



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 007-20

### INTERSECTION OF OLIVE MILL ROAD, COAST VILLAGE ROAD, NORTH JAMESON LANE COASTAL DEVELOPMENT PERMIT AUGUST 20, 2020

**APPLICATION OF CITY OF SANTA BARBARA PUBLIC WORKS, COUNTY OF SANTA BARBARA PUBLIC WORKS, SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS, AND CALIFORNIA DEPARTMENT OF TRANSPORTATION, OWNER OF INTERSECTION OF OLIVE MILL ROAD, COAST VILLAGE ROAD, NORTH JAMESON LANE, AND HIGHWAY 101, APN: RIGHT-OF-WAY, ZONE: (CITY) C-1/S-D-3, (COUNTY) TC; LAND USE DESIGNATION: (CITY) COMMERCIAL/MED-HIGH RESIDENTIAL, (COUNTY) TRANSPORTATION CORRIDOR, MONTECITO COMMUNITY PLAN; ((CITY) PLN2019-00115, CDP2019-00008; (COUNTY) 19DVP-00000-00024, 19CDP-00000-00048)**

The project consists of reconfiguring the six-legged intersection at Olive Mill Road, Coast Village Road, Jameson Lane, Highway (HWY) 101 northbound off-ramp, and HWY 101 southbound on-ramp to a single lane roundabout. The approaches to the intersection at each of the legs would be modified to include new road curvature (to slow traffic), pedestrian refuge islands, sidewalks, street lighting, signage, crosswalks, landscaping, and drainage facilities. The project requires a Coastal Development Permit from the City (PLN2019-00115, CDP2019-00008) and requires a Development Plan and Coastal Development Permit from the County (19DVP-00000-00024, 19CDP-00000-00048). The project is appealable to the Coastal Commission per Public Resources Code §30603(a)(5).

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

**WHEREAS**, three people appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 13, 2020
2. Site Plans
3. Correspondence received in support of the project:
  - a. Douglas Fell, Santa Barbara CA
  - b. Nancy Mullholland, Santa Barbara CA
  - c. Pamela Boehr, Santa Barbara CA
  - d. Roger Rittner, Santa Barbara CA
  - e. Scott Wenz, Santa Barbara CA
  - f. Thomas Becker, Santa Barbara CA
  - g. Tod Berlinger, Santa Barbara CA

**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 §15162 AND §15164)**

The Planning Commission has considered the Addendum dated July 22, 2020 together with the previously certified EIR dated August 26, 2014 (2014 EIR), Revised EIR dated October 27, 2017 (2017 EIR), and EIR Addendum dated June 1, 2018, and finds that the Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA. Therefore, the Addendum, together with the previously certified 2014 EIR, 2017 EIR, and EIR Addendum dated June 1, 2018, is adequate for this project. On the basis of the whole record, including the Addendum, the previously certified CEQA documents, and any public comments received, the Planning Commission finds that the project changes described in the Addendum will neither create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, nor present new information of substantial importance pursuant to CEQA Guidelines §15162.

**B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. 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 because the project will improve the efficiency of the intersection, with a design that is sensitive to the character of the area including historic resources, as described in Section VI.B of the Staff Report.
2. The project is consistent with the policies of the California Coastal Act, because the project will enhance and restore the overall quality of the coastal zone, assure orderly utilization of the intersection, maximize public access to and along the coast, and improve recreational facilities, as described in Section VI.B of the Staff Report.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property. The owner of this project, and as referenced herein as "Owner", is the City of Santa Barbara Public Works Department for the portion of the project that is within the city limits. The County of Santa Barbara Public Works Department, is the owner of and responsible for the portion of the project that is within unincorporated part of the County of Santa Barbara, and Caltrans for the areas of jurisdiction that are under their authority. Jurisdictional boundaries are noted on the project plans. This approval, and associated conditions of approval, is limited to the portion of the project located within the jurisdiction of the City of Santa Barbara.

The Owner has delegated the delivery of final design and construction of the project to the Santa Barbara County Association of Governments (SBCAG) therefore implementation of the conditions approval are delegated to SBCAG with oversight by the City of Santa Barbara.

