



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 001-20 923 CASTILLO STREET TENTATIVE SUBDIVISION MAP FEBRUARY 13, 2020

APPLICATION OF RICHARD REDMOND, ARCHITECT FOR TAYLOR TATMAN, PROPERTY OWNER OF 923 CASTILLO STREET, APN: 039-301-014, R-M (RESIDENTIAL MULTI-UNIT) ZONE, GENERAL PLAN LAND USE DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) (PLN2015-00468)

The proposed project involves the construction of three two-bedroom condominium units with seven on-grade parking spaces on a vacant 9,040-square-foot lot (8,966 net square feet after sidewalk dedication) adjacent to Mission Creek. The proposed three-unit condominium project would be 14.57 dwelling units per acre (du/acre), which is consistent with the R-M (Residential Multi-Unit) Zone and with the General Plan Designation of Medium High Density Residential (15-27 du/acre).

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC Chapters 27.07 and 27.13).

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, no one appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 6, 2020
2. Site Plans

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. THE TENTATIVE MAP (SBMC §27.07.100)

1. The Tentative Subdivision Map complies with all requirements and conditions of the Subdivision Map Act and the Municipal Code, as outlined in section VII of the staff report.
2. The Tentative Subdivision Map is consistent with the General Plan and depicts a land division and land use which are compatible with the objectives, policies, general land uses and programs specified in the General Plan, as described in Section IX of the Staff Report.

The proposed use is consistent with the vision for this neighborhood of the General Plan because it is located in a multi-family residential zone designated for use at Medium High residential densities, and, at a density of 14.57 dwelling units per acre, the project is consistent with this designation.

3. The Tentative Subdivision Map is consistent with the Zoning Ordinance of the City of Santa Barbara, as described in Section VII of the Staff Report.
4. The design or improvement of the proposed development is consistent with applicable general and specific plans because the new development would result in three new residential units consistent with the General Plan land use designation and existing development of the surrounding neighborhood, as described in Section IX of the Staff Report.
5. The site is physically suitable for the proposed type of development because the size of the lot allows for a maximum of three dwelling units as described in Section VII of the Staff Report, the project complies with all zoning requirements, and the proposed creek setback provides adequate protection of Mission Creek.
6. The site is physically suitable for the proposed density of development because the General Plan land use designation allows for up to 27 dwelling units per acre and the proposed project results in 14.57 dwelling units per acre as described in Sections VII and IX of the Staff Report.
7. The design of the project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because, as described in the Biological Resources Report dated July 3, 2017, prepared by Bruce Reitherman, the creek is encased in concrete for approximately 1.4 miles upstream of the project site and supports virtually no vegetation, native or otherwise, within the concrete portion of the channel or its banks and the project incorporates a creek restoration plan at the rear of the property along the concrete lined creek bed.
8. The design of the development will not cause serious public health problems because the project is consistent with the Zoning Ordinance, implements appropriate design standards for air quality, and is compatible with the surrounding neighborhood. As described in Section X of the Staff Report, no significant environmental impacts would result from the project.
9. The design of the development will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development because none currently exist on the private property and the applicant has provided a dedication along the front of the property in order to install sidewalk, curb, and gutter consistent with the Pedestrian Master Plan. Also, an access easement will be granted to the City in order that the Creek may be maintained.
10. The project site is not located adjacent to, and cannot provide public access to, public natural resources; therefore, the Tentative Subdivision Map would not conflict with Article 3.5 of Chapter 4 of the Subdivision Map Act, which requires that a map provide for, have available, or offer dedication of reasonable public access to natural resources.

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

C. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with the physical standards for condominiums related to parking, private storage space, utility metering, laundry facilities, density, and outdoor living space requirements, as described in Section VII of the Staff Report.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project is consistent with policies of the City's General Plan including the Housing Element, Environmental Resources Element and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood, as described in Section IX of the Staff Report.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

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 City Council approval of the Parcel Map and Agreement(s) and record said documents.
4. Permits following recordation of Parcel Map.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.

