

**STANDARD CONDITIONS OF APPROVAL
SUBDIVISION MAPS AND LAND USE PERMITS**

A. GENERAL PROVISIONS

- 1. Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description, the application marked *[insert exhibit notations]* dated *[insert date of application]*, and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by *[insert Applicant's name]* (the "Applicant") for a *[insert type of Subdivision Map and/or Land Use Permit, as applicable]* consisting of *[insert description of Project]* (the "Project") located at *[insert street address and assessor parcel number, as appropriate]* (the "Property"). Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.
- 2. Applicability of Conditions** *[only applies to permit amendments and modifications]*. Except or unless expressly modified herein, the terms and conditions of *[insert number and identification of original Land Use Permit]* shall: (i) continue and full force and effect; and (ii) apply to the approval granted herein. In the event of conflict between the conditions set forth in this approval and the terms and conditions of the original approval granted in connection with *[insert number and identification of original Land Use Permit]*, the more restrictive condition shall govern.
- 3. Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
- 4. Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.

5. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.
- a. **“Applicant”** means *[insert Applicant’s name]* and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
 - b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
 - c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
 - d. **“County”** means the County of Santa Barbara.
 - e. **“Environmental Monitor”** means person or personnel of the City assigned to monitor field mitigation in order to ensure compliance with the Mitigation Measures. The City has discretion to determine the qualifications of the Environmental Monitor, the number of monitors needed and the disciplines of the monitors, their duties and the arrangements for compensation.
 - f. **“Final Building Inspection Clearance”** means acknowledgement by the Building and Safety Division of the County that construction of the Project has been completed in full compliance with plans and specifications approved by the Building and Safety Division of the County. Such acknowledgement is typically evidenced by signature of appropriate Building and Safety Division staff on the building permit inspection form.
 - g. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of special district.
 - h. **“Mitigation Measures”** means conditions and measures required to mitigate environmental effects of the Project as identified in the Buellton

General Plan Environmental Impact Report and/or site-specific environmental analysis performed in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.

- i. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein
- j. **“Project”** means and includes all of the actions described in the Project description above.
- k. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.
- l. **“Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.
- m. **“Property”** means the land and improvements identified in the Project Description.
- n. **“Property Owner”** means *(insert name/identity of Property Owner)* and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.
- o. **“Retained Monitor”** means person or personnel of the Applicant assigned to monitor field mitigation in order to ensure compliance with the Mitigation Measures. The Retained Monitor must be qualified in his or her respective field and their appointment/retention is subject to approval by the City. For instance, the Retained Monitor assigned to verify compliance with cultural resources Mitigation Measures should be an archaeologist or a person trained to identify cultural resources and who is acceptable to the City.

p. **“Zoning Clearance”** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.

6. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
7. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.
8. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.
9. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.
10. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of the Mitigation Monitoring and Reporting Program for the Mitigation Measures as well as the general conditions of approval set forth herein. The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to

monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.

11. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.
12. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.
13. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City
14. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the those fee schedules adopted by the City and then in effect at the time such fees become payable.
15. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. MITIGATION MEASURES

Project Mitigation Measures

(NOTE: This Section only applies if the Project does not qualify for an exemption under CEQA and Mitigation Measures are identified in the corresponding Mitigated Negative Declaration or Environmental Impact Report prepared for the project. In addition, the conditions which follow may not, in all cases, be required if the nature of mitigation is

relatively simple and can be dealt with through standard compliance monitoring. In particular, Retained Monitors and Environmental Monitors may not be necessary depending upon Project scope and mitigation complexity.)

- 1. Mitigation Measures.** The Mitigation Measures set forth below are expressly derived from the environmental analysis performed in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”). In the event that the scope, nature, extent, method, timing or location of construction changes from that set forth in the Project Description, such construction shall not proceed until or unless: (i) the change is evaluated for environmental impacts; and (ii) appropriate measures are instituted to the Project that mitigate the impacts (if any) to a level of insignificance. Such determinations shall be made in the manner and subject to the limits prescribed in the Project Description.

(Insert Mitigation Measures applicable to the Project, listing in order from “a” to “z.”)

