

(PLANNING COMMISSION)(STAFF HEARING OFFICER) CONDITIONS OF APPROVAL

ADDRESS

APPLICATION(S)

DATE

- I. In consideration of the project approval granted by the (Planning Commission)(Staff Hearing Officer) and for the benefit of the owner(s) and occupant(s) 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. **Approval Contingent Upon (Annexation) (Adoption/Amendment of Specific Plan/Ordinance) (Adoption of General Plan/Local Coastal Plan Amendment).** Approval of the subject project is contingent upon adoption of an Ordinance approving the (annexation) (Specific Plan) (Ordinance/General Plan/Local Coastal Plan/Ordinance Amendment) by the (City Council) (California Coastal Commission) (Local Agency Formation Commission) (and completion of that annexation).
- B. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute (an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property") (a written instrument), 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 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 (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)) (Single Family Design Board (SFDB)).
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)) (Single Family Design Board (SFDB)). Such plan shall not be modified unless prior written approval is obtained from the (ABR) (HLC) (SFDB). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the (ABR) (HLC) (SFDB), the owner is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a

functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new (Building Permit) (Coastal Development Permit) is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number _____, _____ and _____ on the Tentative Subdivision Map shall be designated as Affordable (Middle) (Upper-Middle) Income Units and sold only to households who, at the time of their purchase, qualify as (Middle) (Upper-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. _____ (2-bedroom units) = (\$271,800) (\$376,400)
- b. Units No. _____ (3-bedroom units) = (\$324,200) (\$446,300)

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 forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

7. **Rental Housing Restrictions.** For _____ of the dwelling units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low-income units targeted to seventy percent (70%) of Area Median Income (AMI).
- a. For _____ of the rental residential units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for very low-income units targeted to fifty percent (50%) of Area Median Income (AMI).
 - b. The Affordable Units shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection 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 occupancy of the project.

Owner may charge rents higher than the identified affordability targets if Section 8 vouchers are used in accordance with the City's AHP&P, but the tenant share of the rent shall not be higher than the affordability targets stated above.

8. **Senior Housing Restrictions.** The Real Property may only be used for residential uses by elderly or senior persons who are sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").
9. **Required Redesign if Senior Housing Not Used.** In the event that the Real Property, or any portion thereof, is not or cannot be used solely for senior housing, the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect.
10. **Development Rights Restrictions.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved (Tentative Subdivision Map) (Development Plan) in order that those portions of the Real Property remain in their natural state. [provide more specifics as necessary] These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the (Parcel) (Final) Map. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
11. **Approved Development.** The development of the Real Property approved by the (Planning Commission)(Staff Hearing Officer) on is limited to (approximately square feet of building area) (dwelling units) (lots) (up to X square feet of commercial development that may be subdivided into as many as X commercial condominium units) and the improvements shown on the (Tentative Subdivision Map) (Development Plan) signed by the (chairman of the Planning Commission)(Staff Hearing Officer) on said date and on file at the City of Santa Barbara.
12. **Building Height Restriction.** The height of any structure shall not exceed feet above (natural grade) (finished grade) (sea level).
13. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common

- utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the (condominium units) (parcels).
- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
14. **Use Limitations.** Due to potential (traffic) (air quality) (parking) impacts, uses other than (general office) (warehouse) are not permitted without further environmental and/or (Planning Commission)(Staff Hearing Officer) review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
15. **(Cliff Drive) Sewer Connection Requirement.** As a condition of approval of this project, Owner agrees to connect to the City sewer system when a sewer main is constructed in (Cliff Drive) at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.

16. **(Oak) Tree Protection.** The existing tree(s) shown on the (Tentative Subdivision Map) (Development Plan) (Tree Protection Plan) (Landscape Plan) shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by , dated . A copy of this report shall be attached to the recorded conditions as an exhibit.) (During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s).) The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
17. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the area, which drains directly into Creek.
18. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
19. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
20. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by

the project. Owner shall be responsible for insuring that all tenants comply with the provisions of the approved Transportation Management Plan.