- 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. Permits. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

- B. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 20, 2020 is limited to that portion of the project located within City jurisdiction for construction of a single-lane roundabout at the intersection at Coast Village Road, North Jameson Lane, Olive Mill Road, and Highway 101. The project includes the removal of up to 50 trees and installation of replacement trees. Grading includes 1,400 cubic yards of cut and 2,000 cubic yards of fill. The project includes new sidewalks, landscaping, lighting, signage, fencing, stormwater retention basins and bioswales, and the improvements shown on the plans signed by the Planning Commission Chair on said date and on file at the City of Santa Barbara.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Storm Water Treatment Plan.** Prior to Final Design Approval, storm water treatment BMP's shall be incorporated into the project plans as follows:
  - a. A description of proposed storm water BMPs shall be included in the scope of work, or project description section of the plan cover sheet.
  - b. The site plan shall include all locations of all BMPs and a reference to the details on the Civil sheets.
  - c. The amount of proposed new impervious area, the amount of proposed replaced impervious area, and the amount of removed impervious area in the project statistics shall be provided on a section of the plan cover sheet.
  - d. Indicate where storm water from all impervious area for the entire parcel will flow (i.e. clearly show how all hardscape will be treated by proposed BMPs). It must be demonstrated that no runoff requiring treatment is bypassing the proposed BMPs.
  - e. On the plan sheets (typically Civil sheets) reproduce documentation signed by City Public Works that the proposed storm water BMPs (list individually) will be maintained pursuant to SBMC 22.87.050.
  - f. On the first sheet of the plans adjacent to the list of "Special Inspections and Structural Observations", include a list of the mandatory inspections by the City Inspector or City QSP for all storm water post-construction improvements (BMP). List the inspections required for the different construction phases individually for each type of BMP. The list shall include critical phases of the construction process when an inspection is necessary to confirm the BMPs are installed correctly.
  - g. Before the Public Works Permit is finalized, the project Civil Engineer that designed the post-construction BMPs must submit a stamped letter verifying that all post-

construction BMPs were installed as approved and that they comply with the City's Tier 3 storm water requirements. Additionally, the Public Works Department will certify compliance on behalf of the City.

2. **Tree Protection and Replacement Plan.** A Final Tree Protection and Replacement Plan shall be prepared that incorporates the tree protection, removal and replacement recommendations contained in the arborist's report prepared by Rincon Consultants, dated April 10, 2020. The Final Tree Protection and Replacement Plan, shall include the following:
  - a. Inventory of existing trees surveyed within the project area greater than 4 inches in diameter at breast height in the City's jurisdiction and greater than 6 inches in diameter at breast height in the County's jurisdiction. Tree species, diameter at breast height, and jurisdiction shall be identified for each tree.
  - b. Identification of trees to be protected in place on project plans, along with protective measures to be implemented. Protection measures shall include, but are not limited to, tree protection fencing, signage, and monitoring of certain activities by an arborist or biologist.
  - c. Identification of trees to be removed or significantly impacted on project plans.
  - d. Replacement planting ratio of 3:1 with 15-gallon containers. Oaks and sycamores shall be replaced in kind; non-native trees may be replaced with trees of various species.
  - e. Three 24-inch minimum box trees shall be installed in the public right-of-way adjacent to private property at 110 Olive Mill Road if the homeowner requests them.
  - f. Planting location, size, quantities, species, method of irrigation and provide details for root and foliage protection.
3. **Plan Notation Regarding Tree Protection and Replacement Plan.** Include a note on the plans that the recommendations/conditions contained in the Arborist's Report/ Tree Protection and Replacement Plan shall be implemented.
4. **Bus Stop.** The proposed bus stop on Olive Mill Road shall be adjusted or relocated such that permanent vehicular access to the driveway serving 1298 Coast Village Road is maintained at all times.
5. **Lighting.** Lighting shall be code compliant and provide the minimum required light levels. Full cut off, dark skies compliant light fixtures have been selected at heights to minimize glare and light pollution while focusing the light on the roundabout. The lighting levels shall not exceed the minimum requirement of any applicable legal standard, and ten volt dimmers shall be installed and maintained to attain the minimum lighting levels.
6. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure.
7. **Screened Backflow Device.** The backflow devices for irrigation systems shall be provided in a location screened from public view, as approved by the ABR.

8. **Location of Dry Utilities.** If dry utilities are placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.

D. **Mitigation Measures.** The following mitigation measures identified in the 2017 South Coast 101 High Occupancy Vehicle (HOV) Lanes Project Revised EIR/Environmental Assessment (SCH#2009091018), 2018 Addendum, and 2020 Addendum dated July 22, 2020, shall apply to the project.