- 2. Environmental Quality Assurance Program.** As a condition precedent to receiving zoning clearance for the Project (thereby allowing issuance of building permits), the Applicant shall: (i) provide funding for retention of an Environmental Monitor; (ii) obtain City approval of its Retained Monitors; and (iii) prepare an Environmental Action Plan. The Environmental Monitor shall be under contract with the City to provide plan review, field verification and compliance reporting. Retained Monitors shall be employed directly by the Applicant to undertake pre-construction surveys, monitor construction and report progress. The City, in consultation with the Applicant, may delegate authority to undertake or observe pre-construction surveys to the Environmental Monitor. Following selection and approval of the Environmental and Retained Monitors, the Applicant shall prepare an Environmental Action Plan for review and approval by the City. The Environmental Action Plan shall be prepared in consultation with the Environmental and Retained Monitors and shall address Project logistics, pre-construction surveys (if any are needed), permits required from other responsible agencies, monitoring and reporting protocols, and lines of authority.
- 3. Deposit and Security.** All costs associated with implementing the Environmental Quality Assurance Program (as described above) including, but not limited to, administration of the Environmental Action Plan shall be borne by the Applicant. As a condition precedent to approval and issuance of a Land Use Permit for the Project, the Applicant shall: (i) provide funding in an amount necessary for the City to employ an Environmental Monitor and administer the Environmental Quality Assurance Program; and (ii) post a security deposit or acceptable form of guarantee to assure site restoration (i.e., re-vegetation, street

repair, etc.).

General Plan Mitigation Measures

(NOTE: This Section incorporates all general Mitigation Measures identified in the Environmental Impact Report for the Buellton General Plan and applies to all Projects.)

1. **Acceptable Noise Levels.** Residential structures located within unacceptable noise contours shall provide attenuation of indoor noise levels to below 45 dBA Community Noise Equivalent Level (“CNEL”), and where practicable, outdoor living area noise levels to below 65 dBA CNEL. This can be accomplished using one or more of the following methods or as recommended in a noise study to be prepared by an acoustical engineer:
 - a. A structural setback from the roadways that generate the unacceptable noise levels;
 - b. Installation of vegetated berms at the property line, in combination with structural setbacks from the roadways that generate the unacceptable noise levels;
 - c. Install solid core doors and double-paned glass windows on the side of the residential units facing the source of unacceptable noise levels.
2. **Noise in Exterior Areas.** Exterior usable areas for residential units that border sources of unacceptable noise levels shall be located within an interior courtyard.
3. **Exterior Building Materials.** New structures shall utilize non-reflective exterior materials to prevent glare, as feasible.
4. **Standard Dust Control Procedures.** During clearing, grading, earth moving, or excavation operation, excessive fugitive dust emissions shall be controlled by regular watering, paving construction roads, or other dust preventive measures such as using the following procedures:
 - 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.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

- c. Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
 - d. If importation, exportation and stockpiling of fill material are 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.
 - 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 Santa Barbara County Air Pollution Control District ("APCD") prior to Zoning Clearance for map recordation and Zoning Clearance for finish grading for the structure.
 - g. Prior to Zoning Clearance, the Applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.
5. **Application of Standard CBACT.** Best available control technology for construction equipment ("CBACT") shall be applied to the piece of construction equipment estimated to cause the highest level of combustion emissions during any proposed construction, based on APCD standards. CBACT technology may include the following: fuel injection timing retard of 2 degrees; installation of high pressure injectors; coating of internal combustion surfaces (cylinder head, pistons, and valves); and/or use of reformulated diesel fuel.
6. **Standard Ozone Precursor Controls.** At all times, ozone precursor emissions shall be controlled not only through the routine maintenance of all construction equipment, but construction activities shall also be required to utilize new technologies to control ozone precursor emissions including:
- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.

- b. The engine size of construction equipment shall be the minimum practical size.
 - c. 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.
 - d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
 - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
 - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
 - h. Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - i. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
7. **Prohibition of Invasive Plants.** Plants considered to be invasive by the California Exotic Pest Plant Council shall be prohibited in new development adjacent to permanent open space/natural areas within the City. Wherever site development is proposed adjacent to a special-status plant habitat an appropriate buffer of fire retardant and native vegetation shall remain or be established between the sensitive area and the proposed development.
8. **Wildlife Surveys and Mitigation.** A wildlife survey shall be conducted by a qualified biologist for proposed development areas that may contain sensitive wildlife as defined by the City or appropriate state or federal regulatory agencies. Appropriate mitigation measures shall be identified by a qualified biologist, and may include one or more of the following measures, as applicable:
- a. **Ground Disturbance Timing.** In order to avoid impacts to nesting birds including the ground-nesting northern harrier, or other birds protected under the Migratory Bird Treaty Act, all initial project specific ground disturbing activities and tree removal as a result of future development

shall be limited to the time period between September 15 to January 31. If initial development project specific site disturbance, grading, and tree removal cannot be conducted during this time period, pre-construction surveys for active nests within the limits of proposed grading areas should be conducted by a qualified biologist two weeks prior to any construction activities. If active nests are located, then all construction work must be conducted outside a non-disturbance buffer zone at a distance established by the city in consultation with the California Department of Fish and Game (“CDFG”). No disturbance to the nest shall occur until the adults and young are no longer reliant on the nest site.

