



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 019-11
1820, 1822, 1226 DE LA VINA STREET
CONDITIONAL USE PERMIT
SEPTEMBER 22, 2011

**APPLICATION OF JAY BLATTER AND JULIE GUAJARDO-MCGEEVER OF HOCHHAUSER
BLATTER ARCHITECTS, ARCHITECT FOR MARK AND VALERIE MALDONADO, 1820, 1822,
1826 DE LA VINA STREET; APN: 027-022-022, -023, -024; R-4 ZONES, GENERAL PLAN
DESIGNATION: RESIDENTIAL 12 UNITS/ARCE (MST2009-00536)**

The proposed project consists of a 40-bedroom Residential Care Facility for the Elderly (RCFE) designed to serve seniors suffering from Alzheimer's or various forms of dementia. Proposed construction includes a two-story, 24,128 net square foot building (25,400 gross sq. ft.). There is a sub-level cellar for food storage, laundry and mechanical equipment measuring 2,210 net square feet, and the first and second floors would be 8,581 and 13,337 net square feet, respectively. The project also includes 20 on grade parking spaces, of which 16 are covered and 4 are uncovered. The site contains an oak tree that is proposed to be preserved and included as part of the new site plan. The project consists of the demolition of the six existing structures on site, including three houses (two of which are duplexes), two garages and one shed. Including attics, the floor area of the six existing structures totals 8,251 net square feet. A total of 11,228 net square feet of floor area on the first and second floors would be dedicated to residential rooms, which range from 294 to 376 square feet in size. Each room would have a private sink, a studio living/bedroom area, and in most cases would share a bathroom with the adjacent room. Common amenities total 10,690 square feet, and include a commercial kitchen, dining area, wellness center, activity spaces, sunrooms, bathrooms and service areas. Individual bedrooms do not have kitchens or kitchenettes, and would not qualify as "dwelling units."

Project Operations: The facility would be licensed to provide non-medical residential care by the State of California, Department of Community Care Licensing as a RCFE. Since residents rarely go outside, activity areas would be focused within internal common spaces. Common interior space available to residents totals 3,399 square feet (excluding administration, kitchen, storage, bathing, wellness office and other service areas). However, 21% of the site is proposed as useable landscape/open area (5,692 square feet).

The project has been designed to consist of three small "neighborhoods" within the building. Each neighborhood would include 11 to 15 bedrooms. Each neighborhood would also have a common living/dining/activities area. Stations for direct care staff, bathing and medications storage would be located in each neighborhood. The project would offer residents three meals a day, personal care services, medications oversight, activities and transportation to medical services and outdoor activities as part of the regular daily program. The community would be staffed twenty-four hours a day. Shift changes occur three times daily: 7am, 3pm and 11pm. The daytime shift is staffed most heavily and would include a maximum of twelve employees at any one time. Residents do not drive, and would be transported to activities and appointments by a dedicated facility van.

The discretionary application required for this project is a Conditional Use Permit to allow a Residential Care Facility for the Elderly (RCFE) in a residential zone (SBMC §28.94.030.R). The Planning Commission will consider approval of the Final Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

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

WHEREAS, 5 people appeared to speak in favor of the application, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 15, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Jaqueline Huth, via email
 - b. Gregg Bigger, via email
 - c. Bob Moss, McConnell's Ice Cream, via email
 - d. Fritz Heede and Nijole Sparkis, via email
 - e. Mitch and Jeffyne Telson, via email
 - f. Morton Sacks, MD, via email
 - g. Gerald S. Svedlow, via email
 - h. Kathleen Clancy, via email
 - i. Carol Mineau, via email
 - j. Linda Tanner, President/CEO, Visiting Nurse and Hospice Care, via email
4. Correspondence received in opposition to the project:
 - a. Peg Browning, via email
 - b. Steve King, via email
 - c. Lara Sullivan, via email
 - d. Keri Dickerson, via email
 - e. Larry and Suzanne Farwell, via email
 - f. Dawn Barnier, Santa Barbara, CA
 - g. 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. The Final Mitigated Negative Declaration

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated September 15, 2011, for the 1820-1826 De La Vina Street Project (MST2009-00536), and comments received during the public review process prior to making a decision on the project.