- a. **TDM Administrator.** The Owner shall appoint a TDM Administrator responsible for the alternative mode incentives. The TDM Administrator shall contract with Traffic Solutions for training and assistance in administrating their program. (The TDM Administrator shall provide an annual report to the Community Development Director and the Transportation Manager illustrating the number of users, describing the marketing techniques and program results, including successes and failures.)
- b. **Carpool Parking Spaces.** A minimum of _____ preferential parking spaces for carpools shall be designated by "Carpool Permit Parking Only" signs. Carpool permits shall be issued to those employees who arrive at the Real Property with two (2) or more persons in the car, four (4) or more times per week, except for part-time employees who are eligible if they carpool every day that they work.
- c. **Shared Vehicle Spaces.** A minimum of _____ preferential parking spaces for vehicles shared by the occupants of the project shall be designated.
- d. **Bus Passes.** The Owner and/or all employers shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired. A copy of the contract with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project.
- e. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
- f. **Shower and Locker Facilities.** Male and female employee shower and locker facilities shall be provided and maintained in a restroom (the location is subject to the review and approval of the Public Works Director). The showers shall be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired.
- g. **Ride-Sharing Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.

- h. **Employee Lunch Room.** A square foot employee lunchroom shall be provided in the building, including the following amenities: (refrigerator, microwave oven, sink, food preparation area, tables and chairs).
 - i. **Bicycle Parking.** bicycle parking spaces shall be provided, including covered spaces, and bicycle lockers.
 - j. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
 - k. **Company Vehicle.** The Owner shall provide a company vehicle(s) for employees who use alternative transportation to run errands.
21. **Visitor Information Program.** A Visitor Information Program shall be prepared and implemented, subject to review and approval by the Public Works Director. The program shall include, but not be limited to:
- a. Provide links to alternative transportation sites on the company website.
 - b. Provide mail information to visitors (prior to them coming) regarding alternative transportation available in Santa Barbara.
 - c. Provide shuttle service to and from rail and regional bus services.
 - d. A means of providing train, bus and airline schedules and maps to prospective hotel guests.
 - e. A means of providing hotel guests with information on alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. These passes shall be available to any guests who request them.
 - f. Advertisement for and solicitation of meetings and other events which includes explanation of the City's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
 - g. A means of coordinating special events with the City so that appropriate traffic controls, rerouting, and timing of events can be achieved.
 - h. Free shuttle service to the airport, train depot, bus depot and other hotels shall be provided.
 - i. Bike rentals shall be made available to hotel guests.
22. **Shuttle Bus Passes.** The Owner shall contact Metropolitan Transit District (MTD) to purchase shuttle bus passes or their equivalent for their hotel guests. These passes shall be provided free of charge to hotel guests to encourage shuttle bus

usage. Explicit notice of the free passes shall be provided to hotel guests upon arrival. A copy of the contract with MTD shall be submitted annually along with the TDM Administrator's report to the Community Development Director and the Transportation Manager

23. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
 24. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
 25. **Off-Site Parking Agreement.** The Owner shall provide off-site parking to meet the (generated) parking demand, as determined by the Public Works Director. If the parking demand is not met, the project shall be returned to the (Planning Commission)(Staff Hearing Officer) for further review and consideration. Said agreement shall be prepared consistent with the provisions outlined in SBMC Sub-Section 28.90.001.18.
 26. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Public Works Submittal Prior to Final/Parcel 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/Parcel Map and prior to the issuance of any permits for the project:
1. **Final/Parcel Map.** The Owner shall submit to the Public Works Department for approval, a (Final) (Parcel) Map prepared by a licensed land surveyor or registered Civil Engineer. The (Final) (Parcel) Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements (as shown on the approved Tentative Subdivision Map) (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 _____ Street in order to establish a _____ -foot wide public right-of-way.
 - b. A _____ -foot wide easement for (storm drainage) (sanitary sewer) (water) purposes for (_____) (as shown on the approved Tentative Subdivision Map).

