



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 010-10

2501, 2505, 2507, & 2511 MEDCLIFF ROAD

STREET FRONTAGE MODIFICATIONS, PUBLIC STREET FRONTAGE WAIVER, COASTAL DEVELOPMENT  
PERMIT, PERFORMANCE STANDARD PERMIT AND TENTATIVE SUBDIVISION MAP

AUGUST 19, 2010

**APPLICATION OF SID GOLDSTIEN AGENT FOR ALBERT F. ZECH TRUST, 2501, 2505, 2507 & 2511 MEDCLIFF ROAD, APNS 041-330-024 AND 041-330-025, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST008-00366)**

The proposal consists of the subdivision of two parcels to create four legal lots. New lots would range in size from 20,374 square feet to 50,491 square feet. Three of the new parcels will contain the four existing single-family residences. The fourth parcel (Parcel D) is not proposed to be developed at this time. The project includes 235 cubic yards of grading to realign and widen the existing private driveway, constructing new driveways for Parcels B and C, constructing a carport on Parcel B, creating a Development Envelope for the future development of Parcel D, proposed infiltration basins, oak tree replacement, undergrounding existing utilities, and a new residential type fire hydrant. The project is subject to recommendations of the City's Pedestrian Master Plan (PMP) calling for a sidewalk and parkway frontage improvements along Medcliff Road.

The project site is in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone.

The discretionary applications required for this project are:

1. Modifications (two) to allow two of the newly created lots to have no street frontage on a public street instead of the required 60 feet (SBMC §28.15.080);
2. A Public Street Frontage Waiver to allow a subdivision creating lots without public street frontage to be served by a private shared driveway, which serves more than two (2) lots (SBMC §22.060.300);
3. A Tentative Subdivision Map (TSM) to allow the division of two (2) parcels into four (4) lots (SBMC Title 27.07);
4. A Coastal Development Permit (CDP2008-00013) to allow the proposed development in the appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009);
5. A Performance Standard Permit to allow an additional dwelling unit on Parcel B (SBMC §28.93).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15315 [Minor Land Divisions] in that the proposed subdivision will result in four parcels, the average slope is less than 20 percent, the site is zoned for residential use, services and access are available and the parcel has not been involved in a previous subdivision within the last two years.

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

**WHEREAS**, 2 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 12, 2010.

2. Site Plans
3. Correspondence received in support of the project:
  - a. Alan Bagish, via email
  - b. Gary Caesar, via email
4. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA

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

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

**A. Lot Frontage Modifications (SBMC §28.15.080)**

The modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements, because the configuration of the lots is such that a project that does not require this Modification would result in an irregular pattern of development, as described in Section V of this staff report.

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

With the approval of the lot frontage modifications, the Tentative Subdivision Map, Exhibit B, is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Section VII.C and V, respectively, of the staff report. The site is physically suitable for the proposed subdivision because it complies with the minimum lots size required in the E-3 Zone and will continue to be developed with residential uses, and the project is consistent with the variable density provisions of the Municipal Code and the General Plan as identified in Section V of the staff report. The proposed use is consistent with the vision for this residential Mesa neighborhood of the General Plan which is described in Section VII of the staff report. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems.

**C. Public Street Waiver (SBMC §22.60.300)**

1. The existing private driveway will provide adequate access to the proposed parcels. The proposed driveway is acceptable to the Fire Department and Public Works Department.
2. The proposed private driveway and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed driveway because the recommended Conditions of Approval require the preparation of private Covenants, Conditions & Restrictions (CC&Rs), including language for maintenance of the private driveway. This document will be reviewed by the Public Works Department Staff to ensure that it adequately provides for maintenance. This document will be recorded prior to or concurrent with the recordation of the Parcel Map, and will require the owners of the proposed lots to adequately maintain the private driveway.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development of a public road to serve the

proposed lots will not improve the quality of the development, and would require additional paving and road width to allow for parking areas. The proposed improvements to the existing private driveway will result in better access and circulation than currently exists. In addition, fire turnaround areas and fire hydrants will be provided as required by applicable fire regulations.

D. **Coastal Development Permit (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act as described in Section VII.D. of the staff report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. As shown in Section VI.B of the Staff Report, the proposed project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and, with the requested parking modification, all applicable provisions of the of the Municipal Code.

