic structures Report prepared by Preservation Planning Associates dated August 2006, shall be implemented.
5. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of any street tree.
6. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring during construction of all work adjacent to or above the critical root zone of existing trees to remain. 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. **Hazardous Materials Mitigation.** In accordance with the Santa Barbara County Fire Department, Fire Prevention Division, a soil vapor survey and human health risk assessment under FPD over site shall be performed, or an engineered control to mitigate potential vapor intrusion into any planned on-site building using a method acceptable to the FPD and consistent with the Interim Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air shall be developed prior to the issuance of any building permit.
8. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of historic structures and buildings within 300 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring historic structures 300 feet of the project site property line and more than 50 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether

any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

9. **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 Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
  10. **Shallow Groundwater Requirements.** Prior to the issuance of any building permit, a soils report prepared by a licensed soils engineer or geologist shall be submitted to the Planning Division that indicates how deep groundwater is at the site and if any dewatering will be required during construction. Should dewatering be necessary during construction, the applicant shall submit a dewatering plan prepared by a California Professional Geologist or a certified hydro-geologist for review by the Planning Division that includes analysis of the amount and quality of groundwater to be dewatered and a description of the methods for treatment and disposal of water that will be used. Should shallow groundwater be found on the project site, the applicant shall also submit plans, prior to the issuance of any building permit, from a licensed engineer showing that the foundation and below grade walls are designed: 1) to withstand the hydrostatic pressure associated with the level of groundwater anticipated on the site and 2) so that no operational dewatering will be necessary.
- 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 C above.
  2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, Anacapa School Representative, the Property Owner Archaeologist, Architect, Arborist,

Landscape Architect, Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.

3. **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.

4. **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 rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall include passive water quality methods, such as bioswales, catch basins, or storm drain 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, hydrocarbons, 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 methods 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 B.6 above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **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.
6. **Trash Dumpsters.** 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.
7. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.
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 sufficiently 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. **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.
10. **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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

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. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **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.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
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 Public Works Director.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **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.

No noise-generating activities, including but not limited to, activities using heavy equipment, framing, sheathing and roofing, shall occur during any school-wide testing at Anacapa School. To the degree feasible, noisy construction activities shall be coordinated with Anacapa School.

8. **Construction Parking/Storage/Staging.** 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 b. 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.
  - d. Appropriate construction equipment staging areas shall be identified, such that the short-term construction impacts to Anacapa School would be minimized.
9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, 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 on-site 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 on-site 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.

10. **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.
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
12. **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.
13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
14. **Parking Loss Requirements.** At least two (2) weeks prior to closure of the parking lot on the Real Property, the Owner shall notify all lot users, in writing, of the closure, and shall inform them of the availability of spaces in the City's commuter parking lots, and offer to pay the commuter parking lot permit cost. A copy of such notification shall be sent to the Community Development Director and Transportation Manager.

The commuter parking permits may be temporarily or permanently reduced in number or increased back to 22 permits by the City Transportation Division, if necessary, by submitting a letter to the Owner of the Real Property, which states that only a specific number of permits are available, based on the availability of parking in the commuter lots. The City is not obligated to provide permits.

15. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
16. **Tree Protection.** Notes on the grading plan that specify the following:
  - a. No grading shall occur within three feet of the driplines of the existing tree(s).
  - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.

- c. All excavation within the dripline of the trees shall be done with hand tools.
  - d. Any roots encountered shall be cleanly cut.
  - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
  - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
  - g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
17. **Tree Relocation.** The existing Mexican Fan Palm trees shall be relocated on the Real Property and shall be fenced and protected during construction.
18. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
19. **Noise Control Blankets/Curtains.** Noise control blankets shall be used as noise barriers for equipment noise enclosures, if required, and as noise barriers along the property line between Anacapa School and the project site in order to reduce construction noise to less than 60 dBA. The noise blanket/curtain shall have a minimum Sound Transmission Class (STC) rating of 25. A noise control plan shall be submitted prior to any building permit issuance that shows how construction noise will be reduced for surrounding uses, with particular attention to Anacapa School.
20. **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.
21. **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 the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. 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 per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of the *City Arborist*.
  2. **Complete Public Improvements.** Public improvements, as shown in the separate C-1 public improvement plans, including utility service undergrounding and installation of street trees.
  3. **Record Drawings.** Submit Record Drawings identifying “as-built” conditions of public improvements to the Public Works Inspector for verification and approval, if original C-1 public improvement plans are edited to reflect proposed improvements, **and stamp corrected original mylars as “Record Drawings”**.
  4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
  5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade if necessitated by project improvements.
  6. **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).

7. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
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.
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. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

- 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:**

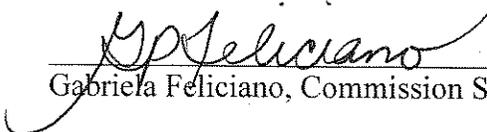
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

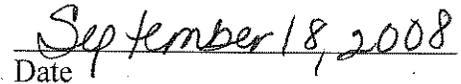
PLANNING COMMISSION RESOLUTION No. 022-08  
800 SANTA BARBARA STREET  
JUNE 12, 2008  
PAGE 21

This motion was passed and adopted on the 12<sup>th</sup> day of June, 2008, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Jacobs/White) ABSTAIN: 0 ABSENT: 2 (Larson/Myers)

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.

  
\_\_\_\_\_  
Gabriela Feliciano, 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.