



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 017-19

#### 691 NORTH HOPE AVENUE

#### ANNEXATION AND REORGANIZATION, GENERAL PLAN AMENDMENT, ZONING MAP AMENDMENT, STREET FRONTAGE MODIFICATION, AND TENTATIVE SUBDIVISION MAP OCTOBER 17, 2019

**APPLICATION OF RRM DESIGN GROUP, AGENT FOR YAU REVOCABLE TRUST, 691 N. HOPE AVENUE, APN: 057-113-007, COUNTY ZONE: 8-R-1 (SINGLE FAMILY RESIDENTIAL, 8,000 SQUARE FOOT MINIMUM LOT SIZE), COUNTY GENERAL PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE (PLN2018-00345)**

The project consists of a six-lot subdivision for a future single-family residential development on a 2.02-acre (87,950-square foot) parcel located at 691 N. Hope Avenue (APN 057-113-007) in Santa Barbara County. The project includes the demolition of the existing single-family residence, detached garage, and sheds, and the construction of a new public road off of N. Hope Avenue. Grading consists of 1,641 cubic yards of cut and 2,299 cubic yards of fill. No new residential structures are currently proposed. The Planning Commission initiated the annexation on December 20, 2018.

The discretionary applications required for this project are:

Recommendation by Planning Commission to City Council, and subsequent approval by City Council and the Local Agency Formation Commission (LAFCO):

- A. Annexation and Reorganization of the subject property from the unincorporated area of Santa Barbara County to the city of Santa Barbara;
- B. General Plan Amendment to add the subject property to the City's General Plan Map with a designation of Low Density Residential, Five Dwelling Units Per Acre (SBMC Chapter 30.235); and
- C. Zoning Map Amendment to add the subject property to the City's Zoning Map with a designation of RS-7.5/USS (Residential Single-Unit, 7,500 square foot minimum lot size/Upper State Street Area Overlay) (SBMC Chapter 30.235).

Planning Commission may take action to approve the following applications contingent upon the above listed applications:

- D. Street Frontage Modification to allow less than 60 feet of street frontage for proposed Lot 6 (SBMC§ 30.20.030 and §30.250.020.B); and
- E. Tentative Subdivision Map to allow the division of one parcel into six lots (SBMC Chapter 27.07).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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

**WHEREAS**, three people appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 10, 2019
2. Project Plans
3. Correspondence received:
  - a. Bryan and Nicki Costa, Santa Barbara CA
  - b. Matt Scribner, Santa Barbara CA

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

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

**A. ENVIRONMENTAL REVIEW**

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

**B. ANNEXATION AND REORGANIZATION**

The Planning Commission recommends that City Council forward a recommendation to LAFCO to approve the Annexation and Reorganization, specifying that the parcels should not be part of the City's Hillside Design District, because the proposal is consistent with City's General Plan and annexation policies, which encourage annexation of parcels within the City's sphere of influence at the earliest convenience, as described in Section V of the staff report.

**C. GENERAL PLAN MAP AMENDMENT**

The Planning Commission recommends that City Council approve the General Plan Map Amendment with a General Plan land use designation of Low Density Residential, 5 dwelling units per acre because the Planning Commission finds that the General Plan Map Amendment is consistent with the existing surrounding neighborhood's City General Plan designation, as described in Section V of the staff report.

**D. ZONING MAP AMENDMENT**

The Planning Commission recommends that City Council approve the Zoning Map Amendment with a Zoning designation of RS-7.5/USS (Residential Single-Unit, 7,500 square foot minimum lot size/Upper State Street Area Overlay) because the Planning Commission finds that the Zoning Map Amendment is consistent with the existing surrounding neighborhood's City Zoning designation, as described in Section V of the staff report.

**E. STREET FRONTAGE MODIFICATION (SBMC§ 30.20.030 AND §30.250.020.B )**

As described in Section VI.A of the staff report, the Street Frontage Modification is consistent with the general purposes of the Zoning Ordinance and with the specific purposes of the RS (Residential Single Unit) Zone, and is necessary to result in development that is generally consistent with existing patterns of development for the neighborhood.

