



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 008-14
3714-3744 STATE STREET
TENTATIVE SUBDIVISION MAP
APRIL 3, 2014

APPLICATION OF KENNETH MARSHALL, AGENT, FOR KELLOG ASSOCIATES, 3714-3744 STATE STREET, APN 053-300-023 AND -031, C-P/SD-2 (RESTRICTED COMMERCIAL/ SPECIAL DISTRICT 2 "UPPER STATE STREET AREA"), R-3/SD-2 (LIMITED MULTIPLE-FAMILY RESIDENCE / SPECIAL DISTRICT 2 "UPPER STATE STREET AREA") AND R-4/SD-2 (HOTEL-MOTEL-MULTIPLE RESIDENCE / SPECIAL DISTRICT 2 "UPPER STATE STREET AREA") ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2012-00443)

This project is a revision to a project that was approved on appeal by the City Council on April 20, 2010, and which included construction of 73 residential condominium units and 14,612 square feet (sf) of commercial space. The current proposal consists of the demolition of the existing 113-room Sandman Inn Hotel, existing restaurant building, and all site improvements on the 4.58-acre site, and subdivision of the site into four lots for development with a total of approximately 5,110 net sf of commercial floor area and 72 residential condominium units.

Lot A would be 11,500 net sf and would be developed with a 2,596 net sf one-story commercial building and 13 parking spaces in an at-grade parking lot located behind the building.

Lot B would be 4,100 net sf and would be developed with a 1,043 net sf one-story commercial building and five parking spaces in an at-grade parking lot located behind the building.

Lot C would be 7,800 sf and would be developed with a 1,471 net sf one-story commercial building and seven parking spaces in an at-grade parking lot located behind the building.

Lot D would be 174,300 net sf and would be developed with 32 two-bedroom condominiums and 40 three-bedroom condominiums. Of these 72 units, 9 would be designated as Inclusionary housing units (4 two-bedroom and 5 three-bedroom units) affordable to middle-income home buyers. The residential units would be contained within 10 three-story buildings ranging in height from 37'-5" to 40'-3" and located throughout the site. Each unit would have two parking spaces, at least one of which would be in a garage. A total of 164 residential parking spaces would be provided as follows: 116 garage parking spaces, 28 uncovered resident parking spaces and 20 uncovered guest parking spaces. Unit sizes range from 1,136 to 1,719 net sf. The residential development would also include a Community Veranda of approximately 554 net sf that includes an area for mailboxes. Total residential square footage, including garages, would be 171,393 gross sf.

Ingress and egress to the development is proposed at two locations along State Street; near the center of the site (on Lot D), and at the east end of the site (on Lot C). Other public improvements proposed as part of the project include a four-foot wide sidewalk dedication on State Street, a bus stop and the extension of the existing State Street median.

The discretionary application required for this project is:

1. A Tentative Subdivision Map to allow the division of two parcels into four lots with three of the lots proposed for commercial development and one lot proposed for a one-lot subdivision to create seventy-two (72) residential condominium units (SBMC Chapters 27.07 and 27.13).

An Addendum to the certified Final Environmental Impact Report (EIR) prepared for the prior version of the project was prepared and the Planning Commission considered the Addendum with the Final EIR prior to making a decision on the project pursuant to the California Environmental Quality Act Guidelines Section 15091 and 15164.

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

WHEREAS, no one appeared to speak in favor of the application, and 3 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 27, 2014
2. Site Plans
3. Correspondence received in support of the project:
 - a. Gregory Parker, for Kellog Associates, via email
 - b. Patrick N. Smith, via email
4. Correspondence received in opposition to the project or with concerns:
 - a. Cynthia Boche, Metropolitan Transit District (MTD), via email
 - b. Joe Rution, Allied Neighborhood Associations, via email
 - c. Stan & Adela Laband, via email
 - d. Paul Hernadi, Citizens Planning Association, via email
 - e. James & Virginia Peterson, via email
 - f. Elizabeth Sarine, Remy Moose Manley, for F.U.S.S., via email
 - g. Jean Holmes, League of Women Voters, via email
 - h. Jean Holmes, via email
 - i. Michael Niven, GWEN Griffin Santa Barbara LLC, via email

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

- I. Approved the subject application making the following findings and determinations:
 - A. **ADDENDUM TO FINAL EIR**

The Planning Commission has considered the Addendum dated March 21, 2014 with the Final EIR prior to making a decision on the project. The Planning Commission has determined that no subsequent EIR is required pursuant to CEQA Guidelines Section 15162 and 15614 because:

1. Project changes do not require major revisions of the previous EIR because there are no new significant environmental effects and there is no increase in the severity of previously identified significant effects, as identified above.
2. There have been no substantial changes with respect to the circumstances under which the project is undertaken; therefore, no major revisions of the EIR are required to address new significant environmental effects or an increase in the severity of previously identified significant effects, as identified above.

3. There is no new information of substantial importance that shows that the project will have any significant effects not discussed in the previous EIR or that significant effects previously examined will be more severe than shown in the previous EIR. The project proponent has not declined to adopt any identified mitigation measures or alternatives.

B. FINDINGS OF REDUCTION OF POTENTIALLY SIGNIFICANT AND AVOIDABLE (CLASS II) IMPACTS OF THE PROJECT TO LESS THAN SIGNIFICANT LEVELS AND FURTHER REDUCTION OF ADVERSE BUT LESS THAN SIGNIFICANT IMPACTS (CLASS III) OF THE PROJECT (PURSUANT TO PRC SECTION 21081 AND CCR SECTIONS 15091 AND 15092)

The Planning Commission finds that changes and/or alterations have been incorporated into or required in the project that would avoid or reduce potentially significant impacts to less than significant levels (Class II impacts), as identified in the Addendum, Final EIR and/or Initial Study. The following mitigation measures are incorporated into the project design and/or project conditions of approval.