- c. A(n) -foot wide access for (non-motorized access) (vehicles/pedestrians).
 - d. Hiking and/or riding trail, subject to approval by the Parks and Recreation Department and the Public Works Department.
 - e. A reciprocal access easement (feet in width) for (vehicles, pedestrians) on APN - - , in favor of APN - -
3. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from (Montecito Water District)(Goleta Water District)(Goleta Sanitary District).
 4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
 5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.** above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
 6. **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to assure that the residence shall remain a single family residence/the unit shall remain a **-bedroom unit.
 7. **(Drainage Calculations) (Hydrology Report).** The Owner shall submit (drainage calculations) (a hydrology report) prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 8. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (such as ...), or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

9. **(Street Name) Public Improvement Plans.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Street/Avenue. The C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), asphalt concrete, concrete pavement on aggregate base, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, underground service utilities, connection to (City)(private) water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), supply and install (residential) (commercial) standard street light(s), style to be determined by the Public Works Department and the appropriate design review board, coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, storm drain stenciling, off-site biofilter/swale sized per drainage calculations, new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
10. **Land Development Agreement.** The Owner shall submit an executed "Agreement for Land Development Improvements," prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
11. **Agreement to Construct and Install Improvements .** The Owner shall submit an executed "Agreement to Construct and Install Improvements ," prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
12. **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 (easement).
13. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
14. **Relocation of MTD Fixtures.** Relocation of the MTD (bus stop) (red curb) (bench) (pole) (sign) on Street, as determined by the Public Works Director and MTD.

15. **Off-Site Parking Agreement Required.** Submit an off-site parking agreement to provide off-site parking to meet the (generated) parking demand, as determined by the Public Works Director. The agreement shall comply with the provisions of Subsection 28.90.001.18 of the Santa Barbara Municipal Code and is subject to review and approval by the City Attorney.
 16. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed (private road) (driveway), subject to the review and approval of the Public Works Director and City Attorney.
- D. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,5606.75 for projects with Environmental Impact Reports and \$1,876.75 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- E. **Design Review.** The following items are subject to the review and approval of the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)) (Single Family Design Board (SFDB)). (ABR)(HLC) (SFDB) shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum (24-inch box sized) (15 gallon size) tree(s) of an appropriate species or like species.
 2. **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measures:
 3. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 4. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by _____, dated _____, shall be implemented.
 5. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - a. Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the (Architectural Board of Review (ABR)) (Historic Landmarks Commission (HLC)) (Single Family Design Board (SFDB)). No irrigation system shall be installed under the dripline of any oak tree.

- b. Oak trees greater than four inches (4”) in diameter at four feet (4’) above grade removed as a result of the project shall be replaced at a (three to one (3:1)) (five to one (5:1)) (ten to one (10:1)) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
6. **Appropriate Plants on (Bluff)(Steep Slope).** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the (bluff)(steep slope) and sloped areas. All existing succulent plants that add weight to the (bluff)(steep slope) and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
7. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the (bluff edge)(steep slope) shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
8. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to (buffer the parking area from) (screen the).
9. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
10. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided (along the driveway) (to the units at the rear of the property) from the sidewalk using a different (paving) (walkway) material.
11. **Minimize Visual Effect of Paving.** (Textured or colored pavement shall be used in paved areas of the project) (Landscaping/ribbon driveway shall be provided) to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
12. **Crime Analyst Plan Review.** The Developer shall meet with the City Police Department Crime Analyst prior to Preliminary Approval to determine how lighting, locking mechanisms, egress, and fencing can be designed and installed to reduce the potential number of calls for police service from occupants of the Real Property.
13. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
14. **Permeable Paving.** Incorporate a permeable paving system for the (project driveway(s)) (walkway(s)) (parking area(s)) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.

15. **(Landmark)(Structure of Merit) Designation.** Owner shall submit an application to the Historic Landmarks Commission for designation of the building as a City **(Landmark)(Structure of Merit)** and shall waive their right to object to such designation. Such designation determination shall be completed prior to Preliminary Approval of the project.
- F. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of (Parcel/Final Map, Voluntary Merger, Lot Line Adjustment) Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Voluntary Lot Merger Required.** The Real Property known as APN - - and APN - - shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.
 4. **Lot Line Adjustment Required.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
- G. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.
 - c. A list of reporting procedures, including the responsible party, and frequency.