1. **Aesthetics.**

- a. All proposed concrete barriers shall include aesthetic treatment such as texture and/or color appropriate for the setting.
- b. Drainage structures visible from public areas shall be designed to visually blend-in with the setting as much as possible.
- c. If new traffic management system elements such as radar, cameras, and other equipment are added to the project, all visible components shall be located in the least obtrusive locations possible and colored to reduce visibility.
- d. All new lighting shall minimize excess light and glare by careful placement of the poles, height and position of luminaires, and shielded lenses where feasible.
- e. All areas where existing ramps and other paved surfaces are removed and where new landscaping is proposed shall be made suitable for planting.
- f. Existing trees and shrubs shall be preserved to the greatest extent possible.
- g. Existing healthy palm trees that are affected by the project shall be transplanted to other areas within the project.
- h. Planting shall be included with any retaining walls to the greatest extent possible.
- i. The landscaping plan shall include historically successful plant species throughout the corridor.
- j. All aesthetic planting shall use larger container-size plant material where appropriate. Trees shall be planted, at minimum, from 15-gallon containers.
- k. All permanent storm water treatment measures shall be designed to visually fit with the ornamental or natural landscaped roadsides to the greatest extent feasible considering their intended function. Swales, ditches and basins shall appear as natural as possible. Built structures shall be architecturally treated, colored or hidden from view with planting.

2. **Air Quality.**

- 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 includes wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency is required whenever the wind speed exceeds 15 miles per hour. Reclaimed water shall be used whenever possible. However, reclaimed water shall not be used in or around crops for human consumption.

- b. Minimize amount of disturbed area and reduce onsite vehicle speeds to 15 miles per hour or less.
- c. If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- d. Gravel pads shall be installed at all access points to prevent tracking mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, re-vegetation, or spreading soil binders until the area is paved or otherwise developed so that dust generation does not occur.
- f. The contractor or builder shall designate a person to monitor the dust control program and to order increased watering, as necessary to prevent transportation of dust offsite. The individual's duties include holiday and weekend periods when work may not be in progress. The name and telephone number of such a person shall be provided to the Santa Barbara County Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain a permit from Santa Barbara County Air Pollution Control District.
- h. Fleet owners are subject to Sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations to reduce diesel particulate matter and criteria pollutant emissions from in-use off-road diesel-fueled vehicles.
- i. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; auxiliary power units will be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board's (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards will be used to the maximum extent feasible.
- k. Diesel-powered equipment shall be replaced by electric equipment whenever feasible.
- l. To the extent 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 the Environmental Protection Agency or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

- n. 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.

**3. Biological Resources.**

- a. Existing trees and shrubs shall be preserved to the greatest extent possible.
- b. All oaks and other native trees greater than 6 inches in diameter at breast height to remain in the project vicinity shall be delineated on design plans. Prior to any ground-disturbing activities, environmentally sensitive area fencing shall be installed around the drip line of the trees to be protected. Where feasible, fencing will be established at least 5 feet from the drip line of trees to be protected.
- c. The Caltrans Standard Specifications for Bird Protection shall be included with the project's contract.
- d. Non-standard Specifications for nesting swallows shall be included with the project's Plans and Specifications. If construction activities occur on these structures during the swallow nesting season (March to August), a qualified biologist shall inspect all nests to ensure that no birds are using them. If the nests are abandoned, the contractor can remove the nests before March 1 and either prohibit birds from accessing the structure using netting or actively discourage nesting.
- e. To avoid impacts to nesting birds, tree and vegetation removal shall occur between September 1 and February 15. If tree removal is required during the nesting season, a qualified biologist shall conduct a focused survey for active bird nests in the trees to be removed. If any active migratory bird nests are found, Caltrans shall coordinate with the California Department of Fish and Wildlife and the City/County to determine an appropriate buffer based on the habits and needs of the species. The nest shall not be removed until the young have fledged and nesting is complete. If any nesting white-tailed kites are observed during surveys, City and County shall be immediately notified. White-tailed kite nests shall be fully avoided. The City and County shall coordinate with California Department of Fish and Wildlife regarding appropriate avoidance measures while the nest is active.
- f. For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a qualified biologist no more than 14 days prior to initiation of vegetation removal and/or initiation of construction activities. If any nesting white-tailed kites are observed during surveys City and County shall be immediately notified. White-tailed kite nests shall be fully avoided. The City and County shall coordinate with California Department of Fish and Wildlife regarding appropriate avoidance measures while the nest is active. Surveys shall include the private property right-of-entry

constraints. If any other species' nests are located during surveys, all construction work shall be conducted outside the buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 250 feet for non-raptor bird species and 500 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. Readily visible exclusion zones shall be established in areas where nests must be avoided. Nests, eggs, or young of birds covered by the Migratory Bird Treaty Act and California Fish and Game Code shall not be moved or disturbed until the end of the nesting season or until young fledge, whichever is later, nor shall adult birds be killed, injured, or harassed at any time.