1. **Class II Impacts (Potentially Significant and Mitigated).** Project elements incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels. These findings are supported by substantial evidence in the record including the Final EIR and Addendum.
 - a. Visual Aesthetics. Removal of existing mature trees would affect the site's visual appearance. This impact would be reduced to a less than significant level by relocating existing mature trees on-site and replacing each mature tree removed with an appropriate replacement tree, as determined by the City's Architectural Board of Review.
 - b. Geologic Hazards: The proposed project has the potential to be affected by ground shaking and other seismic hazards. This impact would be reduced to a less than significant level with the implementation of the recommendations in the Soils Engineering Report prepared for the project, as well as compliance with building code requirements that would minimize potential hazards associated with ground shaking.
 - c. Noise: Residential units near State Street may experience noise levels above 45 dBA (interior) and/or 60 dBA (exterior), and commercial uses adjacent to State Street may experience noise levels above 50 dBA (interior). These impacts would be reduced to a less than significant level with the implementation of noise attenuation measures in building construction. Construction noise also has the potential to impact adjacent residents, and mitigation measures to address construction hours, construction equipment sound and noise barriers have been included. Additionally, the project design has been changed to eliminate the underground parking garage and construction would be phased such that the northern buildings are constructed first, thereby reducing construction duration and noise to adjacent residents.

- d. **Public Services:** The project would result in the short-term generation of construction and demolition waste. This impact will be reduced to a less than significant level with the implementation of a waste management plan for construction.
 - e. **Water Environment:** The proposed project has the potential to result in significant short- and long-term water quality impacts. These impacts would be reduced to a less than significant level with the implementation of erosion control measures, compliance with standard City requirements, the use of storm drain surface pollutant interceptors, storm drain stenciling and incorporation of Best Management Practices.
2. **Class III Impacts (Less than Significant).** The proposed project would result in a less than significant impact in the following environmental issue areas, as identified in the Final EIR. Measures are incorporated as conditions of project approval to further reduce the level of impact, consistent with City policies. These findings are supported by substantial evidence in the record including the Final EIR.
- a. **Air Quality:** Short-term project-related grading and construction activities would result in fugitive dust and emissions from construction equipment that would be well below the established threshold of significance. Standard dust and emissions control measures to further reduce potential impacts are included as recommended measures and in the Conditions of Approval.
 - b. **Biological Resources:** The project would result in the removal of trees from the project site. To minimize potential impacts to nesting birds, timing restrictions on tree removal are included as a recommended measure.
 - c. **Cultural Resources:** The project involves ground-disturbing activities, which means there is a remote possibility of encountering unknown buried deposits. Standard measures requiring contractor notification of this potential would further reduce potential impacts.
 - d. **Public Services:** The project would result in the long-term generation of waste from residential and commercial uses. This impact will be further reduced by designing adequate trash enclosures with recycling areas into the project.
 - e. **Transportation/Circulation:** The proposed project would result in a short-term increase in traffic due to construction-related activities. This would constitute a change to existing conditions but would be a less than significant effect, and would be further reduced by construction haul route and parking mitigation measures. The project includes the extension of the existing State Street median to better restrict left-turns into the site.

C. **FINDINGS FOR MITIGATION MONITORING AND REPORTING PROGRAM (PURSUANT TO PRC SECTION 21081.6 AND CCR SECTIONS 15091 AND 15097)**

The Mitigation Monitoring and Reporting Program attached to the Staff Report is hereby adopted and has been incorporated into project conditions of approval to provide an identified process to ensure compliance with environmental mitigation measures required as part of the project and conditions of approval.

D. FINDINGS FOR RECORD OF PROCEEDINGS (PERSUANT TO PRC SECTION 21081.6 AND CCR SECTION 15091)

The location and custodian of documents that constitute the record of proceedings upon which this decision is based are available at the city of Santa Barbara Community Development Department, and the Department office is located at 630 Garden Street, Santa Barbara, California.

E. FINDINGS FOR THE FISH & WILDLIFE CODE

An Environmental Impact Report has been prepared by the lead agency (city of Santa Barbara), which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The Current Project has the potential for adverse effects on trees and mature vegetation and associated wildlife during project construction. Measures have been applied such that any less than significant impacts will be further reduced. Fish and Game Code Section 753.5 (e) (3) establishes that only one fee is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to fish and wildlife. The required fee was paid to the California Department of Fish and Game at the time of approval of the prior version of the project. The evaluation of the current project approval documents that no additional effects to fish and wildlife will result. The project constitutes a subsequent approval that would result in no additional effects to fish and wildlife for a project with multiple project approvals, therefore no additional fee is required for the current project approvals pursuant to the Fish and Game Code.

F. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Section VII of the staff report and in Section 5 of the EIR. The site is physically suitable for the proposed development due to its flat topography, soil composition, location within an urban environment and lack of environmental constraints. The project is consistent with the density provisions of the Municipal Code and the General Plan as identified in Section VII of the Staff Report. The proposed use as a mixed-use commercial and residential project is consistent with the vision for this neighborhood of the General Plan because it provides some office and/or commercial development and additional in-fill housing that is compatible in size and scale with surrounding development on a site planned for general commercial and residential use. The design of the project will not cause substantial environmental damage as discussed in the EIR and Addendum, which found that potentially significant impacts can be mitigated to a less than significant level and those mitigation measures have been incorporated into the project and/or made conditions of approval. The design of the development and associated improvements will not cause serious public health problems because the proposal is for a new mixed-use development in an urban environment.

G. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance, as described in Section VII.A.5.b of the Staff Report. The project complies with density requirements as described in Section VII of the staff report. Each unit includes laundry

facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space, as described in Section VII.A.5.b of the Staff Report.

2. The proposed development is consistent with the General Plan of the city of Santa Barbara, as described in Section VII.B of the Staff Report. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element as described in Section VII.B of the Staff Report and Section 5.0 of the EIR. The project will provide infill residential development that is compatible with the surrounding neighborhood, as determined by the Architectural Board of Review.
3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources as described in the Staff Report and in the EIR and Addendum.