E. **Performance Standard Permit (SBMC 28.93.030)**

The Additional Dwelling Unit has adequate ingress and egress, complies with all ordinance standards including height and setbacks, and is located on a lot of adequate size for an Additional Dwelling Unit in the E-3 zone district, as described in Section V of the staff report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals for public and private improvements related to the subdivision. If design review approvals for the future development of Parcel D is not obtained at this time, such approval shall be required prior to any building permit for future development on Parcel D. Refer to Section D "Design Review."
2. Pay Land Development Team Recovery Fee. Refer to Section G. "General Conditions."
3. Obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Parcel Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Refer to Section E. "Construction Implementation Requirements."
4. Obtain Public Works and Building Permits (PBW and BLD) for the following private improvements, which must be completed prior to approval of the Map. Refer to Sections E. "Requirements Prior to Permit Issuance," and F. "Construction Implementation Requirements."
  - a. **Construct Private Water Line and Private Storm Drain System.** A private water line, a new private fire hydrant, and required water treatment facilities on each proposed Parcel shall be constructed prior to constructing the finish course of the new shared on-site driveway access.

- b. **Construct New Private Sewer Lateral.** Install one new sewer wye and lateral to the existing sewer main to serve proposed Parcel D, and replace any existing private sewer laterals that are damaged and/or require replacement.
  - c. **Construct New Shared On-Site Driveway Access.** The new shared on-site access driveway shall be constructed with a hard surface material to meet minimum Fire Department access requirements of 60,000 pounds. Plans shall include cross sections for driveway construction and specifications using standardized construction methods to meet this condition.
  - d. **Construct Required Hammerhead.** A hammerhead shall be constructed on proposed Parcel D in conjunction with construction for new shared access driveway.
  - e. **Covered Parking on Parcels A & B.** Applicant shall provide for covered parking on Parcel A (2507 Medcliff) & Parcel B (2511 Medcliff) as required by SBMC.
5. Obtain a Public Works Permit (PBW), and complete the construction of the following required public improvements:
- a. **Medcliff Road Public Improvements.** All public improvements as identified in section D.7 of these Conditions of Approval, shall be either constructed prior to approval of the Parcel Map, or securities and a Land Development Agreement shall be submitted prior to approval of the Map.

Refer to Condition C.8 "Land Development Agreement." Refer also to Sections E. "Requirements Prior to Permit Issuance," and F. "Construction Implementation Requirements."

6. Obtain City Council approval of the Parcel Map and Agreement(s) and record said documents. Refer to Section C. "Public Works Submittal for Parcel Map Approval."

Details on implementation of these steps are provided throughout the conditions of approval.

**B. Recorded Conditions Agreement.** 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 August 19, 2010, is limited to the subdivision of two parcels to create four legal lots 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 and subject to any revisions made by the Planning Commission approval.
2. **Guest Parking.** At least one uncovered guest parking space shall be provided on Parcel D in addition to any parking spaces required by the Zoning Ordinance. Its size and location shall be determined by the Transportation Manager and approved by the Community Development Department.

3. **Future Development.** No structures shall be constructed within 20- feet of the edge of the private shared access driveway on any of the parcels. The Development Envelope on Parcel D shall be reduced so that no structures shall be constructed within 20' of the private driveway easement or within 20' of the easterly property line.
4. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
7. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Map and the Preliminary Grading Plan other than the two designated for removal, shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 3, 2010.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in accordance with the approved Storm Water Management Plan. 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit / Coastal Development 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.
9. **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. **Private Covenants Conditions & Restrictions (CC&R's).** A private driveway maintenance and utility agreement shall be recorded in the Office of the County Clerk Recorder as a separate instrument in the form of Private CC&R's for all affected properties, and shall include language for maintenance of the private driveway, private water main, private fire hydrant, private storm drain system, and all other shared private facilities. The Official Record instrument number shall be referenced on the Parcel Map.

- 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. **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.
  - d. **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.
10. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- C. **Public Works Submittal For Parcel Map Approval.** The Owner shall submit the following, or proof of completion of the following, to the Public Works Department for review and approval:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance and shall comply with the Tentative Subdivision Map signed by the chairman of the Planning commission on said date and on file at the City of Santa Barbara and subject to any revisions made by the Planning Commission approval.
  2. **Dedications.** Dedication of Easements as shown on the approved Tentative Subdivision Map and described as follows, are subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division. The public easement dedications shall be offered on the Parcel Map (Map), the private easement documents shall be recorded as separate instruments prior to recordation of the Map, and the Recorded Instrument Numbers of the private easements shall be referenced on the title sheet of the Map:
    - a. **Public and Private Access and Utility Easement.** A Variable Width, no less than 22-foot wide access easement for the purposes of ingress and egress for vehicles and pedestrians, utilities for Gas, Edison, Internet, Telecom and trash services, private waterline, water meter reading, and maintenance of water meters

by the City of Santa Barbara, and provision for a hammerhead located on proposed Parcel D as identified in Condition A above.