5. Pay Inclusionary Housing In-Lieu Fee.

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

B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition or other appropriate (as determined by City staff) building permit for work in anticipation of primary project improvements, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 13, 2020, is limited to three condominium units, a total of seven parking spaces, and the improvements shown on the project plans, Creek Restoration and Maintenance/Monitoring Plan and Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owners shall provide for the continuation of any historic uninterrupted 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 Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, and in conjunction with the approved Creek Restoration and Maintenance/Monitoring Plan. If said landscaping is removed for any reason without approval by the ABR, 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 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. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the 35-foot creek setback area, which drains directly into Mission Creek.
7. **Central Ventilation/Filtration System.** Due to the site's proximity to Highway 101 (within 250 feet), the project shall incorporate a central ventilation system with air filtration rated at Minimum Efficiency Report Value of "MERV13" or better for enhanced particulate removal efficiency. The owner shall attach a copy of the operator's manual for the central ventilation and filtration system as an exhibit to every lease of the building or any portion of the building.
8. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Areas Available for Parking.** A covenant that includes a requirement that all parking areas and access thereto shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking was designed and permitted.
 - c. **Parking Space Assignment.** Parking spaces within the project shall be allocated.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common

interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

- f. **Public Improvement Districts.** A covenant that includes a waiver of the right to protest formation of public improvement districts.
- g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel map and prior to the issuance of any permits for the project except a demolition or other appropriate (as determined by City staff) permit for work in anticipation of primary project improvement:

- 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
- 2. **Dedication.** Dedications as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the dedication scope and location by the Public Works Department.
 - a. An easement or in-fee dedication consistent with current City ownership of Castillo Street for all street and/or right-of-way purposes along Castillo Street approximately one foot in width as needed for the required public improvements.
 - b. Dedication of a creek restoration conservation easement with a minimum width of 15 feet.
- 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- 4. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Parcel Map.
- 5. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not

limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

6. **Castillo Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Castillo Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new construction to City standards of: a 6-foot wide sidewalk and a 4-foot wide parkway (not including curb); a minimum 10-foot wide residential driveway apron; approximately 50 linear feet of public sewer main extension and manhole or as needed to provide service to the property; crack seal to the centerline of the street along entire subject property frontage and slurry seal; the slurry seal to also extend a minimum of 20 feet beyond the limits of all trenching; preserve and/or reset survey monuments; storm drain stenciling; and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 7. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **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 ABR.
 2. **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 ABR.
 3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (at least 50 percent of the total area) shall be provided on the Real Property and screened from view from surrounding properties and the street.
 4. **Highway 101.** Because of the site's proximity to Highway 101 (within 250 feet), the project shall incorporate a central ventilation system with air filtration rated at Minimum

Efficiency Report Value of “MERV13” or better for enhanced particulate removal efficiency.

5. **250-Foot Highway 101 Setback.** Delineate the 250-foot Highway 101 setback on project plan sheets.
6. **Noise Levels for Residential Units.** The walls, doors, and windows of the residential units shall be constructed to include sufficient noise attenuation to reduce interior noise levels to 45 dBA Ldn. Required private open yard areas shall have noise levels that do not exceed 65 dBA Ldn. The applicant shall submit a Noise Report demonstrating that the project satisfies the above-referenced noise levels. Said Report shall identify any noise attenuation measures needed to satisfy the noise requirement, and any such measures shall be incorporated into the project.

E. **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. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition C.6 “Castillo Street Public Improvements” shall be completed and accepted prior to issuance of a building permit. The Owner may obtain a building permit prior to completion of public improvement plans if owner signs an *Agreement for Land Development Improvements* as prescribed by the City and provides the City surety in the amount of 100% of the City approved engineers estimate for faithful performance and labor and materials.
- b. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site.
- c. **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.

2. **Community Development Department.**

- a. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of a building **permits for the condominiums.**
- b. **Creek Restoration and Maintenance/Monitoring Plan.** Please provide a signed contract with a Landscape Maintenance Contractor and a Restoration

Specialist/Biologist to document the 5 year maintenance plan as described in the approved Creek Restoration Plan.

- c. **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 D “Design Review,” and all elements/specifications shall be implemented on-site.
- d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Parcel map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

F. **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, 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 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- 2. **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.

3. **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.
4. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
5. **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.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest

practical number is operating at any one time. Construction worker trips should be minimized by encouraging carpooling.

6. **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.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Creek Restoration Plan.** The creek restoration area should be inspected by the contractor, restoration specialist and a staff member from the Creeks Division to verify compliance with the approved Creek Restoration Plan.
 2. **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.

3. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
4. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$49,766.00 to the Community Development Department.
5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11” board and submitted to the Planning Division.
6. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B “Recorded Conditions Agreement” have been recorded.

H. **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. **Site Maintenance.** The existing site shall be maintained and secured.
4. **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:

The Planning Commission action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 13th day of February, 2020 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 0

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

Heidi Reidel, Commission Secretary

Date

PLEASE BE ADVISED:

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