The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts because proposed driveways and street improvements have been analyzed to minimize conflicts and ensure proper traffic flow, consistent with the Upper State Street Guidelines and analyzed by staff (refer to Section VII.C of the Staff Report and the EIR and Addendum for additional details). The design has been reviewed by the City's design review board, which found the architecture and site design appropriate, as described in Section IX 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.
 2. Withdraw previously approved project on the site (MST2007-00591).
 3. Submit an application for and obtain a Building Permit (BLD) to demolish all structures / improvements on the Real Property. Prior to issuance of demolition permits, the Owner shall comply with condition E.1.h "Agreement to Dedicate and Install Public Improvements." A BLD may also be obtained to perform rough grading. Comply with conditions E "Requirements Prior to Permit Issuance" and F "Construction Implementation Requirements." Demolition must be completed prior to recordation of the Map and Agreements.
 4. Submit an application for and obtain a Public Works Permit (PBW) number for all required public improvements.
 5. Pay Land Development Team Recovery Fee.
 6. Submit an application for and obtain City Council approval of the Final Map and Agreement(s) and record said documents.
 7. Permits following recordation of Final Map (in no particular order):

- a. Obtain permit to construct all the required public improvement plans from the City Engineer.
- b. Submit an application for and obtain a Building Permit (BLD) for construction of approved residential units.
- c. Submit an application for and obtain Building Permits (BLDs) for construction of approved commercial units.

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

B. Recorded Conditions Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition and/or rough grading permit or other appropriate permit (as determined by City staff) for work in anticipation of primary project improvements, 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 concurrent with the Final Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 3, 2014 is limited to the following:
 - a. A four-lot subdivision creating Lot A (approximately 11,500 net square feet), Lot B (approximately 4,100 net square feet), Lot C (approximately 7,800 net square feet) and Lot D (approximately 174,300 net square feet);
 - b. A one-lot subdivision of Lot D to create 72 residential condominiums (32 two-bedroom units and 40 three-bedroom units totaling approximately 109,081 net square feet), of which nine are affordable to middle-income homebuyers, a community veranda, and 164 residential parking spaces;
 - c. Construction of an approximately 2,596 net square foot nonresidential building and 13 commercial parking spaces on Lot A;
 - d. Construction of an approximately 1,043 net square foot nonresidential building and 5 commercial parking spaces on Lot B;
 - e. Construction of an approximately 1,471 net square foot nonresidential building and 7 commercial parking spaces on Lot C;
 - f. Driveway access on Lots C and D;
 - g. Public improvements, including extension of the existing State Street median, sidewalk dedication, and a new bus stop;
 - h. Bike parking for 6 bikes (two on each of Lots A, B and C);and the improvements shown on the Tentative Map and project plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Nonresidential Parking.** Parking spaces provided for each nonresidential building shall not be assigned to individual tenants within said building.

3. **Development Restrictions.** Residential and non-residential development potential on the Real Property has been specified as follows as part of the subdivision: All residential density has been allocated to Lot D, all non-residential development rights have been allocated to Lots A, B and C. Agreements outlining these allocations shall be recorded with the Final Map.
4. **Potential Future Access.** The Owner(s) shall accommodate future potential requests from adjacent property owners to connect with the vehicular circulation improvements on the Real Property in the approximate locations shown on Sheets C-1 and A-101. Any such accommodation is conditioned upon the adjacent property receiving all required approvals from the City of Santa Barbara and the adjacent property owner bearing any costs associated with said connection. The Owner(s) shall also offer an easement to adjacent parcels to the north in order to accommodate pedestrian access through the Real Property.
5. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.
6. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
7. **Tree Protection.** The seventeen (17) existing trees/palms shown to remain in place on Sheet TP1.0 shall be preserved, protected, and maintained in accordance with the recommendations contained in the Tree Maintenance and Retention Plan prepared by Christopher Kallstrand, Dudek, dated October 1, 2013, including Attachments 2 and 3. A copy of this report shall be attached to the recorded conditions as an exhibit.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division for the life of the project. Owner shall inspect annually and submit a report to the City annually. After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

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 Owner 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.

9. **Ownership Unit Affordability Restrictions.** The nine dwelling units designated as units number 101, 107, 109, 113, 119, 120, 201, 214 and 216 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

- a. Units No. 109, 119, 120, 216 (2-bedroom units) = \$317,400
- b. Units No. 101, 107, 113, 201, 214 (3-bedroom units) = \$360,600

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

10. **Landscape Plan Compliance.** The Owner(s) of Lots A, B and C 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, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
11. **State Street Parkway Tree Maintenance.** Each Owner(s) of Lots A, B and C shall maintain the parkway tree on each corresponding lot frontage. Maintenance shall include watering and trimming maintenance. Canopies of mature street trees shall be maintained with a clearance of at least 14 feet above the road and at least 10 feet above the pedestrian sidewalk to ensure driver visibility of traffic control devices and pedestrian safety. A permit is required from the Parks and Recreation Department prior to any trimming.
12. **Required Private Covenants, Conditions and Restrictions (CC&Rs) for Residential Condominiums.** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

- c. **Parking Space Assignment.** Parking spaces within the project shall be allocated such that each residential unit has at least one covered and one uncovered parking space, and at least 18 spaces are assigned for guest parking.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - e. **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.
 - f. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.
 - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project except for demolition and/or rough grading or other appropriate permits (as determined by City staff) for work in anticipation of primary project improvements:
- 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Dedication(s) & Abandonments.** Applicant to dedicate in Fee and Easements to the City, as shown on the approved Tentative Subdivision Map and described as follows, subject to review and approval (including easement size, location and scope) by the Public Works Department:
 - a. An easement for all street purposes along State Street in order to establish 4 additional feet of public right-of-way to provide a minimum of a 12-foot wide strip for sidewalk, parkway and all street purposes.
 - b. Dedicate in fee approximately 40 feet of right of way along the south boundary of existing APN 053-300-031.
 - c. Dedicate a sanitary sewer easement at a minimum of 15 feet in width centered over the new City sewer main pipeline. The width of this easement may be adjusted based on need for access, maintenance and repairs to the satisfaction of the City Engineer.