2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated September 15, 2011 and as revised September 22, 2011, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

B. Conditional Use Permit (SBMC §28.94.020)

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

The proposed residential care facility is essential to the public convenience and welfare because it is providing residential care and housing for the elderly population suffering from Alzheimer's or age-related dementia. The proposed residential care facility is in harmony with the various elements and objectives of the General Plan as described in Section VI.B of the staff report. The Land Use Element recognizes and allows for a mixture of commercial and residential uses in this area. The Housing Element encourages the development of a full range of senior living situations, including small, non-institutional facilities that meet the needs of the older senior population. In addition, the proposal is consistent with the Zoning Ordinance, as described in Section VI.A of the staff report.

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

The proposed residential care facility is located in a fully developed neighborhood and is surrounded with two-story multiple family development. The proposed building is in scale with other development in the surrounding neighborhood, and parking and amenities would be provided on-site so as not to adversely affect the surrounding neighborhood as described in Sections VIII and V.A, respectively, of the staff report. The use would continue to maintain the existing ambiance of the neighborhood.

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

The proposed building and site design are consistent with the surrounding neighborhood because it will be a two story building and complies with the setback requirements of the zoning ordinance. The two story structure would be set back 32' from the north west property line and 20' from the south east property line, and a majority of the front facade of the building is setback 53' from De la Vina Street. The project style was reviewed and accepted by the Architectural Board of Review and preserves the mature Coast live oak in the front of the property.

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

Adequate access and off-street parking is provided on site as identified in Section V.A of the staff report. Per SBMC 28.90.100.G.9, the use as a residential care facility requires one parking space for every two bedrooms, and the project complies with this requirement. As discussed in Section V of the staff report, the residents do not drive and the traffic and parking impacts anticipated from staff and deliveries will not alter the character of the area.

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

The proposed building and site design were reviewed by the Architectural Board of Review and found to be compatible in size and design with the surrounding neighborhood, as described in Section VIII. of the staff report. The height of the building is 30'-10.5" from finished grade. The building pad is approximately 5' higher than the sidewalk on De La Vina because of the existing grade differential between the street and the project site. Parking is screened from the street and the 46-inch Coast live oak will be preserved. The mature hedge and stone wall at the southeast property line will also be retained as part of the project.

C. Additional findings required for a State-licensed residential care facility (SBMC §28.94.030.R.2):

1. The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.

The R-4 zone allows for multiple residential or hotel development and related recreational and conference center and other auxiliary uses use by hotel guests. Current density regulations would permit 10-20 dwelling units, depending on bedroom count and Inclusionary Housing requirements consistent with SBMC §28.21.080.F and §28.43.030.

Development of the site with 20 dwelling units would have greater traffic generation than the proposed 40 bedroom RCFE based on ITE trip generation data.

The proposed use would not generate major impacts to the existing roadways for the following reasons: 1) the residents are not allowed to drive due to safety concerns; 2) the site is close to mass transit stops; 3) the site is located near a commercial corridor and shopping areas are within walking distance; 4) most visitors and staff trips occur outside the a.m. and p.m. peak hours; and 5) based on information contained in the Institute of Traffic Engineers' Parking Generation manual, the parking demand for the proposed project would be 14 spaces and the project is providing 20.

The ABR has reviewed the site layout of the proposal and found it to be consistent with the surrounding neighborhood.