- d. A list of other monitors to be hired, if applicable, and their qualifications.
 - e. Submittal of (weekly) (biweekly) (monthly) reports during demolition, excavation, grading and footing installation and (biweekly) (monthly) reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department.
 - f. 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.
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 (Project Environmental Coordinator (PEC) and) Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
 5. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase Archaeological Resources Report prepared for this site by _____, dated _____. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or

excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, preparation of further site studies and/or mitigation.

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

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

6. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of (trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) in the front yard setback) (street tree(s)).
7. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work (within the dripline of all trees) (within feet of all trees) during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
8. **Geology Report.** Submit to the Building and Safety Division a geology report prepared by a licensed engineer or geologist for and implement the recommendations outlined in the report.
9. **Soils Report.** Submit to the Building and Safety Division a soils report and implement the recommendations outlined in the report.
10. **Structural Engineering Report.** Submit to the Building and Safety Division a structural engineering report, prepared by a structural engineer, as required by the Building Official for and implement the recommendations outlined in the report.
11. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within (100)(200)(300) feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit,

Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within ~~(100)~~~~(200)~~~~(300)~~ feet of the project site property line and more than ~~(20)~~~~(30)~~~~(50)~~ years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Owner shall be responsible for the cost of repairing any structural damage caused by project demolition, grading, or construction on properties that have elected to participate in the survey.

12. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
13. **Photo-voltaics Required.** Owner shall design the project to include highly efficient, aesthetically well-integrated photo-voltaics, consistent with the City Solar Design Guidelines, to meet at least 50 percent of the project’s electrical needs.
14. **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:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as units number _____, _____ and _____ on the Tentative Subdivision Map shall be designated as Affordable ~~(Middle)~~ ~~(Upper-Middle)~~ Income Units and sold only to households who, at the time of their purchase, qualify as ~~(Middle)~~ ~~(Upper-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:
 - (1) Units No. _____ (2-bedroom units) = ~~(\$271,800)~~ ~~(\$376,400)~~
 - (2) Units No. _____ (3-bedroom units) = ~~(\$324,200)~~ ~~(\$446,300)~~
 - (3) _____
 - b. **Resale Restrictions.** 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 forty-five (45) years from the

initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

- (1) **Affordability Conditions.** Owner shall sign and cause to be recorded against the Property an affordability control covenant, in a form approved by the City Attorney, which requires compliance with the requirements for low income rental units as specified in the City's Affordable Housing Policies and Procedures, with rents targeted as follows:
 - (2) For **X** of the units, the target income percentage shall be eighty percent (80%).
 - (3) For the remaining **X** units, the target income percentage shall be fifty percent (50%). For these units, HUD housing choice vouchers may be used and the rents shall not exceed the HUD exception rents, and the tenant's share of the rent shall not exceed rents based on a target income percentage of fifty percent (50%).
 - (4) The covenant shall require that the Property be owned by a not-for-profit public benefit corporation, and shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.
15. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
16. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, (the Archaeologist, the Architect, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator), the Contractor and each subcontractor.
- H. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
 1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the (Architectural Board of Review) (Historic Landmarks Commission), outlined in Section above.

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner (Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.
3. **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 (Mitigated Negative Declaration) (Environmental Impact Report) for the project.
4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.
5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion

Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition ***, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

6. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

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.
8. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.
9. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall provide sufficient and appropriate recycling receptacles in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
10. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, bicycle parking spaces shall be provided, including covered spaces and bicycle lockers.
11. **Guest Parking.** guest parking space(s) shall be provided on each proposed lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. (Their) (Its) size and location shall be determined by the Public Works Director.
12. **Vehicle Access.** Vehicles (exiting) (entering) (to) (from) Street shall be restricted to turns only, and a (NO LEFT TURN) (NO RIGHT TURN) sign shall be posted and maintained on-site advising motorists of this restriction.
13. **Stop Sign.** A "STOP" sign shall be installed at .