**F. TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)**

1. The Tentative Subdivision Map complies with all requirements and conditions of the Subdivision Map Act and the Municipal Code, as outlined in Section VII of the staff report.
2. The Tentative Subdivision Map is consistent with the General Plan and depicts a land division and land use which are compatible with the objectives, policies, general land uses and programs specified in the General Plan, as described in Section VI.B of the Staff Report. The proposed use is consistent with the vision for the Hope neighborhood of the General Plan because it is a low density residential development.
3. The Tentative Subdivision Map is consistent with the Zoning Ordinance of the City of Santa Barbara, as described in Section VI.A of the Staff Report.
4. The design or improvement of the proposed development is consistent with applicable general and specific plans because the new development would result in a low density residential development consistent with the General Plan land use designation and the development of the surrounding neighborhood development, as described in Section VI.B of the Staff Report.
5. The site is physically suitable for the proposed type of development because each new lot would be of adequate size and configuration to accommodate a new single family residence, as described in Section VI of the Staff Report.
6. The site is physically suitable for the proposed density of development because the General Plan land use designation is five dwelling units per acre, and the proposal results in three dwelling units per acre, as described in Section VI of the Staff Report.
7. The design of the project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project incorporates measures to replace oak trees that are removed or disturbed, and would protect nesting birds if found on the project site, as described in Section VIII of the Staff Report.
8. The design of the development or type of improvement will not cause serious public health problems because the subdivision will result in the eventual development of single-family residences, which is the vision for the neighborhood. As described in Section VIII of the Staff Report, no significant environmental impacts would result from the project.
9. The design of the development or type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development. The project includes a new pedestrian connection easement along the northern property line of Lot 6 to provide for a future pedestrian path to connect to the public Pemm Place road to the west. The existing 30-foot wide easement for road and incidental purposes located on the western end of the parcel would be vacated, as shown on the Tentative Subdivision Map. The existing 30-foot wide easement for road and incidental purposes located on the eastern end of the parcel would be vacated and replaced with a 26.5 foot wide easement.
10. The project site is not located adjacent to, and cannot provide public access to, public natural resources; therefore, the Tentative Subdivision Map would not conflict with Article 3.5 of Chapter 4 of the Subdivision Map Act, which requires that a map provide for, have available, or offer dedication of reasonable public access to natural resources.

11. Discharge of waste from the proposed development into an existing community sewer system will not result in violation of existing requirements prescribed by the regional water quality control board because the development will connect to the City's sewer system and comply with all local and state requirements.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

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

1. Obtain all additional land use approvals. Refer to condition B "Approval Contingent upon Annexation, Zoning Map Amendment, and General Plan Amendment."
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of Building Permit (BLD), Public Works Permit (PBW), or Final Map application, whichever comes first.
4. Submit an application for and obtain a Building Permit (BLD) to demolish any structures/improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
5. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.
6. Submit an application for and obtain Building Permit(s) for the construction of all private improvements required to ensure the lot is ready for subdivision and complete said improvements. This specifically includes grading of the lots, oak tree plantings, and construction of the private sanitary sewer lift station.
7. Pay Inclusionary Housing In-Lieu Fee prior to recordation of the Final Map.
8. Submit an application for and obtain City Council approval of the Final Map and Agreements and record said documents.
9. New street tree to be designated for new public street at Street Tree Advisory Committee and Parks and Recreation Commission.
10. Install new street trees for new public street.

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

A change to the Order of Development may be requested by the owner through a Substantial Conformance Determination application to allow for the recording of the Final Map prior to the construction of the required private and public improvements if secured through an Agreement for Land Development Improvements, subject to review and approval of the Public Works Department, and approval as to form by the City Attorney.

B. **Approval Contingent Upon Annexation, Zoning Map Amendment, and General Plan Amendment.** Approval of the subject project is contingent upon approval of the Zoning Map Amendment and General Plan Map Amendment by the City Council, and approval of the Annexation

and Reorganization by the Local Agency Formation Commission and completion of that annexation and reorganization.