- d. An access and water meter easement in gross over the common area of Parcel D for water meter reading, meter and meter box maintenance and repairs. Easement language and dedication on the Final Map shall be reviewed and approved by the City Attorney.
 - e. Abandonment of existing easement for sanitary sewer main and incidental purposes, Instrument No. 7905 in Book 1442, Page 366.
 - f. Abandonment of existing easement for public utility purposes and incidental purposes, Instrument No. 7906 in Book 1442, Page 369.
 - g. Dedicate a non-exclusive reciprocal access easement in favor of Parcel A of Parcel Map No. 20,305 and APN 053-300-027. The location is generally as shown on the Tentative Tract Map Sheet 1 of 4 Proposed Easements Item No. 12.
 - h. Provide a reciprocal access easement in favor of Lot 1 of Tract Map 20,182 along the pedestrian sidewalks which exist from time to time on the Property to permit residents of that property pedestrian access to State Street. This easement will be on terms similar to the terms agreed to with the owner of the Town and Country apartments, shall be at no cost to the owners of the adjacent property, shall not be useable by the owners during any period of construction on the Property and shall provide for relocation to the location of new sidewalks providing access to State Street should the Property be redeveloped in the future.
 - i. Dedicate right of way sufficient to accommodate Americans with Disability Act access to the existing traffic signal pole near the southwest boundary of the subdivision.
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 prepares said agreement for the Owner's signature.
 4. **Water Meter Access Agreement.** The Owner shall submit an executed Agreement for Access to Water Meters and Sub-Meters and Grant of Easement, prepared by the Public Works Department, for approval of City water meters to be located on private property. This Agreement shall be recorded in conjunction with the Final Map.
 5. **Nonresidential Floor Area Agreement.** Following demolition of the existing development on the Real Property, and as part of the subdivision of the Real Property, all nonresidential development rights not allocated as part of the Approved Development on Lots A, B and C shall be allocated to Lot C and restricted as follows:
 - a. Existing Development Rights – A total of 46,885 square feet comprised of 114 hotel rooms totaling 34,024 net square feet, and 17,971 net square feet of additional nonresidential space less the approved development on Lots A, B and C. This square footage can be transferred as either hotel rooms or square footage, as appropriate and based on the Permitted Hotel Room Area Exhibit included as part of the Sandman Nonresidential Floor Area Memorandum prepared by Dudek and dated December 23, 2013. This square footage can only be transferred within the Upper State Street Development Area or to the Downtown Development Area

in accordance with the City's Traffic Management Strategy outlined in SBMC §28.85.050.

- b. Minor Additions – A total of 2,000 square feet (1,000 square feet for each parcel existing as of October 1, 1988). This square footage can only be transferred within the Upper State Street Development Area or to the Downtown Development Area, in accordance with the City's Traffic Management Strategy outlined in SBMC §28.85.050.
- c. Transferred Square Footage – A total of 4,059 square feet comprised of 2,409 square feet transferred from 8 East Figueroa Street and 1,650 square feet transferred from 210 East Figueroa Street. This square footage cannot be constructed on the Real Property and can only be transferred to a receiving site located within the Downtown Development Area, in accordance with the City's Traffic Management Strategy outlined in SBMC §28.85.050.

A formal agreement to this effect shall be reviewed and approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder as part of the subdivision.

6. **Residential Density Agreement.** As part of the subdivision of the Real Property, Owner has voluntarily assigned all residential development rights of the Real Property to Lot D. Upon recordation of the final map, Lots A, B or C shall no longer have any rights to develop residential units. A formal agreement to this effect shall be reviewed and approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder as part of the subdivision.
7. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Final Map.
8. **State Street Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on State Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed Civil Engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following:
 - a. Street, Traffic, Lighting and Planting Public Improvements
 - (1) Remove approximately 70 linear feet of existing driveway at the proposed main entrance and install two new side-by-side City standard H-0.31 commercial driveway to meet Title 24 requirements. The new driveways shall create a split directional driveway on the project site as shown on the approved plans, with an approximate 12-foot wide out drive, 6-foot wide planter and 20-foot wide in drive to be approved by the City Engineer. The existing street light shall be relocated along the State Street frontage of the Real Property in a location to be approved by the City Engineer.

- (2) The existing 25-foot driveway at the frontage of proposed Lot C shall be removed and replaced with a new 20-foot wide driveway apron that meets Title 24 requirements.
- (3) Remove and replace existing curb, gutter and sidewalk along State Street project frontage and as needed to conform to existing improvements. Width of gutter and height of curb shall match existing. Sidewalk shall be a minimum of 8-feet in width with a 4-foot wide parkway. The parkway shall be planted with three new 15-gallon Quercus tomentilla (Island Oaks) street trees.
- (4) The existing raised median in front of the site on State Street shall be extended to the east to prohibit left-turns into and out of the site. The applicant shall work with the City Transportation Engineer to determine what modifications to the existing raised median are required to adequately accommodate the extended median, and shall confer with the City Arborist to determine if new street trees are appropriate for the median. A new "No U Turn" sign shall be provided at the eastern end of the new raised median. The revised median design shall be reviewed and approved by the City's Transportation Division and the City Engineer. (T-5)
- (5) Street lighting plan shall be provided showing existing street light type, pole height and wattage within 600 feet of development. Existing street lights on project frontage shall be replaced with new street lights and shall be fluted poles with dome type laminar. New street light spacing and location shall be per City standards as required by the City Engineer.
- (6) Signing and striping plans shall be provided showing existing signs and striping and new signing and striping. State Street shall continue to be posted for no parking along project frontage.
- (7) The existing street shall be crack sealed to centerline or median generally along the entire frontage, then covered with a slurry seal. The slurry seal shall also generally extend 20 feet beyond the limits of all trenching.
- (8) The existing City traffic signal pole pedestrian call button located near the south west corner of the property shall be made accessible per the Americans with Disability Act (ADA) for pedestrians crossing at the adjacent State Street driveway. Owner shall dedicate land along the project frontage to increase public right of way for access to this pole as needed. This Condition does not require improvements on property that is outside of City right of way and easements.
- (9) Install bus stop with lighted shelter, bench, pole signage and trash receptacles, and red painted curb along the project frontage. The design shall be per MTD bus stop standards. This bus stop is also subject to ABR and MTD approvals.