- g. Impacts to native oak trees greater than 6 inches diameter at breast height shall be offset by replacement planting within the project limits. Replacement plantings shall be achieved using a 3:1 ratio for each tree removed, in accordance with Santa Barbara County's Draft Guidelines for Urban Oak Trees (2006). Although higher numbers are sometimes appropriate, the limited habitat value of the trees to be removed and the fact that all replacement trees will be maintained within Caltrans right-of-way make this an appropriate number for this project. Replacement plantings will be detailed in the Caltrans landscape architecture Landscape Planting Plan. Oak tree plantings shall be monitored to ensure successful re-vegetation at six months and then once a year for three years. It is recommended that native tree and shrub species such as western sycamore, lemonade berry, toyon, laurel, sumac and coyote brush also be included as replacement plantings.
- h. To prevent new invasive species from being imported to the site, the project contractor shall implement the following control measures:
  - (1) Only certified noxious weed-free erosion control materials and fill will be used.
  - (2) All straw and seed material shall be certified weed-free by the County Agricultural Commissioner prior to being used at the project site. The California Department of Food and Agriculture maintains a current listing of noxious weeds.
  - (3) Prior to construction, a qualified botanist/biologist shall provide invasive plant prevention training and an appropriate identification/instruction guide to staff and contractors. A list of target species shall be included, along with measures for early detection and eradication.
  - (4) Prior to construction, specific areas shall be designated for cleaning of tools, vehicles, equipment, clothing and footwear, and other gear.
  - (5) Before entering and exiting the worksite, any and all tools, equipment, vehicles, clothing, and footwear, and other gear shall be cleaned to remove soil, seeds, and other plant parts.



- (6) The reproductive parts of any invasive plants, such as seeds, mature flowers, and roots/shoots of species that can reproduce vegetatively, shall be contained in sealed containers and removed from the site to a licensed landfill.
- (7) If necessary, suitable receiving areas shall be designated for invasive plant waste disposal prior to their transport to a certified landfill and 100 percent containment of the invasive plant materials during transport shall be achieved.
- (8) All disturbed areas that are not converted to hardscape or formally landscaped shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydro-seeding shall occur where no construction activities have occurred within 6 weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydro-seeding, weed removal shall occur in consultation with a qualified botanist/biologist. Alternatively, in areas not suitable for hydro-seeding, areas that are not landscaped and are planned for formal landscaping shall be mulched to reduce potential for invasive species to colonize. Mulch shall be at least 4 inches thick and shall be weed free.
- (9) For project activities outside areas of direct impact, tree resources shall be avoided by confining activities, such as traffic control and lane modifications, to within existing pavement, gravel, or other unvegetated areas.

4. **Cultural Resources.**

- a. Avoidance, minimization and mitigation measures for cultural resources in areas near Montecito Creek will be carried out through the implementation of the June 2013 *Programmatic Agreement Between the California Department of Transportation and the California State Historic Preservation Office Regarding the South Coast 101 HOV Lanes Project, U.S. Route 101, Santa Barbara County, California* and the appended *Treatment and Data Recovery Plan for the South Coast 101 HOV Lanes Project, Santa Barbara County, California* (See Appendix D, *State Historic Preservation Officer Correspondence*).
- b. Caltrans shall prepare a technical report documenting the results of the implementation of the Data Recovery Plan. Copies of the report will be distributed by Caltrans to the State Historic Preservation Officer, the Central Coast Information Center of the California Historic Resources Information System, and to the Coastal Band of the Chumash Nation, the Santa Ynez Band of Chumash Indians, and Chumash individuals and groups participating in the consultation process.
- c. If Caltrans determines during the implementation of the Data Recovery Plan or after construction of the Undertaking has commenced, that either the implementation of the Data Recovery Plan or the Undertaking will affect a previously unidentified property that may be eligible for the National Register, or affect a known historic

property in an unanticipated manner, Caltrans shall address the discovery or unanticipated effect in accordance with 36 CFR §800.13(b).