Impacts to water resources would be equivalent to that demanded by a multi-family development of the property (development is anticipated to demand 3.2 acre feet per year (AFY) of water; a multi-family apartment of 17 units would demand 3.23 AFY. Impacts to public services would be similar to those generated by a multi-family development of the site, and, as described in the MND for the project, impacts to public services would be less than significant. Impacts to certain public services (e.g. parks and recreation) would be less than a typical development due to the frail nature of the residents. Therefore, adequate public services are available for the proposed project.

2. The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.

The proposed use is residential in nature. The highest concentration of staff and activity occurs during the day, and there is only minimal staff during the evenings. Residents do not drive so traffic is generated by staff, visitors and vendors. The majority of trips would occur during off peak hours (mid-day and weekend). The development would contain 40 rooms. Although this is higher than the number of bedrooms that could be allowed under the permitted residential density, each room would contain only one person, whereas a one-bedroom apartment could house two or more persons. Therefore, even when staff are taken into consideration, the number of people on site at any given time is similar to that of a multi-family development. Recreational rooms are provided within the building and there are outdoor courtyard areas being provided.

3. The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

Any future proposed residential use will be required to comply with the density requirements of the R-4 zone. Current density regulations would permit 10-20 dwelling units, depending on bedroom count and Inclusionary Housing requirements). The

maximum number of units allowed would be contingent upon providing the required amount of parking on site. The twenty parking spaces provided could satisfy the parking requirement of nine to 13 units, depending on bedroom count.

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. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee at building or public works permit application.
4. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading.
5. Record any required documents (see Recorded Conditions Agreement section).
6. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

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

B. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Oak Tree Protection Measures.** The landscape plan and grading plan shall include the following oak tree protection measures, intended to minimize impacts on the existing oak tree:
 - a. Mulch dripline with four to five inches of wood chips (keep off tree base) to improve soil conditions and minimize future soil compaction.
 - b. Install Oak compatible plantings within the Oak dripline. Keep number minimal and use smaller pot sizes.
 - c. Incorporate hardscape materials and design that minimize root compaction, and promote water percolation and gas exchange.
 - d. No irrigation system shall be installed within three feet of the dripline of any oak tree.
 - e. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

- f. Contract with a Certified Arborist to inspect tree before, during and after development.
- g. During Construction:
 - Deep root aerate and fertilize Oak rootzone prior to construction to improve soil conditions and promote healthy generation of new foliage and roots.
 - Install temporary six foot tall chain link fence five feet beyond the dripline as feasible, and in no case closer than the edge of the dripline, prior to project commencement.
 - Designate tree dripline as a “no dump, wash or staging area” during construction.
 - No heavy equipment, storage of materials or parking shall take place within five (5) feet of the dripline of the oak tree.
 - If any excavation is required beneath the dripline of the oak tree, a qualified Arborist shall be present. All excavation within the dripline of the tree shall be minimized and shall be done with hand tools. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any root pruning and trimming shall be done under the direction of a qualified Arborist.

(BIO-1)

- 2. **Additional Oak Protection Measures.** The landscape plan and grading plan shall include the following additional oak tree protection measures, intended to minimize impacts on the existing oak tree:
 - a. Remove the ivy around the tree prior to commencement of construction.
 - b. Any oak compatible plantings within the tree protection zone shall not be larger than one-five gallon in size and irrigated through establishment with drip irrigation without any below ground trenching. Drip irrigation up to 9’ from the trunk should not be used in the late spring through early fall.
 - c. Tree pruning, where limbs may conflict with equipment and proposed structures, shall be done prior to excavation and grading. 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*.
 - d. The project arborist shall monitor activities on the site throughout the duration of the project. This would be frequent during fencing installation, excavation and grading, and less frequent as the project progresses, provided fences remain upright and the tree protection zone (TPZ) is not violated.
 - e. There shall be no utilities or trenching through the TPZ.
 - f. The TPZ shall be void of all activities, including parking vehicles, operation of equipment, storage of materials and dumping (including temporary spoils from excavation).