- (10) 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.

b. Water Public Improvements

- (1) The three (3) existing water meters and services serving the Sandman Inn shall be abandoned unless they are used for the new commercial lots. Existing and proposed water services shall conform to current City standards and be located at the frontage of the lots they serve. Abandoned service lines shall properly be abandoned at the water main.
- (2) The water supply system to proposed Lot D shall be privately owned and maintained with the exception of water meters and water meter boxes that are accessed, maintained and repaired by the City.
- (3) Existing survey markers shall be protected in place or reset in accordance with Business and Professional Code § 8771.

c. Wastewater Public Improvements

- (1) The existing City sewer main shall be abandoned in place, plugged and filled with cement slurry, or completely removed.
- (2) The design Civil Engineer shall provide an analysis of the existing sewer main pipe flow performance and new sewer main pipe design performance considering average dry weather flows and peak wet weather flows. Existing flows may need to be measured at the expense of the applicant and peaking factors shall be approved by the City Engineer. The new design shall not significantly change or deteriorate flow characteristics in comparison with the existing analysis. If the City completes and publishes a model for the flows in the existing pipe prior to design submittal, the City's model will provide data as a substitute for the required existing pipe flow analysis.
- (3) The design shall minimize release of potential odors. Sealed bolt down manhole lids may be used as required or approved by the City Engineer. The design shall not create a need for sewer backflow devices within the subdivision or offsite at adjacent property sewer services.
- (4) The location and depth of City sewer shall be given priority over other utilities. The final alignment and depth shall be to the satisfaction of the City Engineer.
- (5) The new City sewer main shall begin and terminate in new manholes and shall be designed to minimize disruption of flows of the wastewater lines in State Street.
- (6) Design submittal showing adequate access to manholes and pipeline shall be provided to the City based on current City practice for access to manholes and maintenance of sewer pipelines.

- (7) Design of both public and private wastewater system shall be to current City standards.

d. Storm Drainage Public Improvements

- (1) The onsite storm drain collection systems shall be private. The storm drain system shall be designed and calculated for a 25 year storm event.
- (2) The project shall be designed to convey the 100 year storm event overflow. The 100 year overflows shall be conveyed within the common area to the public right-of-way.
- (3) The private storm drain system shall collect and treat onsite drainage prior to discharge to the City storm drain system. The private storm drain system shall transfer to the City storm drain system via standard manhole or curb side drop inlet.
- (4) The City storm drain system shall be extended from the drop inlet in State Street near City storm drain channel No. 70 at 3768 State Street, approximately 470 feet to the project site's main entrance at State Street. The storm drain extension shall be a minimum of 24" R.C.P. The pipe class shall be designed for appropriate vehicular loading. Manholes or drop inlets shall be placed at all angle points, changes in grade, changes in pipe size and at a minimum of every 300 feet. Junction structures shall be designed as curb opening catch basins when practical.

9. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.

- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant project design approval until the following Planning Commission conditions have been satisfied.

1. **Tree Relocation.** Prior to removal of any trees, and prior to project design approval, a landscape plan accommodating the relocation of existing mature palm trees on-site, particularly those considered "skyline trees" (tall [55 to 65 foot] Mexican Fan palms [Washingtonia robusta]) to the extent reasonably feasible shall be submitted to the City Arborist for review and approval. As applicable, this plan shall include planter design specifications to ensure the long-term growth and survival of the relocated trees. (VA-1)
2. **Tree Removal.** Prior to removal of any trees, the applicant shall revise the landscape plan to include one replacement specimen tree for each mature tree (as determined by the City Arborist) removed. (VA-2)
3. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for any street trees or front setback trees that are proposed for removal.

4. **Tree Protection Measures.** The demolition plan, landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal or relocation on the approved Tree Protection Plan (Sheet TP1.0) shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan dated October 1, 2013.
 - b. **Tree Protection and Retention Plan.** Include a note on the plans that the recommendations/conditions contained in the Tree Protection Plan prepared by Christopher Kallstrand of Dudek, dated October 1, 2013, including Attachments thereto, shall be implemented. Reproduce all protection measures on the plans.
 - c. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the ABR.
 5. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
 6. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.
 7. **Project Directory.** A project directory listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department and Community Development Department, shall meet current accessibility requirements, and is subject to ABR Approval.
 8. **Trash Enclosure Provision and Design.** A trash enclosure with adequate area for recycling containers shall be provided on each property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs unless protected with fire sprinklers. Project trash container areas shall incorporate long-term structural storm water best management practices (BMPs) to protect water quality, to the satisfaction of the Environmental Services Division. The owners shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect them at least annually and report to the City annually. (PS-2)
 9. **Public Improvements.** All public improvements shall be approved by the ABR, including the bus stop.
 10. **Temporary Landscaping/Fencing During Construction.** The Applicant will erect and maintain screening (fencing and/or landscaping) incorporating the existing trees to remain, in a location approved by ABR to attractively screen the site from State Street throughout construction.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department 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, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition C.8 "State Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual public improvement plans, a Building or Public Works Permit may be issued if the Owner has bonded for public improvements and executed the *Agreement for Land Development Improvements*.
- b. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish the haul route(s) for all demolition/construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site. The Haul Routes shall be approved by the Transportation Engineer.
- c. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit a report annually. (W-3)
- d. **Stop Sign.** A "STOP" sign and painted stop bar and text legend shall be installed and maintained at the property line exit(s) and shown on the approved plans.
- e. **Bicycle Parking.** At least one bike post shall be located on each nonresidential lot (i.e. Lots A, B and C). The location of the bike posts shall be approved by the Mobility Coordinator.
- f. **Construction Management Plan.** Prior to issuance of building permits, the applicant shall prepare a construction management plan for review and approval by City staff. Prior to beginning the next phase of construction, review the plan with City Engineering staff and modify as needed to ensure coordination with other area construction projects to minimize any lane closures or traffic intensive activities.

The construction management plan shall provide for:

- No hauling of bulk materials and waste shall occur during peak traffic hours.
- Hauling of materials shall be limited along streets that have fronting residential land uses, or near school sites.