C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director, and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 17, 2019 is limited to the demolition of the existing single-family residence, garage, and sheds, and the subdivision of the parcel into six new lots with a new public street, as described in the applicant's letter attached to the staff report, and the improvements shown on the Tentative Subdivision Map and project plans signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner(s) of each newly created lot shall allow for the continuation of any historic flow of water onto their newly created lot 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.
3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board.
4. **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. 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.
5. **Drainage and Water Quality.** When each new lot is developed with a new residence, each new lot is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). It is not acceptable to meet storm water requirements on adjacent lots. Storm water requirements must be met separately for each proposed lot with storm water improvements located on the lot where storm water originates.
6. **Water and Sewer Capacity Charges.** Water and sewer capacity charges will be due at the time of water meter issuance for each residential lot. Water meters will not be issued until a valid Building Permit has been issued for development.

D. **Public Works Submittal For 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:

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. **Dedications.** Easements, as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
  - a. All street purposes along the newly proposed street in order to establish a 32-foot wide public right-of-way.
  - b. Private easements for storm drainage and sanitary sewer purposes as shown on the approved Tentative Subdivision Map. The City Engineer and Streets Operations & Infrastructure Manager will consider accepting a public storm drain easement for the 30-inch storm drain pipe within lot 4 subject to final design and a condition within the easement document/Final Map that the development Home Owner's Association maintain the inlet grate.
  - c. A ten-foot wide access for pedestrians on Lot 6 in the form of an irrevocable offer of pedestrian easement.
  - d. All street purposes along the Hope Avenue frontage for a width of 26.5-feet into the street, to replace the existing 30-foot wide easement.
  - e. Vacation of a 30-foot reservation for road purposes per Book 370, Page 298 of Official Records per Subdivision Map Act procedures.
  - f. Private easements for underground dry utility services on Lot 2 for benefit of Lot 3 and Lot 5 for benefit of Lot 6.
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. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building and Safety Division, Creeks Division, and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing maintenance schedules for silt removal, etc.) for the operation and use of the storm drain detention basin. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

5. **3800 Block of Hope Terrace (or new street name as determined by City Council) Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements for the new public 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: approximately 550 linear feet of sidewalk, six driveway aprons to meet Title 24 requirements with a maximum width of 16 feet, 1,000 linear feet of curb and gutter, new asphalt concrete on aggregate base street, connection to and extension of City water and City sewer and private sewer main/lift station (subject to CA Plumbing Code and Building Permit) and utilities, water services and meter boxes including service size allowance for onsite fire sprinkler system, Goleta Water District meter abandonment, installation of new residential fire hydrant, public storm water drainage improvements at the end of the cul-de-sac and at Hope Avenue with supporting hydrology report for installation of drainage pipe or connection to existing public 30" storm drain system on 3830 Connie Way including replacing the existing inlet, supply and install residential City standard Slim Line Style B-16 street light mid-block between Lots 3 and 4 (may require underground electrical line(s) within new public street) and Style B-16 at the intersection of Hope Terrace and Hope Avenue, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name signs, new "STOP" sign at the intersection of the Hope Terrace and Hope Avenue, "no parking" signs, storm drain stenciling, new street trees per approval of the Parks and Recreation Commission, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
6. **Hope Avenue Frontage Public Improvements.** As determined by the Public Works Department, the improvements shall include a realigned 7-foot wide sidewalk (140 linear feet) and 7-foot wide parkway, three new Jacaranda Street trees, single directional access ramp, and path of travel across new street to City standards.
7. **Goleta Water District Meter.** The public improvement plans shall include the removal of the existing water meter. Removal shall be coordinated with the Goleta Water District.
8. **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.
9. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
10. **Required Private Covenants, Conditions, and Restrictions (CC&Rs).** The Owner shall record, prior to or concurrent with the Final Map, 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 parcels. Common utilities/encroachments requiring private maintenance include: private sanitary sewer main, lift station, and force main; storm water improvements, and 30-inch storm drain pipe system through the development or alternatively the inlet grate on lot 4 (subject to further City review); and fence installed along the northern boundary of the development.