- d. If human remains are discovered, State Health and Safety Code Section 7050.5(b) states that further disturbances and activities must cease in any area or nearby area suspected to overlie remains, and the county coroner would be contacted. Pursuant to State Health and Safety Code 7050.5(c), if the county coroner/medical examiner determines that the human remains are or may be of Native American origin, the Native American Heritage Commission will be contacted and the discovery will be treated in accordance with the provisions of California Public Resources Code 5097.98(a)-(d). The Native American Heritage Commission will notify the Most Likely Descendent. The District 5 or construction personnel who discovered the remains will contact the cultural resource specialist who will then work with the Most Likely Descendent on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.

**5. Greenhouse Gas Emissions.**

- a. The Project shall incorporate recycling and waste-diversion techniques by promoting the reuse of materials such as steel, road base, concrete, asphalt-concrete, to the extent feasible (Deputy Directive 17 Recycling Asphalt Concrete).
- b. Disturbed areas will be seeded with native and drought-tolerant shrubs, perennials and grasses.
- c. Disturbed areas will be planted with a variety of native and drought-tolerant trees and shrubs in ratios sufficient to replace the air quality and cooling benefit of trees removed by construction of the Project. Any native trees removed as part of the project will be replaced at a 3:1 ratio resulting in continued increases to the biomass within the project limits. Additional trees will be planted as space allows to further increase those benefits. Street trees will be planted from large-sized containers to accelerate reestablishment of the greenhouse gas sink and to shade the pavement. Riparian planting will also be included to maintain shade along creek corridors.
- d. To the extent that it is applicable or feasible, the following measures shall be incorporated into the Project:
  - (1) Use compost and soil amendments derived from recycled wood products and green waste materials.
  - (2) Use fiber produced from recycled pulp such as newspaper, chipboard, cardboard.
  - (3) Use wood mulch made from green waste and/or clean manufactured wood or natural wood.
  - (4) Use native and drought-tolerant seed and plants species.
  - (5) Use irrigation controllers with “smart” irrigation technology for plants dependent on actual climate conditions.

- (6) Minimize pesticide use and implement reduction goals restriction.
- (7) Use fly ash in all concrete poured on the project.
- (8) Use recycled water for irrigation within the Santa Barbara city limits (and elsewhere if available).

**6. Hydrology/Water Quality.**

- a. Permanent Storm Water Treatment Best Management Practices—Because this project proposes to add more than 1 acre of new impervious surfaces, permanent storm water treatment best management practices will be incorporated into this project to the maximum extent practicable. Treatment best management practice techniques shall concentrate on the use of biofiltration swales (stable grass-lined ditches) to convey surface runoff, and biofiltration strips to intercept overland flow. Currently, infiltration devices are not proposed as part of the project due to high groundwater levels in most locations. If site specific locations indicate low groundwater and soils are determined to be appropriate for infiltration, infiltration devices would then be evaluated for installation.
- b. All existing vegetated locations to remain along the project limits shall be evaluated for viability as bio-strips and documented to quantify effectiveness of reductions of particulate runoff. In addition, the preliminary locations identified in the Final Environmental Document, Table F.1 (updated in the Revalidation/Addendum prepared in June 2018) shall be used for building new bio-strips and bio-swales to intercept runoff. If subsurface conditions are appropriate, these same locations shall also be used for infiltration purposes.
- c. During construction, litter on the highway shall be removed periodically as part of regular maintenance procedures.
- d. Storm water best management practices shall be selected and designed during the design phase of this project. Best management practices shall be selected to minimize pollutant discharges to surface waters, minimize storm water discharge rates and volumes, and recharge groundwater. A formal storm water drainage plan shall be developed during the design process of this project.
- e. Standard temporary construction site and permanent design pollution prevention and permanent storm water treatment best management practices (BMPs) shall be used during and after construction of the project to control potential discharges of pollutants to surface water. Best management plans shall be designed with the goal of controlling general gross pollutants and/or sedimentation/siltation, depending on location. The required storm water pollution prevention plan shall address all the best management plans necessary to prevent water quality impacts during construction of the project. In addition, buffers from sensitive resources such as wetlands and riparian corridors will be established throughout the project area.