- Flagmen shall be provided at the project's truck entrance to expedite movements into and out of the site.
- Access of all but essential construction traffic on San Remo Drive shall be limited.
- Any lane closures required along State Street for construction should be done during off-peak hours and all lanes should be open for travel during the peak commute hours and on weekends.

(T-11)

- g. **Construction Parking/Storage/Staging.** Prior to issuance of building permits, the applicant shall prepare a management plan for review and approval by City staff for employee parking to eliminate intrusion into area on-street parking spaces and maximize use of available on-site parking.

Construction parking and storage shall be provided as follows:

- During construction, free parking spaces for construction workers 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 below.
- 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 may be issued for the life of the project.
- Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

(T-12)

- h. **Agreement to Dedicate and Install Public Improvements.** Prior to issuance of a demolition permit, the Owner shall:

- (1) Dedicate an easement for all street purposes along State Street (in order to establish 4 additional feet of public right-of-way to provide a minimum of a 12-foot wide strip for sidewalk, parkway and all street purposes), and
- (2) Bond for public improvements and submit an executed *Agreement to Construct and Install Improvements (Not a Subdivision)*, to install required public street improvements (refer to condition C.8.a) within five years of the date of issuance of the demolition permit.

This *Agreement to Construct and Install Improvements (Not a Subdivision)* shall be superseded by the required *Agreement for Land Development Improvements* at the time of recordation of the Final Map; however, in no case shall the timeline for completion of public improvements be extended beyond five years from the issuance of the demolition permit.

2. **Community Development Department.**

- a. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.
- b. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the qualified independent consultant (PEC) and the contract are subject to approval by the City's Environmental Analyst. 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:
 - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - (2) A method for monitoring the mitigation measures.
 - (3) A list of reporting procedures, including the responsible party, and frequency.
 - (4) A list of other monitors to be hired, if applicable, and their qualifications.
 - (5) Submittal of biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - (6) Submittal of a Final Mitigation Monitoring Report.
 - (7) 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.
- c. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - (1) **Initial Sale Price and Resale Restrictions.** Initial sale price and resale restrictions shall be as identified in condition B.9 "Ownership Unit Affordability Restrictions."
- d. **Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Creeks Division. The

owners' association shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to the City annually. (W-2)

- e. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual (Santa Barbara Municipal Code Chapter 22.77) (treatment, rate and volume standards). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water requirements (Santa Barbara Municipal Code Chapter 22.77). Project plans for grading, drainage, storm water facilities and treatment methods, and project development, shall be subject to review and approval by the City Creeks Division, Planning Division, Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

In addition, the applicant shall continue to work with the City Creeks Division to further develop the current drainage and storm water improvements to incorporate more low-impact development elements and reduce reliance on proprietary treatment devices. Plans shall include natural infiltration to the greatest extent feasible, consistent with the infiltration test results submitted by the applicant, with the intent of reducing reliance on filter media in order to increase long-term effectiveness and reduce long-term maintenance costs borne by the future property owners. In addition to the pollutants listed in condition E.2.d, the applicant shall also employ BMPs that treat the pollutants of concern for a mixed-use development, including trash, nutrients, bacteria, sediment, hydrocarbons, pesticides and herbicides. The applicant shall submit plans incorporating said long-term (post-construction) BMPs to the Creeks Division for approval prior to issuance of building permits for Lot D.

If a proprietary device is used that does not treat all of the mixed use development pollutants of concern, additional pollution prevention BMPs shall be required.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.) during the building permit application review phase of the project. The Plan shall be reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

- f. **Construction Waste Management Plan.** To reduce trips associated with export of site debris, prior to issuance of grading and/or demolition permits, the applicant shall develop and implement a solid waste management plan for review and approval by the City to reduce waste generated by construction and demolition activities (see condition E.2.n for additional information). In addition, the applicant shall work with other development projects in the area to minimize the distance that export material is hauled from the site and manage the hours during which that hauling occurs to minimize the effects on area traffic. (T-10)
- g. **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.
- h. **Letter of Commitment for Construction Notice to Neighborhood.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition F.1 "Construction Notice to Neighborhood". 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.
- i. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition F.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- j. **Geotechnical Recommendations.** Site preparation and project construction related to soil conditions and seismic hazards shall be in accordance with the recommendations contained in the Soils Engineering Report, prepared by Earth Systems Pacific, dated September 25, 2003, and with any modifications or amendments/addenda necessary to reflect the revised project description and for compliance with current Building Codes. Compliance shall be demonstrated on plans submitted for grading and building permits. (G-1)
- k. **Interior Noise Reduction for Residential Units Near State Street.** The walls, doors, and windows of residential units closest to State Street shall be constructed to include sufficient noise attenuation to reduce interior noise levels to a CNEL of 45 dB(A). (N-14)

The applicant shall submit an updated Noise Report demonstrating that the project satisfies the above-referenced noise levels. Said Report shall identify any noise attenuation measures needed to satisfy the noise requirement, which may include:

- (1) Windows shall have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated.
- (2) Doors with a minimum STC of 35 shall be used for doorways facing State Street and shall be insulated in conformance with California Title 24 requirements.

- (3) Roof or attic vents facing State Street shall be baffled.
 - (4) Air conditioning or a mechanical ventilation system shall be installed in any dwelling units shown by the Noise Report to be subject to 60 dB or more so that windows and doors may remain closed. Ventilation systems shall be installed and operable prior to Certificate of Occupancy.
- l. **Interior Noise Reduction for Commercial Development Near State Street.** The walls, doors, and windows of office/commercial units adjacent to State Street shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 50 dB(A). (N-15)
 - m. **Construction Erosion/Sedimentation Control Plan.** Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the duration of site preparation, earthwork, and construction process. Prior to the issuance of a demolition or building permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented, and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site.