- b. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project for review prior to recordation.

- E. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB).

- F. **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 pulled pursuant to Condition A.4, or for public improvement permits pulled prior to recordation of the Final Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Public Improvement Plans.** Public Improvement Plans as identified in condition D.5. "3800 Block of Hope Terrace Public Improvements" and D.6. "Hope Avenue Frontage Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans and submittal of securities and a Land Development Agreement, a Public Works Permit shall be issued.
- b. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul routes for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.

2. **Community Development Department.**

- a. **Arborist's Monitoring Contract.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work during grading and construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- b. **Biologist Contract.** If demolition of structures, removal of vegetation, grading, or road construction will occur during the bird breeding season (February 1 through September 1), submit to the Planning Division an executed contract with a qualified biologist for compliance with condition regarding nesting birds.
- c. **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.



- d. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition G.2 “Neighborhood Notification Prior to Construction” below. 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 persons who compiled the mailing list shall be submitted to the Planning Division.
- e. **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 G.3 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- f. **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 E “Design Review,” and all elements/specifications shall be implemented on-site.
- g. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

|                |      |             |
|----------------|------|-------------|
|                |      | Date        |
| Property Owner |      |             |
|                |      |             |
| Contractor     | Date | License No. |
|                |      |             |
| Architect      | Date | License No. |
|                |      |             |
| Engineer       | Date | License No. |

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
1. **Relocation of 30-inch Storm Drain.** The 30-inch storm drain relocation will impact drainage in the area during construction. Construction shall be limited to the dry season and a bypass plan of limited duration shall be approved by the Public Works Department. The Owner/Contractor shall be required to pothole and clear out the existing storm drain underneath Pemm Place (private street to north) prior to acceptance of the public improvements.
  2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to

construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

3. **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, Contractor, and each Subcontractor.
4. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors name, contractors telephone numbers, construction 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, and shall not exceed a total of six square feet.
5. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

6. **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.

7. **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 Public Works Director with a Public Works permit.
8. **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 Public Works Director.
9. **Nesting Birds.** If demolition of structures, removal of vegetation, grading, or road construction occurs during the bird breeding season (February 1 through September 1), pre-construction nesting bird surveys shall be performed by a qualified biologist. Pre-construction nesting bird surveys shall occur within the area to be disturbed and shall extend outward approximately 500 feet or to the property boundary. Bird surveys shall be conducted by a qualified biologist familiar with identifying raptors and other birds. If any occupied bird nests or cavity roosts are found, the biologist shall determine an appropriate nest/cavity roost buffer zone that considers the bird species, nest location, nest height, existing pre-construction level of disturbance in the vicinity of the nest, and proposed construction activities. The nest/cavity roost buffer zone shall be sized to ensure that birds do not abandon their nest or cavity roost due to disturbance caused by construction activities. The nest buffer zone boundary shall be demarcated with signage, survey tape, or fencing to be clearly visible to construction personnel. All construction personnel shall be informed as to the location of the nest buffer and advised to avoid entering the area. No ground disturbance or construction activities shall occur within the nest buffer zone until the biologist has confirmed that breeding/nesting is completed and all young birds have fledged the nest.
10. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress.

The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
  - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
  - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. 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 worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
11. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or

excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

**H. Prior to Recording of Final Map.** Prior to recordation of the Map, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** 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 §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section C “Recorded Conditions Agreement” have been recorded.

**I. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental

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

3. **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. Said approval is subject to the following time Limits:

**A. NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:**

The Planning Commission action approving the Tentative Map shall expire three (3) 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.

**B. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:**

The Planning Commission action approving the Street Frontage Modification shall terminate three (3) years from the date of the approval, per Santa Barbara Municipal Code §30.205.120, unless:

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

**C. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (SBMC §30.205.120):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 17th day of October, 2019 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.

---

Heidi Reidel, 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.**

DRAFT