- g. Temporary construction fencing shall be maintained in an upright position throughout the duration of construction.
 - h. If the oak is impacted from root damage (even minimally), it shall be sprayed in the early spring and late summer with permethrin (*Astro* or *Conserve*) to help resist attack of oak bark beetles. The application of the chemical shall be applied to the lower six feet of trunk. Treatments shall be repeated for at least two years after completion of the project construction or if drought prevails for longer periods. Application of pesticide is recommended but not required.
 - i. It may be determined by the project arborist that supplemental irrigation is necessary to aid the tree if it incurs root loss and/or during hot and dry periods.
 3. **Oak Tree Removal.** If the 46 inch Coast live oak tree is damaged such that it must be removed as a result of the project, the tree shall be replaced with a minimum of three 15-gallon Coast live oaks from Coastal Santa Barbara County stock. (BIO-2)
 4. **Tree Removal and Replacement.** All trees removed, except oaks, 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 tree(s) of an appropriate species in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 5. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of the existing street tree that conflicts with the new driveway.
 6. **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.
 7. **Reuse of Sandstone.** The Applicant shall work with the ABR to create a street frontage that reuses all existing sandstone to the maximum extent feasible.
 8. **Permeable Paving.** Incorporate a permeable paving system for the project driveway and walkways 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 Public Works Director/Transportation Manager.
- C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a *written instrument*, prepared by Planning staff, 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 September 22, 2011, is limited to the merging of three existing lots (1820, 1822 and 1826 De la Vina) to create one 28,350 gross square foot lot, demolition of existing on-site development, and construction and operation of a new 40-bed residential care facility for the elderly. Construction consists of a 24,098 net square

foot, two-story residential care facility with 20 on-grade parking spaces (16 covered, 4 uncovered) and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara, and subject to the operational parameters described in the Final Mitigated Negative Declaration dated September 15, 2011. The Conditional Use Permit is approved for an elder care facility only. Bedroom sizes range from 294 to 376 square feet, each comprised of a sink, living area, and in most cases, a shared bathroom with the adjacent unit. Common amenities total approximately 12,964 square feet, and include a commercial kitchen, dining area, wellness center, activity spaces, sunrooms, bathrooms and service areas. Individual units/bedrooms do not have kitchens or kitchenettes, and do not qualify as traditional "dwelling units." The existing 46" oak in the front yard is to be preserved. Photo-voltaics will be incorporated into the project to the maximum extent feasible on the flat portion of the roof behind the parapet.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto 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 Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. 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 ABR, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:
 - a. **Oak Tree Protection.** The existing 46" oak tree shown on the Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Arbor Services, dated August 11, 2010 and subject to applicable conditions of approval.
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 prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.

6. **On-Site Parking.** All employees and residents shall park on-site only.
7. **Parking Management Plan.** A Parking Management Plan shall be put in place by the Applicant to manage on-site parking and ensure that residents and employees do not park off-site.
8. **Special Event Parking.** To minimize impacts to on-street parking, the Applicant shall contract with a valet parking company to manage onsite parking for special events, specifically, Mothers Day, Fathers Day, Thanksgiving and Easter, so that at least 30 parking spaces are provided on-site.
9. **On-Site Deliveries.** There shall be no on-street deliveries other than UPS, FedEx, etc.
10. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project.
 - a. **Carpool Incentives.** An incentive program shall be offered for employees who choose to carpool (e.g. free gas cards).
 - b. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - c. **Employee Lunch Room.** An employee breakroom shall be provided in the building, and employees shall have access to the following amenities: refrigerator, microwave oven, sink, food preparation area, tables and chairs.
 - d. **Bicycle Parking.** Three bicycle parking spaces shall be provided per ordinance and the applicant shall provide 2-4 additional bicycle parking spaces.
11. **Common Area Maintenance.** All common and shared areas/facilities/improvements shall be kept open, available and maintained in the manner in which it was designed and permitted.
12. **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.
13. **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.

14. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
15. **Operations Update.** The Applicant shall report back to the Planning Commission two years post occupancy to review the effectiveness of these conditions of approval.

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 any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the Public Works Department. Please note that these conditions are in addition to the standard submittal requirements.

1. **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.
2. **Hydrology Report.** The Owner shall submit a final hydrology report to Building and Safety, prepared by a registered civil engineer 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.
3. **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.
4. **De la Vina Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on De la Vina Street. As determined by the Public Works Department, the improvements shall include the following to City standards: +/- 50 lf cracked and/or uplifted sidewalk to the nearest joint, 21-foot wide (maximum width) commercial driveway apron modified to meet Title 24 requirements, +/- 15 lf new curb & gutter where existing driveway is removed, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20-feet beyond the limits of all trenching (if any), maintain connection to City Water and Sewer system, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps (if any), supply and install directional/regulatory traffic control signs during construction per the MUTCD w/CA supplements, provide adequate positive drainage from site and upgrade one of the nearest

bus stops to current MTD Bus Stop Standards (at MTD discretion). Any work in the public right-of-way requires a Public Works Permit,

5. **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.
6. **Voluntary Lot Merger Required.** The Real Property known as APN 027-022-022, APN 027-022-023 and APN 027-022-024 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.

E. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the Community Development Department. Please note that these conditions are in addition to the standard submittal requirements:

1. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C "*Recorded Conditions Agreement*" to the Community Development Department prior to issuance of any building permits.
2. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.
 - c. A list of reporting procedures, including the responsible party, and frequency.
 - d. A list of other monitors to be hired, if applicable, and their qualifications.
 - e. Submittal of biweekly reports during demolition, excavation, grading and footing installation and monthly reports as applicable on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/case planner.
 - f. Submittal of a Final Mitigation Monitoring Report.
 - g. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

3. **Photo-documentation of 1826 De la Vina.** The applicant shall photo-document the property at 1826 De la Vina Street prior to its alteration or any structure demolition consistent with the guidelines for documentation outlined in the Council-adopted City Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites. The documentation shall include the setting of the property, including the adjacent house at 1822 De la Vina Street and the retaining wall along De la Vina Street. (CR-1)
4. **Photo-documentation of 1822 De la Vina.** The applicant shall photo-document the residence at 1822 De la Vina Street prior to its alteration or structure demolition consistent with the guidelines for documentation outlined in the Council-adopted City Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites. (CR-2)
5. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
6. **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.
7. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of trees in the front yard setback and public right of way.
8. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of the 46" oak tree during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division and the City arborist, if appropriate.
9. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
10. **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 Architect, the Arborist, the Landscape Architect, the Project Environmental Coordinator, the Contractor and each subcontractor.

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 Architectural Board of Review, outlined in Section B "Design Review" above, and all elements/specifications shall be implemented on-site.
2. **Interior Noise Mitigation.** A detailed interior noise analysis must be prepared for Bedrooms 201, 202, and 230 at the time of building permit application. This detailed interior noise analysis would verify if the planned new buildings' envelopes would achieve the necessary sound insulation to meet the City of Santa Barbara 45 dB(A) CNEL interior noise level requirement. If not, the analysis shall provide recommendations to accomplish the 45 dB(A) CNEL standard. The recommendations in the detailed interior noise analysis project may include noise mitigation measures such as a windows closed condition, sound insulating doors and windows, and/or upgrades to exterior walls, roof, and attic-vent openings.