- b. **Right of Way easement.** A one-foot wide easement shall be dedicated to the City of Santa Barbara for +/- 320 linear feet fronting Medcliff Drive to accommodate new public sidewalk.
  - c. **Public Sewer Easement.** A public sewer easement shall be dedicated to the City of Santa Barbara for a 20-foot wide strip of Parcel A, as shown on Sheet 3 of the approved Tentative 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 in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
  4. **Recorded Conditions and Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
  5. **Hydrology Report.** The Owner shall submit a final hydrology report 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.** The project is required to comply with Tier 3 of the Stormwater Management Plan (treatment, rate and volume). The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building & Safety Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
  7. **Medcliff Road Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Medcliff Road and to the east, as described below. As determined by the Public Works Department, the improvements shall include the following to City standards: *6-foot wide sidewalk, 4-foot wide parkway to extend to the existing sidewalk to the east, supply and install new "Fern Pine" street trees (podocarpus gracillior) with number of trees, spacing and minimum box size determined by the City Arborist, reconstruct two existing driveway aprons and construct one new driveway apron modified to meet City Standards and Title 24 requirements, crack 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 including connection of new private watermain to the City system, connection to the City sewer main, public drainage improvements with supporting hydrology report for installation of curb drain outlets (if any), coordinate with Edison and the Public Works*

*Inspector to remove two existing Cobra Head streetlights on metal poles at the intersections of Balboa Drive and Via Sevilla, and supply and install two new City standard residential Dome Style standard street light fixtures on concrete fluted poles, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs during construction per the California MUTCD, and provide adequate positive drainage from site.*

8. **Land Development Agreement.** The Owner shall submit an Engineer's Estimate, signed, and stamped by a registered civil engineer, securities for construction of improvements, and an executed *Agreement for Land Development Improvements*, prepared by the Engineering if public improvements are not constructed prior to recordation of the Parcel Map.
  9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
  10. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
  11. **Repair Damaged Public Improvements.** Repair any construction-related damaged public improvements/property (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090.
  12. **New Address Assignment.** A new address shall be assigned to the newly created Parcel D at the time of recordation of the Parcel Map.
  13. **Complete Improvements.** Public and private improvements listed in Section A.4. above, and as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees shall be completed.
  14. **Fire Hydrant.** Install a new private residential fire hydrant to be within 500' of the rear of the furthest structure accessed by this driveway.
  15. **Manholes.** Raise all sewer and water manholes on easement, if any are affected by construction of private driveway, to final finished grade.
  16. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department that the private CC&Rs required in Section B have been recorded.
- D. **Design Review.** Project grading and landform alteration, structural design, colors, materials, landscaping, lighting, signage and public improvements require preliminary and final review and approval by the Single Family Design Board (SFDB). The SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
1. **Future Development.** No structures shall be constructed within 20- feet of the edge of the private shared access driveway. The Development Envelope on Parcel D shall be reduced so that no construction shall occur within 20' of the private driveway easement or within 20' of the easterly property line.



2. **Guest Parking.** At least one uncovered guest parking space shall be provided on Parcel D in addition to any parking spaces required by the Zoning Ordinance. Its size and location shall be determined by the Transportation Manager and approved by the Community Development Department.
3. **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 fifteen gallon sized tree(s) of an appropriate species or like species.
4. **Oak Tree Mitigation.** Six-(6) fifteen gallon oak trees shall be planted on site where they will not conflict with possible future development of parcel D or any other parcel.
5. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Map and the Preliminary Grading Plan other than the two designated for removal, shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 3, 2010. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s). The following provisions shall apply to any oak trees to remain on the property:
  - a. A pre-construction meeting shall be held with contractors, prior to commencement of work, to discuss tree protections measures.
  - b. Install fencing, as designated on the site plan to establish tree protection zones (TPZ). These TPZs shall be at the outside edge of work areas, around trees. Fences must be maintained in upright positions throughout the duration of the project.
  - c. The TPZs shall be void of all activities, including parking vehicles, operation of equipment, storage of materials and dumping (including temporary spoils from excavation).
  - d. All excavation and grading near protected trees shall be monitored by the project arborist.
  - e. Demolition of the existing asphalt, excavation and grading within the CRZs (critical root zones) of protected trees, but outside of the TPZs shall be done by hand where reasonable. This includes oaks #9, 10, 21, 22, 24, 1n3 25; redwood #23; pine #28. The Brazilian peppers #3, 30; and #31, and Tea tree #27 provide some benefit to the homeowner and warrant similar attention if they are to survive.
  - f. Any roots encountered that are ½" and greater should be cleanly cut.
  - g. Tree pruning, where limbs may conflict with equipment and proposed structures, should be done prior to excavation and grading.
  - h. Pruning shall be performed or supervised by a qualified Certified Arborist. The project arborist shall review the goals with workers prior to commencement of any tree pruning. Tree workers shall be knowledgeable of ISA Best Management Practices for Tree Pruning.