- b. **Pet Brochure.** Applicants of residential projects adjacent to open space or other habitat areas shall be required to prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals, to sensitive habitat areas. The brochure shall also describe measures homeowners can take to minimize impacts of pets on wildlife. Similarly, the brochure shall inform potential homebuyers of the potential for coyotes or other wildlife to prey on domestic animals in areas where appropriate.
- c. **Night Lighting Standards.** Night lighting of public areas near sensitive habitats shall be kept to the minimum necessary for safety purposes:
 - (1) Exterior lighting within 100 feet of open space habitat shall be shielded and aimed as needed to avoid spillover into habitat areas. Decorative lighting shall be low intensity.
 - (2) Use of high-intensity floodlights on residential/ commercial lots shall be shielded and aimed as needed to avoid spillover into habitat areas including open space, vineyard, and agricultural areas.
- d. **Wildlife Habitat Buffer.** Wherever site development is proposed adjacent to wildlife habitat an appropriate buffer for fire safety and native vegetation shall remain or be established between the habitat area and the proposed development.
- e. **Migration Corridors.** Natural migration corridors including the Santa Ynez River, Zaca Creek, Thumbelina Creek, and the tributary drainages throughout the City shall be maintained in a manner designed to promote wildlife movement and protection and the safe and accessible passage of wildlife under busy roadways. New roadways that cross

migration/movement corridors shall be designed to accommodate wildlife passage.

9. **Dam Inundation Notification.** Prior to development within the areas subject to inundation should dam failure occur, upon the transfer of real property or rental agreements on development sites within the dam inundation hazard area depicted on Figure 4.6-2 of the Final EIR, the transferor shall deliver to the prospective occupants a written disclosure statement that shall make all prospective occupants aware that this area is located within a dam failure inundation hazard area.
10. **Site Specific Drainage Study and Plan.** A site-specific drainage study and plan shall be prepared for all development on sites greater than one acre within the City unless otherwise determined by the City Engineer.

The Applicant shall be required to submit hydrology calculations, prepared by a Civil Engineer, to the City Engineer for review and approval. The drainage calculations shall demonstrate that the existing storm drain systems maintained by Caltrans and the City (as applicable) have adequate capacity to accommodate the Project. If capacity is not available in the existing systems using the design criteria of the governing agency, then the Applicant shall construct new downstream drainage improvements; improve the existing system, or other acceptable alternative, as approved by the City Engineer, prior to project occupancy. A rainfall frequency of twenty-five (25) years shall be used for sizing piping and inlet structures. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara County Engineering Design Standards shall be used. Storm drainage run-off shall be conducted to the public street in a safe and adequate manner per Santa Barbara County Standards. Easements required for drainage shall be described and shown on the improvement plans.

11. **Pervious Paving Material.** Future development projects shall be encouraged to develop plans/practices for minimizing runoff rates and volumes of stormwater on-site to allow percolation to the underlying aquifer. Some methods that may be used to facilitate groundwater recharge and reduce surface water runoff may include, but are not limited to, the use of pervious paving material within parking lots and other paved areas to facilitate rainwater percolation.
12. **Storm Water Quality Measures.** A Best Management Practice (“BMP”) device shall be installed to intercept water flowing off of proposed parking lots and roadway surfaces for urban infill projects. Whenever feasible, the preferred approach to treating surface runoff will be the use of drainage swales. The chosen method for treating runoff will be a proven and documented pollution prevention technology device that removes oil and sediment from stormwater runoff, and retains the contaminants for safe and easy removal. The chosen device shall

possess design features to prevent resuspension of previously collected contaminants and materials, and contain a built-in diversion structure to divert intense runoff events and prevent scouring of the previously collected sediments. The filter devices shall be sized to capture all dry weather surface runoff and accommodate the first flush (one inch) during storm events. The storm water quality system must be reviewed and approved by the City and Regional Water Quality Control Board.