At a minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation, and/or maintenance of each of the following water resource protection strategies: paving and grinding, sandbag barriers, spill prevention/control, solid waste management, storm drain inlet protection, stabilize site entrances and exits, illicit connections and illegal discharges, water conservation, stockpile management, liquid wastes, street sweeping and vacuuming, concrete waste management, sanitary/septic waste management, vehicle and equipment maintenance, vehicle and equipment cleaning, and vehicle and equipment fueling. (W-1)
 - n. **Dust Mitigation - Plan Specifications.** Prior to grading permit clearance, the applicant shall include all dust control requirements as notes on construction grading and building plans. (AQ-9)
 - o. **Waste Management Plan.** The applicant shall develop and implement a solid waste management plan to reduce waste generated by construction and demolition activities. Consistent with city of Santa Barbara ordinances, and in order to achieve the waste diversion goals required by state law, the contractor may choose to separate waste and recyclables on site or use a combination of source separation and a construction and demolition (C&D) sorting facility. The solid waste management plan shall include the following:

- (1) Contact information: The name and contact information of who will be responsible for implementing the solid waste management plan.
- (2) Waste assessment: A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project. A minimum of 90 percent of demolition and construction materials shall be recycled or reused.
- (3) Recycling and waste collection areas: Waste sorting and/or collection and/or recycling areas shall be clearly indicated on the project plans and approved by the City Solid Waste Specialist.
- (4) Transportation: A description of the means of transportation of recyclable materials and waste (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed) and destination of materials.
- (5) Landfill information: The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled.
- (6) Meetings: A description of meetings to be held between applicant and contractor to ensure compliance with the site solid waste management plan.
- (7) Alternatives to landfilling: A list of each material proposed to be salvaged, reused, or recycled during the course of the project.
- (8) Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume).
- (9) Implementation and documentation of solid waste management plan:
 - (a) Manager: The permit applicant or contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the solid waste management plan for the project site foreperson. The contact will notify the Environmental Services Division immediately should any deviance from the solid waste management plan be necessary.
 - (b) Distribution: The contractor shall distribute copies of the solid waste management Plan to the job site foreperson, impacted subcontractors, and the architect.
 - (c) Instruction: The permit applicant or contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.

- (d) Separation and/or collection areas: The permit applicant or contractor shall ensure that the approved recycling and waste collection areas are designated on site.
- (e) Construction of recycling and waste container facilities: Inspection shall be made by the Building Division to ensure the appropriate storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and City of Santa Barbara Zoning Ordinances.
- (f) Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state, and local regulations.
- (g) Documentation: The contractor shall submit evidence to Building Division staff at each inspection to show that recycling and/or reuse goals are being met and a summary of waste generated by the project shall be submitted to the PEC on a monthly basis. Failure to submit this information shall be grounds for a stop work order. The summary shall be submitted on a form acceptable to the Environmental Services Division and shall contain the following information:
 - Disposal information: amount (in tons or cubic yards) of material landfilled; identity of the landfill; total amount of tipping fees paid at the landfill; weight tickets, manifests, receipts, and invoices (attach copies).
 - Recycling information: amount and type of material (in tons or cubic yards); receiving party; manifests, weight tickets, receipts, and invoices (attach copies).
 - Reuse and salvage information: list of items salvaged for reuse on project or campus (if any); amount (in tons or cubic yards); receiving party or storage location.
- (10) Contingency Plan: The permit applicant or contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a contingency plan.

(PS-3)
- p. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D “Design Review,” and all elements/specifications shall be implemented on-site.
- q. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Environmental Impact Report (EIR) and Addendum to the EIR for the project.

- r. **Conditions on Plans/Signatures.** The final 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 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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- 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. **Construction Notice to Neighborhood.** At least thirty (30) days prior to commencement of construction, the contractor shall provide written notice to all property owners and building occupants within 450 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the project, a construction schedule, including days and hours of construction, a description of noise-reduction measures, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented, and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas. (N-6)
- 2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Architect, Arborist, Landscape Architect, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.

3. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC's) name, contractor(s) and PEC's telephone number(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.
4. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays observed by the city of Santa Barbara as legal holidays, as shown below:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	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.

Occasional night work may be approved for the hours between 5:00 PM and 8:00 AM weekdays by the Chief of Building and Zoning (per Section 9.16.015 of the Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends or holidays. (N-7)

5. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a STC rating of 25. (N-8)
6. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (N-9)
7. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (N-10)

8. **Construction Sound Barrier Wall.** Install a temporary construction sound barrier wall along the northern half of the western edge of the project site, the entire northern end of the site, and the northern half of the eastern edge of the project site. The wall can be a combination of existing, proposed and temporary wall structures provided it offers the same noise attenuation identified below. Project-specific examples are identified as mitigation measures 6 through 9 in the Supplemental Noise Study prepared by Dudek (August 2013). The barrier should be made of sound-attenuating material (not landscaping). The noise barrier can be constructed from concrete, masonry, wood, metal, or other materials determined to be appropriate by the City. To effectively reduce sound transmission through the barrier, the material chosen must be rigid and sufficiently dense (at least 20 kilograms/square meter). All noise barrier material types are equally effective, acoustically, if they have this density. The barrier shall be of sufficient height to block direct line of sight to the first story of adjacent residential uses. It is estimated that a noise barrier of the prescribed density would reduce average noise levels to sensitive receptors by up to 5 dB if the barrier blocks direct line of sight, and an additional 1.5 dB for each meter of barrier height for those uses blocked from direct line of sight. (N-13)
9. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.
10. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Engineer with a Public Works permit.
11. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
12. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
13. **Seasonal Restriction.** Removal of trees during initial site development should be limited to the time period between September 1 and January 31. If tree removal or construction is to occur during the bird nesting season (February 1 through August 31), a City-approved biologist shall conduct a survey at the site for active nests two weeks prior to any scheduled tree removal, tree pruning, development, or grading. If active nests are located, setbacks for construction work would be required until the nest is no longer active or the young have fledged. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply. (BIO-1)
14. **Dust Mitigation - Site 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. Water trucks or sprinkler systems shall

be used in the late morning; during clearing, grading, earth moving, or transportation of cut and fill materials; and after work is completed for the day to prevent dust from leaving the project site and to create a crust after each day's activities cease. Reclaimed water shall be used if available. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Frequency of construction site watering shall be increased when wind speeds exceed 15 miles per hour (mph) to reduce PM10 emissions. (AQ-1)

15. **Dust Mitigation - Speed Limit.** An on-site speed limit of 15 miles per hour shall be imposed for operation of construction vehicles on dirt surfaces. (AQ-2)
16. **Dust Mitigation - Gravel Pad/Street Sweepings.** Gravel pads shall be installed at all access points prior to beginning construction to prevent tracking of mud onto public roads.