- 14. **Street/Traffic Control Sign.** The Owner must (relocate) (furnish and install) the (street name) (and traffic control) sign(s) to Public Works Department construction standards.
- 15. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
- 16. **(Private Road)(Driveway) Improvements.** The proposed (private road) (driveway) shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
- 17. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
- 18. **Conditions on Plans/Signatures.** The final (Planning Commission)(Staff Hearing Officer) Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

- I. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director. [If the construction routes are self-evident and/or the project is small, this condition is unnecessary.]
5. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

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

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
9. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
14. **Mitigation Monitoring Compliance Reports.** The PEC shall submit (weekly) (biweekly) (monthly) reports during demolition, excavation, grading and footing installation and (biweekly) (monthly) reports on all other construction activity regarding MMRP compliance to the Community Development Department.
15. **Parking Loss Requirements.** At least two (2) weeks prior to closure of the parking lot on the Real Property, the Owner shall notify all lot users, in writing, of the closure, and shall inform them of the availability of spaces in the City's commuter parking lots, and offer to pay the commuter parking lot permit cost. A copy of such notification shall be sent to the Community Development Director and Transportation Manager.

The commuter parking permits may be temporarily or permanently reduced in number or increased back to permits by the City Transportation Division, if necessary, by submitting a letter to the Owner of the Real Property, which states that only a specific number of permits are available, based on the availability of parking in the commuter lots. The City is not obligated to provide permits.
16. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
17. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
18. **Tree Protection.** Notes on the grading plan that specify the following:

- a. No grading shall occur within three feet of the driplines of the existing tree(s).
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.
 - c. All excavation within the dripline of the tree(s) shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
19. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
- a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
 - b. No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the . Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - c. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - d. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - e. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum

of one (1) gallon size derived from South Coastal Santa Barbara County stock.

20. **Tree Relocation.** The existing tree(s) shall be relocated on the Real Property and shall be fenced and protected during construction. [refer to Arborist's Report, if applicable]
21. **Existing Tree Preservation.** The existing tree(s) shown on the approved (Tentative Subdivision Map) (Site Plan) to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
22. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
23. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
24. **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.

- J. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) 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 improvement/building plans, including utility service undergrounding and installation of street trees.
 3. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
 4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the ([Architectural Board of Review \(ABR\)](#)) ([Historic Landmarks Commission \(HLC\)](#)) ([Single Family Design Board \(SFDB\)](#)).
 6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
 7. **Landscape Maintenance Performance Bond.** A Performance Bond shall be provided to the Building and Safety Division for landscape maintenance and assurance of adequate plant growth and health. Such Bond shall be for a period of _____ years and shall be in an amount necessary to cover the cost of installation and replacement of the landscaping and irrigation system for the entire site in accordance with landscaping plans approved by the ([Architectural Board of Review \(ABR\)](#)) ([Historic Landmarks Commission \(HLC\)](#)) ([Single Family Design Board \(SFDB\)](#)) and on file at the Building and Safety Division. Prior to the release of said Bond, the Building and Safety Division shall inspect the Real Property and make a determination that the landscaping is in substantial compliance with the approved plans. If the landscaping is not in compliance, the Bond shall not be released and shall be extended for a period of time as determined by the Building Official.

8. **Ownership Affordability Provisions Approval.** 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.
Rental Affordability Provisions Approval. Obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the of the following: (a) the recorded affordability covenant as approved by the City Attorney, (b) the process for selecting the initial residents of the affordable rental units, (c) the eligibility of the initial residents, and (d) the form of the rental agreement used. For projects with senior occupancy requirements or restrictions on the number of motor vehicles per resident, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the recorded implementing document, which assures compliance with the senior housing restriction and/or the restrictions on the number of motor vehicles owned, used, possessed or stored by residents.
 9. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the [\(Certificate of Occupancy\)](#) [\(Final Inspection\)](#), whichever is earlier.
 10. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
 11. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 12. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.
 13. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
- K. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

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

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

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 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 application, unless otherwise specified by state or federal law.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Staff Hearing Officer for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The (Planning Commission's)(Staff Hearing Officer's) action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

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