



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 016-19 3405 SEA LEDGE LANE MODIFICATIONS AND COASTAL DEVELOPMENT PERMIT OCTOBER 3, 2019

APPLICATION OF HEIDI JONES, APPLICANT FOR DAVID AND BARBARA MELINE, PROPERTY OWNERS, 3405 SEA LEDGE LANE, APN 047-082-008, A-1/S-D-3 ZONES, LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: HILLSIDE RESIDENTIAL 1 DU/AC (PLN2019-00086/CDP2019-00012)

The project consists of the demolition of an existing 1,620 square foot single-story residence and 462 square foot detached garage; and construction of a new approximately 2,761 square foot single-story residence with a detached approximately 714 square foot garage/storage building (461 square foot garage and 253 square feet of storage area), and a new 477 square foot detached Accessory Dwelling Unit. Total accessory building floor area, excluding the garage, would be 730 square feet. The garage/storage building and Accessory Dwelling Unit would be located in front of the proposed new residence and therefore require modifications for both their location in the front setback and front yard. The project also includes construction of a new entry gate, fencing, trash enclosure, and motor court, including an uncovered parking space to serve the Accessory Dwelling Unit, removal of twelve fruit/citrus trees and installation of six new trees and landscaping, and abandonment of the existing septic system and connection to the City sewer system. Approximately 50 cubic yards of cut and 300 cubic yards of fill would be required to complete the improvements. Associated improvements to the north side of private Sea Ledge Lane include approximately 110 linear feet of retaining wall with a maximum height of 3.5 feet, and approximately 500 square feet of new asphalt paving to widen the roadway.

The discretionary applications required for this project are:

1. A Front Setback Modification along Sea Ledge Lane to allow encroachment of the detached garage/storage building and Accessory Dwelling Unit into the required 35-foot front setback (SBMC §28.15.060.A.1 and §28.92.110.A.2);
2. A Modification for the Accessory Dwelling Unit and storage portion of the garage/storage building to be located in the front yard (SBMC §28.87.160.B and §28.92.110.A.2);
3. A Modification to allow the total aggregate floor area of accessory buildings on the property (excluding garages) to exceed 500 square feet (SBMC §28.87.160.C and §28.92.110.A.2); and
4. A Coastal Development Permit (CDP2019-00012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

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

WHEREAS, one person appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 26, 2019
2. Site Plans
3. Correspondence received in support of the project:
 - a. Jacques Habra and Angela Wilkening, Santa Barbara CA
 - b. David Neubauer, Sea Ledge Lane Property Association

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

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

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)

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

B. FRONT SETBACK MODIFICATION (SBMC §28.92.110.A.2)

The requested Front Setback Modification is consistent with the purposes and intent of Santa Barbara Municipal Code Title 28, and is necessary to (i) secure an appropriate improvement on a lot, and (ii) prevent unreasonable hardship, as described in Section VI.A.1.a of the Staff Report.

C. FRONT YARD MODIFICATION (SBMC §28.92.110.A.2)

The requested Modification is consistent with the purposes and intent of Santa Barbara Municipal Code Title 28, and is necessary to secure an appropriate improvement on a lot, as described in Section VI.A.1.b of the Staff Report.

D. ACCESSORY BUILDING FLOOR AREA MODIFICATION (SBMC §28.92.110.A.2)

The requested Modification to allow accessory buildings is found consistent with the purposes and intent of Santa Barbara Municipal Code Title 28, and are necessary to secure an appropriate improvement on a lot, as described in Section VI.A.1.c of the Staff Report.

E. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act, as described in Section VI.B of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Section VI.A and VI.B of the Staff Report.

II. Said approval is subject to the following conditions:

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

1. Obtain all required design review approvals.

2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures/improvements and/or perform rough grading. Comply with Condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required water and sewer services, and any construction in the public right-of-way, and complete said work.