Streets adjacent to the project site shall be inspected daily for accumulation of mud, dirt, or silt on streets. Affected road segments shall be cleaned daily. (AQ-3)

17. **Dust Mitigation - Stockpile Treatment.** All stockpiled soil materials shall be watered regularly as needed to inhibit dust generation. Excavated material and stockpiled soil shall be covered if not being used within the next 48 hours. (AQ-4)
18. **Dust Mitigation - Grading Suspension.** Grading and scraping operations will be suspended when wind speeds exceed 20 mph to reduce PM10 emissions. (AQ-5)
19. **Dust Mitigation - Site Stabilization.** Disturbed areas will be permanently stabilized with landscaping ground cover or site improvements as soon as practicable following the completion of earthwork.

After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by

- a. seeding and watering until grass cover is grown;
- b. spreading soil binders;
- c. sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
- d. other methods approved in advance by the Air Pollution Control District.

All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)

20. **Dust Mitigation - Truck Covering.** All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) section 23114 ("freeboard" means vertical space between the top of the load and top of the trailer). (AQ-7)

21. **Dust Mitigation - Monitor.** The contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the City and SBCAPCD prior to permit clearance for grading. (AQ-8)
22. **Diesel Vehicle Emissions Control.** Operators of diesel-powered vehicles should turn off the engine after 5 minutes when the vehicle is not in motion, keep the vehicles well-tuned and maintained, and retrofit engines with pollution-control devices. Consideration should be given to purchasing trucks and buses that meet new US EPA standards ahead of schedule. Vehicle owners should use ultra-low-sulfur fuel in combination with pollution control equipment such as particulate matter filters. (AQ-10)
23. **Construction Equipment Emissions.** As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel particulate matter and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. The following shall be adhered to during project grading and construction to reduce NOX and PM2.5 emissions from construction equipment:
 - All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the district by September 18, 2008.
 - Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
 - The engine size of construction equipment shall be the minimum practical size.
 - 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.
 - Construction equipment shall be maintained in tune per the manufacturer's specifications.
 - Construction equipment operating on site shall be equipped with two- to four-degree engine timing retard or pre-combustion chamber engines.
 - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by US EPA or California shall be installed on equipment operating on site.
 - Diesel powered equipment should be replaced by electric equipment whenever feasible.

- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

(AQ-11)

24. **Construction Equipment Operations.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number of equipment is operating at any one time. The construction contractor shall ensure that work crews shut off equipment when not in use. In addition, California's more recent anti-idling regulations (with some exemptions) require that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, and (2) shall not use diesel-fueled auxiliary power units for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle equipped with a sleeper berth, at any location. (AQ-12)
25. **Architectural Coating Emissions.** Compliance with the SBCAPCD Rules and Regulations on the use of architectural coatings shall be implemented as applicable, including using pre-coated/natural-colored building materials, using water-based or low-ROC coating, and using coating transfer or spray equipment with high transfer efficiency. (AQ-13)
26. **Asbestos.** The project applicant shall complete and submit a SBAPCD Asbestos Demolition and Renovation Compliance Checklist at least 10 days prior to the commencement of any demolition activities. (AQ-14)
27. **Construction Worker Trips.** Construction worker trips should be minimized by requiring carpooling and by providing for lunch on site. (AQ-15)
28. **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. (CR-1)

29. **Temporary Landscaping/Fencing During Construction.** Temporary screening (fencing and/or landscaping, as approved by the ABR) shall be installed at the start of demolition to attractively screen the site from State Street throughout construction.

G. **Prior to Certificate(s) of Occupancy.** Prior to issuance of any Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Prior to issuance of a Certificate of Occupancy for the last building completed on the Real Property, the Owner of the Real Property shall repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. 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.** Prior to issuance of a Certificate of Occupancy for the first building completed on the property, the public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **Noise Measurements.** Prior to issuance of a Certificate of Occupancy for any affected building, submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels for that building 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).
4. **Ownership Affordability Provisions Approval.** Prior to issuance of a Certificate of Occupancy for the first residential building, for all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
5. **New Construction Photographs.** Prior to issuance of a certificate of occupancy for the last building completed on the Real Property, photographs of the new construction, taken from the same locations as those taken of any story poles erected with respect to the planned improvements prior to project approval and from the same locations as the visual simulations provided to the Planning Commission, shall be taken, attached to 8 ½ x 11" board, and submitted to the Planning Division.

6. **Mitigation Monitoring Report.** Prior to issuance of a Certificate of Occupancy for the last building completed on the Real Property, the Owner of the Real Property shall submit a final construction report for mitigation monitoring.
7. **Evidence of Private CC&Rs Recordation.** Prior to issuance of a Certificate of Occupancy for the first residential building, evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B "Recorded Conditions Agreement" have been recorded.

H. **General Conditions.**

1. **Prior Conditions.** These conditions shall replace the conditions identified in City Council Resolution No. 10-020 for the previously approved but never implemented Sandman Inn Redevelopment Project.
2. **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, and the California Code of Regulations.
3. **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.
 - d. Once the Final Map has been recorded, individual building permits for the nonresidential and residential development must be issued within 3 years of their respective ABR Project Design Approval date, otherwise the design review approvals associated with those developments will expire and new design review approvals will be required. An extension may be granted in accordance with SBMC §22.68.110. Prior to recordation of the Final Map, the time limits identified in SBMC §27.07.110 shall govern.
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 prior to issuance of any building permit or recordation of the Map, whichever comes first.
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.

III. NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS) TIME LIMITS:

The Planning Commission 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 §27.07.110.0

This motion was passed and adopted on the 3rd day of April, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