13. **Stormwater BMP Maintenance Plan.** All stormwater BMP devices in new development shall be required to be cleaned and maintained in accordance with the manufacturer's maintenance specifications. The timing shall be at least twice per year: just prior to the onset of the rainy season (i.e. November 1st) and immediately after the end of the rainy season (i.e. May 1st).
14. **Maintain 200-Foot Agricultural Buffer.** A minimum 200-foot buffer between the nearest property line of property currently in the County Agriculture zoning district and any habitable structures in the City shall be maintained.
15. **Truck Delivery Limitations.** Truck deliveries to commercial uses on mixed-use development sites shall be limited to between the hours of 8:00 AM and 5:00 PM on weekdays and 9:00 AM and 4:00 PM on Saturdays. No deliveries shall occur on Sundays.
16. **Truck Idling Limitations.** The owners or operators of commercial uses on mixed-use development sites shall post a sign at each loading area which states that the idling time for delivery truck engines shall be limited to no more than three minutes.
17. **Disclosure of Nuisance.** Upon the transfer of residential property on mixed-use sites, the transferor shall deliver to the prospective transferee a written disclosure statement which shall make prospective home buyers or renters aware that although potential impacts or conflicts between commercial and residential uses (e.g., noise) may be lessened by proper maintenance, some level of incompatibility between the two uses would remain.
18. **Previously Unidentified Hazardous Materials.** In the event that hazardous waste and/or materials, including chemical odors or stained soils, are encountered during construction of future development sites, the following actions shall be taken by the Applicant or authorized agent thereof: (1) all work in the vicinity of the suspected contaminant will be halted; (2) all persons shall be removed from the area; (3) the site shall be secured under the direction of the Fire Department; and (4) the City of Buellton Hazardous Waste/Materials Coordinator shall be notified. Work shall not recommence until such time as the find is evaluated and

appropriate measures are implemented as necessary to the satisfaction of the California Department of Toxic Substances Control.

- 19. Asbestos Sampling and Supervision.** Prior to demolition of structures constructed prior to 1978, areas of the structures to be demolished shall be sampled as part of an asbestos survey in compliance with the National Emission Standards for Hazardous Air Pollutants (“NESHAP”). If asbestos is found in any building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (“ACMs”) shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws. Regardless of whether asbestos is identified in any building, prior to demolition of existing structures the APCD shall be notified and an APCD Notification of Demolition and Renovation Checklist shall be submitted to both APCD and the Planning Director.
- 20. Lead-Based Paint Management.** If during demolition of structures constructed prior to 1978 paint is separated from the building material (e.g. chemically or physically), the paint waste will be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control (“DTSC”), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements.
- 21. Halt Work Order for Archaeological Resources.** If archaeological resources are exposed during construction of the Project, all earth disturbing work within the vicinity of the find must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A representative should monitor any mitigation excavation associated with Native American materials.
- 22. Grading and Erosion Control Plan.** A grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared and implemented by the Applicant, prior to issuance of Grading Permits. It must include one or more of the following erosion reduction methods, as determined by the City Engineer:

- a.** Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Santa Ynez River, Zaca Creek and Thumbelina Creek during grading and construction activities.
- b.** Graded areas shall be revegetated within four weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by the City Engineer, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c.** After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the City Engineer and APCD. These methods may include importing of topsoil is to be imported and spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. As a minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodable soils.
- d.** Where necessary, site preparation shall include the removal of all or a portion of the expansive soils at the building sites and replacement with compacted fill.
- e.** Where necessary, construction on transitional lots shall include overexcavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.
- f.** Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
- g.** Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by City Engineer prior to Zoning Clearance for grading.
- h.** Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- i.** Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.

- j. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
- k. Cut and fill benches shall be constructed at regular intervals.
- l. Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
- m. The Applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless the City Engineer approves an erosion control plan for application outside of this time period and all measures therein are in effect.
- n. The Applicant shall post a bond with the City and hire a licensed geologist or soils engineer prior to Zoning Clearance for grading, and to ensure that erosion is controlled and mitigation measures are properly implemented.

23. Archeological Discovery. In the event that archaeological and historic artifacts are encountered during construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (if necessary) is implemented. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:

- a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - (1) The coroner of Santa Barbara County must be contacted to determine that no investigation of the cause of death is required, and
 - (2) If the coroner determines the remains to be Native American: (i) the coroner shall contact the Native American Heritage Commission within 24 hours; (ii) the Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American; and (iii) the most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public resources Code Section 5097.98, or

5. The Final Map shall be in substantial conformance with the approved Tentative *[insert type of map]* Map (Case No. *[insert case number]*) and shall be subject to final review by the City Council prior to recordation. All applicable fees then outstanding at the time of Council approval shall be paid by the Applicant prior to Map recordation including, but not limited to, outstanding balances owed for Map processing. Copies of the recorded Final Map shall be provided by the Applicant to the City Engineer and Planning Director.
6. Prior to recordation of the Final Map, the Applicant shall post a faithful performance and labor/material bond with the City Engineer (each to be equal to 100% of the City Engineer's estimate of costs), or equivalent form of guarantee, along with entering into an Agreement for Land Development Improvements to assure proper and timely completion of all public improvements. The Final Map must be recorded as a condition prerequisite to issuance of a building permit for any portion of the Project.
7. Covenants, Codes and Restrictions (CC&Rs) for the Project (if any) shall be submitted for review to the Planning Director, City Engineer, and City Attorney, and approved by the City Council prior to acceptance of the Final Map. Further, the Planning Director, City Engineer, City Attorney, and the City Council may require additional restrictions within the CC&Rs as found to be appropriate.
8. Prior to recordation of the Final Map, the Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and improvement plans required by the Subdivision Map Act, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with calculations, soils report(s), signed/stamped certifications and plan check processing fees.
9. Unless superceded by State standards or otherwise authorized by the City Council, all public improvements shall be designed and constructed in conformance with applicable standards of the City and County . Prior to accepting the public improvements, the Applicant shall furnish the original mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "Record Drawings." Public improvements shall only be accepted after: (i) all items required are completed to the satisfaction of the City Engineer; and (ii) a Notice of Completion is filed by the City Engineer and accepted by the City Council.
10. Where dedication of land is included as part of the public improvement plans, the Applicant's offer to dedicate shall be reflected on the Final Map and improvement plans for the street improvements shall be submitted for review and approval prior to recordation.