The detailed interior noise analysis may also be used to analyze compliance of the project's interior partitions and floor/ceiling assemblies between residential units with California State sound transmission class (STC) and impact insulation class (IIC) requirements. (N-1)

3. **Basic Storm Water Management Best Management Practices (BMP) Requirement.** The City's Manual guides the user in the selection, integration, design and implementation of a variety of BMP options for a project site to meet the City's post-construction storm water management requirements for development and redevelopment projects. This project is required to comply with Tier 3 of the Storm Water Runoff Requirements which requires that any increase in site runoff (pre vs. post construction) must be avoided per the City's adopted Storm Water Management Plan (SWMP), and the NPDES General Permit for Storm Water Discharges. The city and state requires that onsite capture, retention, and treatment of storm water are incorporated into the design of the project. In an attempt to treat the small, frequent storm events that impact water quality in Santa Barbara, the project must include treatment devices designed to capture and treat the calculated amount of runoff from the project site for a 1 inch storm event over a 24-hour period. Please refer to the City's Storm Water BMP Guidance Manual at www.sbcreeks.com.
4. **Water Quality and Drainage.** The Water Quality recommendation in the Preliminary Drainage Analysis prepared by InsiteCivil, inc. dated August 4, 2010 shall be implemented into the project construction and shall include:
 - a. An underground storm water detention pipe system designed to store the runoff from a 25-year storm while releasing a flow rate that does not exceed the pre-developed 25-year peak flow in accordance with the requirements contained in the City of Santa Barbara Storm Water Management Program and the State NPDES General Permit for Storm water discharges.

- b. Filters will be installed on the proposed trench drain at the bottom of the driveway to treat stormwater runoff before discharging into the public storm drain system.
 - c. Roof drains will discharge onto either permeable paver surfaces or landscaped areas to filter runoff prior to discharging into public streets.
 - d. Bioretention areas will be used to capture and treat runoff resulting from a one-inch storm.
5. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
6. **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.

7. **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 Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.5, above, which shall include the

regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

8. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
9. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____		_____
Property Owner		Date

Contractor	Date	License No.

Architect	Date	License No.

Engineer	Date	License No.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
1. **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, the Property Owner, Architect, Arborist, Landscape Architect, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
 2. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of 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.

3. **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.
4. **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.
5. **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 Transportation Manager, and a permit shall be obtained from the Public Works counter.
6. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager, and a permit shall be obtained from the Public Works counter.
7. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor, and a permit shall be obtained from the Public Works counter.
8. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and the following holidays:

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 that is answered by a person, not a machine.

9. **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.
10. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)
11. **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. (AQ-2)
12. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-3)
13. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-4)
14. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;

- c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District.
(AQ-5)
15. **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. (AQ-6)
 16. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
 17. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
 18. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-9)
 19. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-10)
 20. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-11)
 21. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-12)
 22. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-13)
 23. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-14)
 24. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-15)
 25. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-16)

26. **Asbestos & Lead-Containing Materials.** Pursuant to APCD Rule 1001, the applicant is required to complete and submit an APCD Asbestos Demolition and Renovation Compliance Checklist at least 10 working days prior to commencing any alterations of the buildings. Any abatement or removal of asbestos- and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained from the APCD prior to commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate land fills that are certified to accept this material. (AQ-17)
27. **Portable diesel equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)
28. **Mobile construction equipment.** Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm (AQ-19)
29. **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.
30. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division, and shall include BMP's for off-site work.
31. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and, as applicable, monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
32. **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 construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. 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.

33. **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.
34. **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 *caused by construction* (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

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 required by the Public Works Inspector.
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 Architectural Board of Review (ABR).
7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
8. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

I. **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.), the 1979 Air Quality Attainment Plan, APCD Rule 345 (*Control of Fugitive Dust from Construction and Demolition Activities*) and Rule 329 (*Cutback and Emulsified Asphalt Paving Materials*) and the California Code of Regulations.
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 plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans 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. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The current fee requirement is \$2,044.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed

and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.

4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
5. **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 being notified of a lawsuit regarding 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 APPROVAL TIME LIMITS:

The Planning Commission's action approving the Conditional Use Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 22nd day of September, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

PLANNING COMMISSION RESOLUTION No. 019-11
1820, 1822, 1826 DE LA VINA STREET
SEPTEMBER 22, 2011
PAGE 24

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.