- i. Oak trees that are impacted from root damage (even minimally) should be sprayed in the early spring and late summer with permethrin (Astro) to help resist attack of oak bark beetles. The application of the chemical shall be applied to the lower 6' of trunk. It is recommended that treatments be repeated for at last two years after completion of the project or if drought prevails for longer periods.
  - j. It may be determined by the project arborist that supplemental irrigation is necessary to aid trees that incur root loss and/or during hot and dry periods.
  - k. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
  - l. The proposed infiltration beds will not be installed within the drip line of the oak trees.
  - m. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
  - n. Landscaping under the tree(s) shall be compatible with the preservation of the tree(s) as determined by the Single Family Design Board (SFDB).
6. **Screened Backflow Device.** A backflow device for the private watermain system shall be provided on private property, as near to the public water main as possible in a location screened from public view or included in the exterior wall of a building, as approved by SFDB.
7. **Permeable Paving.** Incorporate a permeable paving system for the project driveway 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.
8. **Sidewalk and Public-Right-of Way.** Applicant to work with the Single Family Design Board (SFDB) and Public Works Department to create as natural a sidewalk in front of the Medcliff Road properties as possible, while complying with City standards.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits pulled pursuant to condition A.4. Please note that these conditions are in addition to the standard submittal requirements for each department.

**Public Works Department.**

a. **Public Improvement Plans.**

Public improvement plans shall be incorporated in plans for a building permit, and Public Works permits shall be issued concurrently with a Building Permit.

- b. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the California MUTCD. Traffic Control Plans are subject to approval by the Transportation Manager, and shall include, at a minimum, the requirements identified below:

**2. Community Development Department.**

- a. **Removal of Two On-Site Utility Poles.** Coordinate with Edison and Building Inspector to remove two on-site utility poles and relocate existing overhead lines under the new shared access driveway.
- b. **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 draft copy of the notice to the Planning Division for review and approval.
- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section D above, and all requirements shall be implemented on-site.
- d. **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.

- e. **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 employ 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.7, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

- f. **No Parking Sign.** A "No Parking" sign shall be installed at the entrance to 20' wide shared driveway in order to provide the minimum width required for fire truck access lane which must remain clear at all times.
- g. **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:

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

F. **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, including demolition and grading.

- 1. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Map and the Preliminary Grading Plan other than the two designated for removal, shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 3, 2010. During construction, protection measures shall be provided as identified in Condition D.5.

2. **Construction Traffic.** Construction traffic shall comply with the approved Traffic Control Plan, which requires a separate Public Works permit.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 <sup>st</sup> *
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 said 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.

4. **Construction Parking/Storage/Staging.** Construction parking and vehicle/equipment/materials storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction vehicles/equipment/materials shall be provided on-site or off-site in a location subject to the approval of the Transportation Operations Manager. 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 vehicles, equipment or materials within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

5. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
  - a. Site grading and transportation of fill materials.
  - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
  - c. 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.
  - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
  - e. 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.
6. **Construction Dust Control - Surfacing.** All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. **Construction Dust Control - Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by a rock berm or row of stakes or a pipe-grid track out control device shall be installed at all access points to the project site to reduce mud/dirt track out from unpaved truck exit routes.
8. **Construction Dust Control - Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches.
9. **Street Sweeping.** The property frontage, 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.
10. **Construction Contact Sign.** Immediately after Building Permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
11. **Construction Equipment Maintenance/Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

12. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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. A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of final City permits.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the attached exhibits.
  - c. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further

environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **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.

**NOTICE OF TENTATIVE SUBDIVISION MAP AND COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

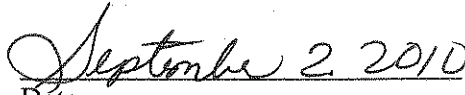
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110. The Coastal Development Permit shall expire two years from the date of final action upon the application, per Santa Barbara Municipal Code Section 28.44.230, plus any extensions granted for the Tentative Map

This motion was passed and adopted on the 19th day of August, 2010 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jordan, Jostes)

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

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**