- (a) Prior to recordation of the Final Map, the Applicant shall have an environmental auditor (appropriately certified by the State of California and approved by the City Engineer) submit to the City Engineer a Phase I environmental site assessment for review and approval as to those portions of the Project which are proposed for dedication to the City. The report shall state that all Property within the boundaries of the Map and any property being dedicated to the City (e.g., street rights-of-way, off-site easements, etc.) have been evaluated for hazardous materials (e.g., old fuel tanks, pesticides, asbestos, and the like). The Phase I Assessment shall have been prepared no more than two years prior to submitting the offer to dedicate.
 - (b) Prior to the issuance of building permits, the Applicant shall comply, at its sole expense, with all measures and recommendations contained in the environmental site assessment report approved by the City Engineer for the handling, removal, and disposal of any hazardous materials found at the Property. The City will not accept any property dedication until the site has been proven clear from all known contamination and a report is received from the consultant stating that the site in question is clean of all contamination.
- 11. Paving and curbs and gutters shall transition into existing public improvements as required by the City Engineer. Plans shall be submitted prior to issuance of building permits for review by the City Engineer. Construction shall be completed as a condition precedent to obtaining Final Building Inspection Clearance.
- 12. All streetlights shall be installed behind the sidewalk unless authorized by the City Engineer and in conformance with City Standards.
- 13. The Applicant shall obtain a Street Construction and/or Excavation permit from the City Engineer for any work in the public right-of-way.
- 14. Land development activities (e.g., grading, etc.) shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Equipment maintenance and servicing shall be confined to the same hours. Weekend land development activities and other exceptions shall require special approval from the City Engineer, in consultation with the Planning Director, and be limited to the hours of 9:00 a.m. to 4:00 p.m. Prior to issuance of building permit, the Applicant shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition. Stationary noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor.

Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.

15. A detailed grading plan based on a current topographic survey shall be prepared by a registered Engineer for review by the City Engineer. The plan shall include all on-site drainage facilities and be accompanied by hydrologic and hydraulic calculations using Santa Barbara City Flood Control District standards and City Engineer design standards.
16. The Applicant shall obtain a Grading Permit from the City Engineer prior to obtaining a building permit.
17. All new utility lines that are proposed to serve the Property shall be placed underground at the Applicant's expense. The under grounding shall be to the nearest utility pole, subject to review and approval by the City Engineer. All utility plans shall be coordinated with the respective utility companies and shall be submitted for review and approval by the City Engineer prior to approval and acceptance of the Final Map. Easements necessary to accomplish the undergrounding and to establish existing overhead lines shall be shown on the Final Map and all undergrounding shall be completed prior to any paving required for the Project. Existing poles may be moved to accommodate the Project. If an existing pole is to remain in a traffic area, then it shall be enclosed within a planter area with curbing.
18. Existing and proposed easements for all utilities shall be located and described on the engineering plans prior to issuance of building permits.
19. Where new residential lots are proposed as part of the Subdivision, separate electric meters shall be installed for each unit unless a 'gang' meter is approved by the PG&E. Electric meters shall be shown on the improvement plans.
20. Prior to occupancy, the Applicant shall enter into a water and sewer service agreement, to be provided by the City, which establishes estimated water and sewer uses. Connection fees shall be based on said agreement. In the event that the water use or sewer discharge amount increases beyond original estimates, the Applicant shall be required to pay additional fees.
21. As a condition prerequisite to a Final Building Inspection Clearance, and subject to a determination by the City Engineer that such information is necessary or required, the Applicant shall: (i) evidence compliance with the City's Floodplain Ordinance and Federal Emergency Management Agency ("FEMA") regulations; and (ii) submit an elevation certificate to the City Engineer.

