

ATTACHMENT 8:

CONDITIONS OF APPROVAL BELL STREET MIXED-USE TENTATIVE TRACT MAP CASE NO. 16TRM-00000-00002, TRM 14,821 APN: 101-181-001

- 1. Proj Des-01 Project Description.** This Tentative Tract Map is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project involves a Tentative Tract Map for a one-lot (APN 101-181-001) subdivision for condominium purposes, for the construction of one commercial building and four residential units. The Los Alamos Community Services District will supply water and wastewater treatment services. A 22-foot wide pervious concrete private driveway off of St. Joseph Street will provide access to the project site.

Land Use Permit Case No. 17LUP-00000-00413 is for the construction of one commercial building and four residential units total. Total development will consist of approximately 12,143 square feet (gross) of development which includes four residential condominiums totaling approximately 7,007 square feet and one commercial building totaling approximately 5,203 square feet. On-site parking will include four covered parking spaces (one for each residential unit), two standard parking spaces, and one accessible parking space. Grading will consist of approximately 300 cubic yards of cut and 180 cubic yards of fill. The remaining 120 cubic yards of excess material will be exported offsite. Four sycamore trees are proposed for removal. Landscaping will consist of approximately 6,000 square feet of drought-tolerant, native species. The Los Alamos Community Services District will provide water and wastewater treatment services for the development. St. Joseph Street and a new proposed 22-foot wide private driveway will provide access to the site. In addition, the project includes the abandonment of a six-foot wide portion of county road right-of-way along a portion of St. Joseph Street that fronts the project site.

The project involves an Ordinance Amendment (Case No. 17ORD-00000-00016), to allow for residential development on all floors of buildings that abut (1) a secondary street on a lot without a Bell Street front line; and/or (2) a through street. The proposed Ordinance Amendment would provide consistency with the Bell Street Design Guidelines and the Land Use and Development Code's development standards for the CM-LA zone with regard to where residential units are allowed. This Ordinance

Amendment would apply to all parcels zoned CM-LA within Los Alamos along the Bell Street Corridor. Proposed changes are indicated below using underline font to indicate proposed additional text to be added to the regulations and strike-through font to indicate text that would be deleted:

35.24.070 - CM-LA Zone Additional Standards

Proposed development and new land uses within the CM-LA zone shall comply with the following standards in addition to those in Section 35.24.040 (Commercial Zones Development Standards).

- A. Minimum lot width for residential use.** Development that includes dwelling units shall be located on a lot with a minimum net lot width of 20 feet.
- B. Determining the front line of lot for properties in the CM-LA zone.** For the purposes of the CM-LA zone district, all lots (including through lots and corner lots) with a front line abutting Bell Street shall be considered to have a front line on Bell Street unless the review authority finds that reasonable development of the property would be precluded.
- C. Streets in the CM-LA zone.** Streets that are located parallel to Bell Street (Waite, Leslie, and portions of Main Street) shall be considered through streets. Streets that are located perpendicular to Bell Street (Centennial Street) shall be considered secondary streets.
- D. Limitations on bedrooms, floor area, uses, and location of dwelling units in the CM-LA zone.**
 1. A residential use shall not exceed two bedrooms per 700 square feet of gross floor area of commercial development on the same lot.
 2. Dwelling units are only permitted above the ground floor of buildings that abut: ~~located on a lot where the front line abuts Bell Street.~~
 - a. Bell Street; and/or
 - b. A secondary street on a lot with a Bell Street front line, unless the majority of the building façade abuts a through street as shown in Figure 2-1a.
 3. Dwelling units are permitted on all floors of buildings that abut: ~~located on a lot where the front line does not abut Bell Street.~~
 - a. A secondary street on a lot without a Bell Street front line; and/or
 - b. A through street.

4. Dwelling unit access from Bell Street is prohibited.

E. Commercial buildings in CM-LA zone.

1. Commercial uses are allowed on all floors of buildings.
 - a. Only commercial uses are permitted on the ground floor of buildings that abut:
 - (1) Bell Street; and/or
 - (2) A secondary street on a lot with a Bell Street front line, unless residential uses are allowed on all floors in compliance with Subsections D.2 and D.3 above.
2. The floor area devoted to commercial uses is limited by the setbacks and build-to-lines shown in Figure 2-1 (Setbacks and Build-to-Lines for Structures).
3. Buildings with a Bell Street frontline shall be commercial on the ground floor.