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

B. Recorded Conditions Agreement. The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 3, 2019 is limited to the demolition of an existing 1,620 square foot single-story residence and 462 square foot detached garage; and construction of a new approximately 2,761 square foot single-story residence with a detached 714 square foot garage/storage building (461 square foot garage and 253 square feet of storage area), and a new 477 square foot detached Accessory Dwelling Unit. The project also includes construction of a new entry gate, fencing, trash enclosure, and motor court including an uncovered parking space to serve the Accessory Dwelling Unit; the removal of twelve fruit/citrus trees and installation of six new trees and landscaping; and abandonment of the existing septic system and connection to the City sewer system. Approximately 50 cubic yards of cut and 300 cubic yards of fill would be required to complete the improvements. Associated improvements to the north side of private Sea Ledge Lane include approximately 110 linear feet of retaining wall with a maximum height of 3.5 feet, and approximately 500 square feet of new asphalt paving to widen the roadway. The approved development is described in the Applicant Letter dated June 27, 2019 and is shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the 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 in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit and Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Accessory Dwelling Unit Restrictions.** The Accessory Dwelling Unit shall remain at all times consistent with the City's Ordinance requirements.
7. **Future Threats to Development.** By acceptance of this permit, the Owner agrees, on behalf of him/herself and all successors and assigns, that the Owner shall remove the development authorized by this permit, including the residence, garage/storage building, Accessory Dwelling Unit, foundations, and hardscaping if any government agency has ordered that the structure(s) is not to be occupied or is otherwise unsafe due to imminent threat of damage or destruction from any shoreline hazard. In the event that portions of the development fall to the beach before they are removed, the Owner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require authorization through an emergency and/or regular Coastal Development Permit.
8. **Slope Stabilization Limitation.** The construction of new or substantially redeveloped slope stabilization devices to protect the new development from any shoreline hazard is prohibited.
9. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site and public services to the site may be subject to extraordinary hazards from beach erosion, bluff erosion, coastal bluff slope failure, coastal flooding, wave impacts, or other hazards associated with development on a coastal bluff top, now and in the future, factoring in the effects of sea level rise, and assumes liability for such hazards. Public services to the site may not be maintained in perpetuity due to the impacts of sea level rise. The Owner assumes the risks of injury and damage from such hazards in connection with the permitted development. 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.

10. **Ownership Limitation.** This Coastal Development Permit is limited to only that time period that the land underlying the development is under the ownership of the applicant or successor in interest. If the public trust boundary moves landward resulting in the development encroaching onto public trust lands, the Coastal Development Permit will expire and the development on such public trust lands must be removed at the property owner's expense, unless the property owner obtains appropriate legal authorization from the trustee of the public trust lands (e.g., City of Santa Barbara or State Lands Commission) and obtains a new Coastal Development Permit from the California Coastal Commission to authorize any development of public tidelands. Authorization for such development on public trust lands is restricted by the Coastal Act and Public Trust Doctrine and may not be allowed if the proposed use significantly interferes with public access or other public trust uses.
 11. **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.
 12. **Development Rights Restrictions on Bluff Face.** To ensure the bluff face will remain in its natural state, the Owner shall not cause or suffer any development on, or make any use of, the bluff face identified on the approved plans. The bluff face shall include those areas downslope of the identified coastal bluff edge. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the landscape plans. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
 13. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use 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 tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.

2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the trees shall be compatible with the preservation of the trees, as determined by the SFDB.
 - c. **During Construction.**
 1. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
 2. No grading shall occur within three feet of the driplines of the existing trees
 3. A qualified Arborist shall be present during any excavation beneath the driplines of the trees which are required to be protected. All excavation within the driplines of the trees shall be minimized and shall be done with hand tools.
 4. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 5. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 6. No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within five (5) feet of the dripline of any oak tree.
 7. 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.
3. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff and within the 75-year seacliff retreat setback (Coastal Bluff Edge Development Buffer). All existing succulent plants that add weight to the bluff 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.
4. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge

shall be kept to the minimum necessary for plant survival. The drip and spray system along the bluff edge shall be removed after one full season of plant growth.

5. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
6. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.

D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- b. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- c. **Private Sewer Force Main Agreement.** The Owner shall submit an executed/recorded Agreement for Maintenance of Private Sewer Main System between 3405 Sea Ledge Lane and 3410 Sea Ledge Lane per Municipal Code Section 14.44.160.
- d. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in Condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance

Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

- c. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in Condition E.2 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- d. **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to ensure that the primary residence shall remain a three-bedroom single-unit residence.
- e. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. The following statement shall be signed prior to issuance of and permits: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date

Contractor	Date	License No.

Architect	Date	License No.

Engineer	Date	License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
 - 1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said

sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed six square feet if in a single family zone.

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Architect, Landscape Architect, Geologist, Contractor and each Subcontractor.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

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

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

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

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit. If permitted, City standard no parking signs shall be used which list the Public Works Counter phone number and permit number to assist in responding to construction complaints.
5. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).

6. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
 - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
 - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
7. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout

grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

F. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

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

III. Said approval is subject to the following time limits:

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

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

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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS:

If a project requires multiple discretionary permits or approvals, the expiration date shall be measured from date of final action of the City on the longest discretionary approval permit or approval related to the application (excluding design review approval), unless otherwise specified by State or federal law, per Santa Barbara Municipal Code §28.87.370.

This motion was passed and adopted on the 3rd day of October, 2019 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Wiscomb)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Heidi Reidel, Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.