- 22.** Grading shall be performed in accordance with applicable Ordinances and standards adopted by the City including, but not limited to, the following:
- (a)** Where grading, terracing, padding, or cut and fill is unavoidable, it shall be shaped and rounded to simulate natural appearing contours; cut and fill slopes shall be limited to the maximum slope angle of two horizontal to one vertical; no grading shall be permitted on any slope greater than 30%, except as approved by the City Engineer.
 - (b)** All existing and proposed cut and fill slopes shall provide stability against both surface and mass slope failures. Appropriate soil analysis to substantiate such soil stability in a saturated condition shall be provided in geo-technical and structural soils report(s) to be submitted to and approved by the City Engineer.
 - (c)** At the discretion of the City Engineer, a grading bond may be required to ensure property slope stabilization and maintenance beyond the initial period of establishment. If sloughing or slippage occurs, the City Engineer may require jute matting or other solutions to aid in the prevention of further erosion.
 - (d)** When a grading permit is required, the rough grading for the Property shall be completed, approved by the Applicant's engineer, and accepted by the City Engineer prior to issuance of building permits.
 - (e)** During any phase of grading or construction, if cultural resources suggestive of prehistoric or historic origin are encountered, work in the vicinity of the find shall be stopped, and the City Engineer shall be notified. Grading or construction shall not be resumed until the find is evaluated and the City determines whether mitigation measures are necessary.
- 23.** The Applicant shall be responsible for all actions of its contractor(s) and subcontractor(s) until such time as the improvements defined in the Subdivision Map Act have been accepted by the City. The Applicant shall designate, in writing, before starting such improvement work, an authorized representative who shall have complete authority to represent and to act for the Applicant. Said authorized representative shall be present at the site of the work at all times while such work is actually in progress on the public improvements. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required. Whenever the Applicant or their authorized representative is not present on any particular part of the work where it may be desired to be given direction, orders will be given by the City Engineer which shall be received and obeyed by the superintendent or foreman

who may have charge of the particular work in reference to which orders are given. Whenever orders are given to the Applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public because of inclement weather or any other cause and such orders are not immediately acted upon by such person, the City may do or have such work done by others at the Applicant's expense.

24. At the time that improvement plans and/or grading and drainage plans are submitted for review and approval by the City Engineer, two copies of a Soils Report, prepared by a California Registered Geologist or Soils Engineer, shall be submitted by the Applicant. The Soils Report shall address soils engineering and compaction requirements, R-values, and other soils and geology related issues (including liquefaction) and shall contain recommendations as to foundation design, retaining wall design, and paving sections, where applicable for the Project.
25. Prior to recording the Final Map, the Applicant shall submit hydraulic calculations, prepared by a Civil Engineer, registered in the State of California, to the City Engineer for review and approval as necessary to determine if the existing water and sewer mains that serve the Property have available capacity for the addition of the Project. If capacity is not available, sewer and water mains of adequate size shall be designed and secured prior to issuance of building permits and constructed in a manner acceptable to the City Engineer prior to occupancy release, unless determined otherwise by the City Engineer.
26. Except as provided herein, any and all water wells existing on the Property shall be abandoned or destroyed in a manner acceptable to the City Engineer.
27. Development shall be undertaken in accordance with conditions and requirements of the Santa Barbara Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System ("NPDES") Permit, and any other NPDES permit issued by the State of California Regional Water Quality Control Board. Project grading and storm drain improvement plans shall identify and incorporate Best Management Practices ("BMP's") appropriate to the uses conducted on-site and during construction to effectively mitigate storm water pollution.

D. LAND USE PERMIT CONDITIONS

1. Approval of the *[insert type of Land Use Permit]* (Case No. *[insert case number]*) (the "Permit") is granted to the Applicant for the for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be

located and maintained substantially as shown on the exhibits accompanying the application for the Project

2. If the any Tentative Map is issued in connection with the Permit, and such Tentative Map is revoked or terminated subsequent to its initial approval and prior to recordation of a Final Map, then the approval of the Permit shall likewise become null and void.

3. Unless a Final Development Plan is submitted and approved with 24 months of the effective date of approval of the Preliminary Development Plan (if either Plans are required by the Buellton Municipal Code), or building construction is started not later than five years after approval of the Final Development Plan or this Permit (whichever occurs later) or is granted and is diligently pursued thereafter, this approval will be revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project, provided the initial 12-month period has not already expired. Start of construction is defined as:
 - a. All zoning and related approvals are effective; and
 - b. All required building and grading permits have been issued; and
 - c. The “foundation inspection” and “concrete slab or under floor inspection” as defined in the Uniform Building Code have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.

4. As a condition precedent to obtaining building permits, and prior to improving any portion of the Property or commencing any work pertaining to the Project approved herein, the Applicant shall obtain Zoning Clearance from the Planning Director. Zoning Clearance shall only be granted upon satisfying all conditions precedent to construction including, but not limited to, applicable provisions of Sections A, B, C and D herein.