F. Setbacks and Build-to-Lines for structures. The setbacks in Table 2-18 apply as measured from the front line. Buildings shall be located within the shaded area shown in Figure 2-1 (Setbacks and Build-to-Lines for Structures) below.

Table 2-18 Setbacks and Build-to Lines for Structures

<u>Lot Building front line abutting Bell Street.</u>	
a.	Bell Street setback: Zero ft.
b.	Secondary street setback: zero ft.
c.	Side setback: Zero ft., however, exceptions may be allowed by the review authority for side setbacks that provide access to commercial parking and enhance pedestrian circulation. However, in no case shall the distance between buildings on the subject lot and on an adjacent lot abutting Bell Street exceed 10 ft.
d.	From building rear build-to-line: 80 ft. maximum from edge of lot frontage.
<u>Lot Building front line not abutting Bell Street.</u>	
1.	Through street setback: Minimum five ft., not to exceed 15 ft.
2.	Rear setback when not adjacent to street: None required, however if provided shall be a maximum of 10 ft.
3.	Secondary street setback: None required, however, if provided shall not exceed 10 ft.
4.	Side setback: None required, however, if allowed by the review authority, shall not exceed 10 ft., unless additional setback area is needed to accommodate a driveway, in which case, the maximum setback shall be equivalent to the minimum required driveway width.
5.	Front building rear build-to-line: 60 ft. maximum from the edge of lot front line.

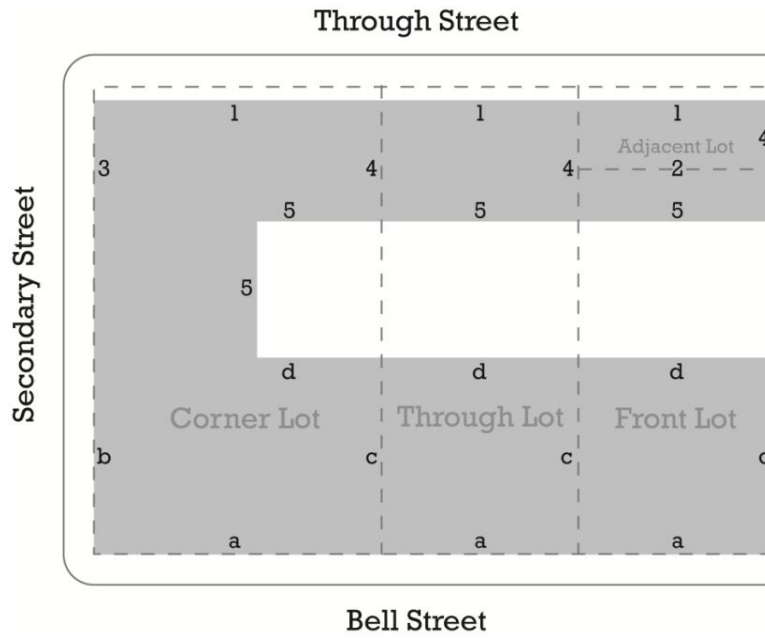




Figure 2-1 – Setbacks and Build-to-Lines for Structures

 REPRESENTS BUILDINGS WITH ONLY COMMERCIAL ON GROUND FLOOR. RESIDENTIAL ONLY ABOVE GROUND FLOOR.
 REPRESENTS BUILDINGS WITH RESIDENTIAL AND COMMERCIAL ON ALL FLOORS.