5. The design, operation, and use of the Project and Property shall comply with all outdoor storage, trash collection design, performance standards, landscaping requirements, and lighting provisions of the Buellton Municipal Code. All exterior lighting shall be located and designed so as to avoid creating substantial

off-site glare, light spillover onto adjacent properties, or upward illumination into the sky. In addition, the Property shall be maintained in strict compliance with the following additional standards:

- a.** Use Limitations. No building or other improvement upon the Property shall be constructed, maintained, or used for any purpose other than that which is allowed by the Buellton Municipal Code or otherwise stipulated in the conditions of approval herein. Furthermore, the Property shall be maintained in strict compliance with the following additional standards:
 - (1) Unobstructed Access. All driveways and areas designated for off-street parking shall remain accessible at all times. Except as allowed by revocable license approved by the City, parking shall not be allowed on driveways at anytime.
 - (2) Vehicle Repair. No disassembly, repair or any other work shall be performed on any vehicle, machine, motor, appliance or other similar device shall be allowed on any portion of the Property except or unless such work and device is wholly removed from public view.
 - (3) Exterior Storage. No storage of any goods, materials or equipment shall be permitted on the Property except within the confines of fully enclosed buildings.

- b.** Prohibited Activities. No person owning, leasing, occupying or having charge or possession of the Property, or any portion thereof, shall maintain or use the premises in such a manner that any of the following conditions are found to exist:
 - (1) Fire and Explosion Hazards. Storage and transportation of flammable or explosive materials, as defined by the County of Santa Barbara Fire Department, which are provided without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices, standard in the industry.
 - (2) Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances,

affecting the operation at any point of any equipment other than that of the creator of such disturbance.

- (3) Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, or humidity, heat or cold that is produced and is perceptible without instruments by the average person at the Property line.
- (4) Liquid and Solid Wastes. Discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction over such activities.
- (5) Odors. Emissions of odorous gases or other odorous matter that is produced in nuisance quantities at the Property line.
- (6) Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectable without instrument by the average person at the Property line which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point.
- (7) Vibration. Ground vibration that is produced and is discernible without instruments to the average person at the Property line. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard.
- (8) Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.
- (9) Noise. Unless otherwise provided for, no person shall operate or cause to be operated any source of sound at or on the Property, or

allow the creation of any noise on the Property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any receiving property to exceed the noise level limits set forth by the Buellton Municipal Code as adopted and amended.

6. The Project is located within the jurisdiction of the Fire Department and shall comply with all applicable standards of that agency including, but not limited to, the following:

a. Conditions Precedent.

- (1)** Prior to erection of combustible building materials, the following conditions must be met: (i) all access ways (public or private) shall be installed and made serviceable; (ii) roadway plans, acceptable to the Fire Department, shall be submitted for approval prior to any work being undertaken; and (ii) roadways and driveways shall be a minimum of 20 feet in width.
- (2)** Prior to occupancy clearance, the following conditions must be met: (i) an address shall be issued by the Fire Department and shall be posted as required by the Fire Department; (ii) portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara City Code Chapter 15, Article 1; (iii) an automatic fire sprinkler system shall be installed; and (iv) the Developer will be required to pay a development impact fee in accordance with Chapter 15 of the Santa Barbara County Code

b. General Provisions.

- (1)** The conditions specified above apply to the Project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.
- (2)** The application for a new building permit or time extension for the Project may require further review and the imposition of current development standards and fees.
- (3)** Non-compliance with conditions placed on this Project could result in the issuance of a stop work order by the Fire Department, which

may require additional fees and a delay in final occupancy clearance.

7. All building construction shall be designed and performed in accordance with the currently adopted Uniform Building Code, National Electric Code, Uniform Plumbing and Mechanical Codes, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.
8. All building construction, grading and drainage shall be designed and performed in accordance with the currently adopted Excavation and Grading Code and all other appropriate sections of the Buellton Municipal Code and Santa Barbara Flood Control Design Standards dealing with grading, drainage and public improvements. Prior to construction, necessary plans and documentation shall be submitted for review and approval by the City Engineer including, but not limited to, complete civil engineering drawings, public improvement plans, utility specifications and appropriate engineering calculations prepared by a California Registered Civil Engineer.
9. Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Equipment maintenance and servicing shall be confined to the same hours. Weekend construction and other exceptions shall require special approval from the Planning Director, in consultation with the City Engineer, and be limited to the hours of 9:00 a.m. to 4:00 p.m. Prior to issuance of building permit, the Developer shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition. Stationery noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor. Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.
10. Except as otherwise noted in the Project Description and associated exhibits, existing trees and vegetation on the Property shall be protected from damage during construction to the maximum extent feasible and thereafter maintained in a good and healthy state for the life of the Project. Existing vegetation that serves to screen elements of the Project shall not be altered in any manner that would increase the visibility of the elements except: (i) where such alteration is specifically allowed by the approved Project; and (ii) such alteration is performed under the direction of a licensed arborist. In addition, any trees or significant vegetation (whether existing at time of Project construction or added pursuant to

this condition) which serve to screen the elements and which subsequently die, shall be replaced with native trees and vegetation of a comparable size, species and density.