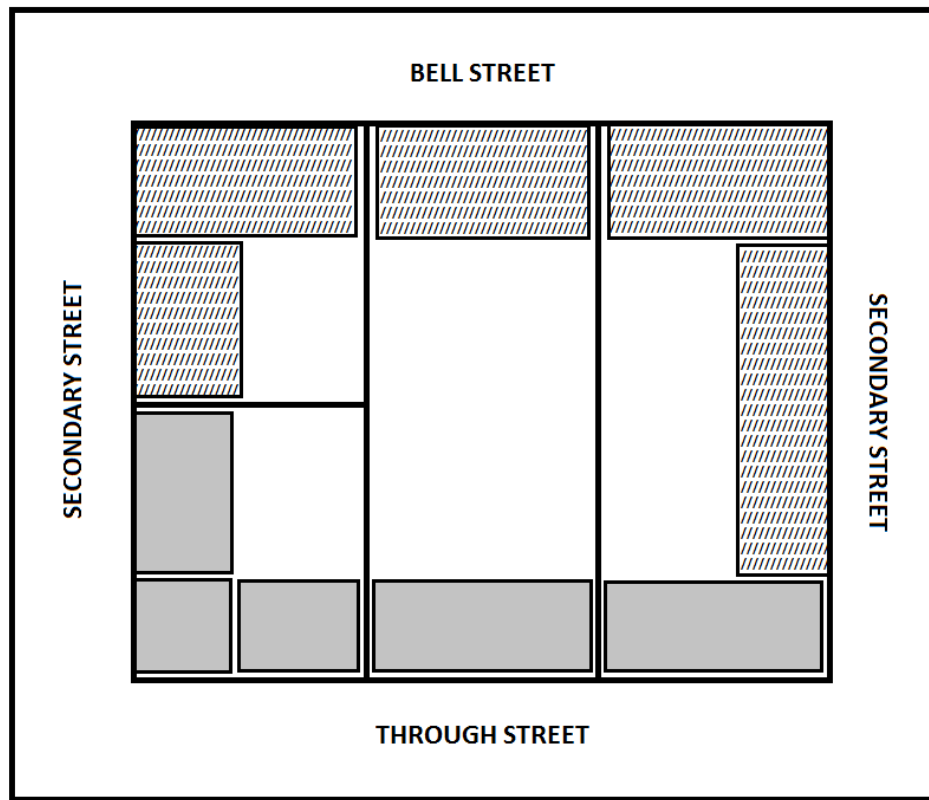


Figure 2-1a - Allowed Building Uses

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.
- 3. Buyer Beware Notice.** Prior to or concurrent with map recordation, the Owner/Applicant shall record a Buyer Beware Notice covering each lot to instruct future property owners that the lots were created without a guarantee of public water and sewer service and that future lot owners will be required to demonstrate adequate public water and sewer service prior to obtaining Zoning and Building Permits for future lot development. A copy of said Notice shall be submitted to P&D for review and approval prior to Final Map Clearance.
- 4. Map-01 Maps-Info.** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements, and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Final Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
- 5. Map -01b Maps-Not Retroactive.** If Zoning Clearances are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued permit.
- 6. Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Final Map, the Owner/Applicant shall submit a Final Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description, and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
- 7. Map-06 Title to Common Space.** Title to the common open space and parking areas shall be held by a non-profit association of all homeowners within the project areas or other non-profit entity on such reasonable terms and conditions as the Board of Supervisors may

prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved project. If the common open space is conveyed to a group other than the homeowners association, the rights to develop such property with uses other than those described in the approved project shall be conveyed to the County of Santa Barbara.

8. Map-07 CCR Maintenance. The Applicant shall record Codes Covenants and Restrictions (CC&Rs) which provide for shared maintenance responsibilities by all owners for the:

1. Common area landscaping / irrigation;
2. Storm Water Quality Management Plan components.

The CC&Rs shall also include responsibilities for all owners to maintain the property in compliance with all conditions of approval of the project:

1. Drought tolerant landscape;
2. Restrictions on tree removal;
3. Recycling requirements;
4. Restrictions on water softeners;
5. Any Air Quality Green House Gas requirements.

The CC&R language is subject to approvals from P&D and County Counsel. In addition, the Owner/Applicant shall record a buyer notification that reads as follows: "IMPORTANT: BUYER NOTIFICATION: The Home Owners Association shall obtain County approval for Amendments to any CC&R provision related to project requirements. All owners shall maintain property in compliance with all conditions of approval for the project."

9. Map-08 Water and Sewer Connections. If, prior to the Board action to approve the recording of the Final Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.

10. Map-10 Public Utility Easements. Prior to Recordation, utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the Final Map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.

- 11. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 12. Rules-06 Recorded Map Required.** Tentative Map No. 14,821 shall be recorded prior to approval of any permits for development, including grading.
- 13. Rules-19 Map Revisions.** If the unrecorded Tentative Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Map.
- 14. Rules-23 Processing Fees Required.** Prior to issuance of a Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 15. Rules-29 Other Dept Conditions.**

Compliance with Departmental/Division letters required as follows:

 - a. County Surveyor dated April 26, 2016
 - b. Flood Control Water Agency dated May 5, 2016.
- 16. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 17. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify, and hold harmless the County or its agents or officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action, or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 18. Rules-36 Map Expiration.** This Tentative Map expires three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.
- 19. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review

authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

Bell Street Project/ Case Nos. 17ORD-00000-00016,
16TRM-00000-00002, 17LUP-00000-00413
Hearing Date: March 13, 2018
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