- 11.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction is completed and all improvements and landscaping associated with the Project are installed in accordance with the plans approved and the conditions specified herein. Exceptions to this requirement may be granted subject to: (i) approval of the City Engineer and Planning Director; (ii) assurance that unfinished items will be completed within a reasonable period of time (including, but not limited to, the posting of appropriate performance security to assure such completion); (iii) essential infrastructure necessary to serve the entire Project is fully installed; and (iv) public safety and convenience is appropriately protected.

- 12.** If a Development Plan is required for the Project, and as a condition precedent to obtaining a Zoning Clearance, the Applicant shall prepare and submit a Final Development Plan for review and approval by the Planning Director pursuant to Section 19.08.120.E. of the Buellton Municipal Code. Said Plan shall be reviewed for consistency with the approved Preliminary Development Plan and shall include landscape and irrigation drawings, prepared by a California registered landscape architect, subject to the following additional terms and conditions:
 - (a)** The content, detail and number of plans to be submitted shall be prescribed by the Planning Director at the time of submission. The plans shall: (i) specify all plant materials, irrigation facilities, and hardscape improvements; and (ii) include a horticultural soils report with laboratory recommendations for soil preparation and maintenance fertilization. Said plans shall be reviewed by a landscape plan check consultant and biologist/arborist to be selected by the City and shall be paid by the Applicant. The Planning Director, on the advice of the City's landscape plan check consultant and/or biologist/arborist, shall have the discretion to modify the location, size, spacing and quantity of all plant materials from that which appears on the Preliminary Development Plan approved herein.

 - (b)** Prior to obtaining Final Building Inspection Clearance, all landscaping and irrigation shall be completed and fully installed, and open areas visible from public rights-of-way shall be landscaped and irrigated; provided, however that all such improvements need not be fully installed if the Applicant obtains and delivers to the Planning Director a surety performance bond in an amount equal to the actual cost of completing said landscaping and irrigation, which bond shall make guarantee as to completion of all landscaping within a time period acceptable to the City.

- (c) Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than three (3) months or until such time that all plant material has been completely established. The Planning Director shall inspect or cause to be inspected all landscaped areas prerequisite to granting Final Building Inspection Clearance. A formal written request for such inspection shall be accompanied by a certification from the Project landscape architect as to the Project's conformity with the approved plans and specifications, together with a twelve (12) month warranty on all landscaping materials.
13. The Project and Property, including the landscaping, shall be maintained in a continuous state of good condition and repair, in full compliance with all approved plans, specifications and conditions of approval. Corrective improvements shall be undertaken as necessary to continuously conform with and implement conditions of Project approval including, as applicable, repair, repainting and/or replacement of Project components as needed. Where a Project is found to be non-compliant, the Applicant shall adhere to City recommendations to bring the Project into compliance.
14. *[Only applies to residential projects with affordable housing]*. As a condition precedent to obtaining a building permit, the Applicant shall prepare and submit an Affordable Housing Agreement for review and approval by City Council prior to execution. The purpose of the Affordable Housing Agreement is to create easements, conditions, covenants, restrictions, liens, servitudes, and charges upon and subject to which Affordable Units and each and every part and portion thereof shall be occupied, owned, maintained, held, leased, rented, sold, and conveyed. As a condition prerequisite to obtaining a Final Building Inspection Clearance, the Affordable Housing Agreement (and, if the Affordable Units are owner-occupied, resale restrictions, deeds of trust and/or other such documents) shall be recorded against parcels having such Affordable Units. The form and content of the Affordable Housing Agreement shall be determined by the City and, among things, address: (i) the size, type and location of Affordable Units to be constructed on-site; (ii) affirmative marketing procedures and the City's right of first refusal to occupy Affordable Units with Target Households of its choosing; (iii) price and resale restrictions, with the City's right to recapture a share of equity for sales that occur prior to expiration of the affordability period; (iv) income verification, tenant screening, eligibility re-certification and inspection procedures, with the Applicant's obligation to pay an annual monitoring fee for the term of required affordability; and (v) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.
15. Upon completion of construction and prior to occupancy or use, the Planning Director shall conduct a Project Inspection prior to and as a condition precedent to

obtaining Final Building Inspection Clearance. Compliance with all conditions of approval is a pre-requisite to obtaining the Final Building Inspection Clearance.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date