**7. Noise.**

- a. Caltrans will consider constructing the permanent noise barriers before beginning project construction so that the barriers can reduce construction noise transmission

to adjacent residents and other land uses. When it will not interfere with other construction activities, recommended permanent soundwalls shall be built during the first phase of construction to protect sensitive receptors from subsequent construction noise, dust, light, and glare.

- b. Advanced Notice: The resident engineer shall notify the District 5 Public Information Officer to place notice of the proposed project in local news media in advance of construction. The notice will give estimated dates of construction and mention potential noise impacts.
- c. Public Relations: A telephone shall be installed in the Public Information Officer's office to receive noise complaints. The telephone number shall be publicized in local newspapers, and by letter to residences near the construction area.
- d. Construction activities shall be minimized near any residential areas during evening, nighttime, weekend, and holiday periods. Noise impacts are typically minimized when construction activities are performed during daytime hours. When possible, noisier construction tasks exceeding 87 dBA within 50 feet of residential areas shall be limited to weekdays from 7:00 a.m. to 5:00 p.m. However, some nighttime construction will be necessary to avoid major traffic disruption.
- e. In the case of construction noise complaints by the public, the construction manager shall be notified and the specific noise-producing activity may be changed, altered, or temporarily suspended. District noise staff shall be consulted if specific noise-producing activities cannot be adequately reduced in the field.
- f. All equipment shall have sound-control devices no less effective than those provided on the original equipment. All equipment shall operate with muffled exhaust.
- g. When feasible, the use of loud sound signals such as back-up warning buzzers or alarms shall be avoided in favor of light warnings. The exception is those cases required by safety laws for the protection of personnel.
- h. As directed by the Caltrans resident engineer, the contractor will implement appropriate additional noise mitigation measures such as notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.
- i. Temporary barriers shall be used, if needed, to protect residential areas from excessive construction noise generated by such items as compressors, generators, pneumatic tools, and jackhammers. Noise barriers can be made of heavy plywood, moveable insulated sound blankets, or other best available control techniques.
- j. Each internal combustion engine, used for any purpose on the job, or related to the job, must be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine will be operated on the jobsite without an appropriate muffler.

8. **Recreation.**

- a. Coordinate with local jurisdictions as needed to minimize disruptions to traffic, pedestrians, and bicyclists associated with local and state road construction projects in the corridor. Refer to Construction Impacts under Traffic Circulation (including pedestrian and bicycle) for further details regarding a required Transportation Congestion Management Plan.
- b. Where the project proposes local-street changes, all modified pedestrian facilities shall comply with the Americans with Disabilities Act.
- c. All existing bike or pedestrian facilities shall be retained or replaced as needed.

9. **Transportation.**

- a. A Traffic Management Plan will be developed before building the project. Measures shall be taken to avoid impacts to emergency services with alternate routes made available for use during construction. During all temporary closures, detour routes will be provided for vehicles, pedestrians, and bicycles. Caltrans plans to work closely with County Public Works with regard to a construction traffic management plan for neighborhood streets surrounding the Sheffield Drive interchange and with City of Santa Barbara Public Works with regard to a construction traffic management plan for neighborhood streets surrounding the Cabrillo Boulevard interchange. At the completion stage of the project, Caltrans will evaluate local streets to determine to what extent repair or repaving is necessary and to ensure that the project meets the ADA requirements. The plan shall consider phasing and scheduling associated with other construction projects in the corridor to minimize delays to the driving public.
- b. The Traffic Management Plan for this project shall include the following items:
  - (1) Public Awareness Campaign—Flyers, brochures, press releases, web site, and advertising as required informing travelers of the project.
  - (2) Construction Zone Enhanced Enforcement Plan (COZEEP)—Additional California Highway Patrol officers shall be assigned to the construction zone during peak travel times to ensure construction zone safety.
  - (3) Temporary facilities—Changeable message signs and ramp-detour notices shall alert travelers to road closures, detours and other pertinent information.
  - (4) Temporary access—Access shall be provided to residences and businesses as necessary.
  - (5) Emergency services—Emergency services shall be notified before any required roadway or highway lane closures.
  - (6) Maintenance schedule—The maintenance of traffic and sequencing of construction shall be planned and scheduled to minimize traffic delays.
  - (7) Detour signs—When ramps are closed, detour signs shall direct traffic to the nearest available ramp.

10. **Utilities/Service System.**

- a. Coordination between Caltrans and service providers shall strive to ensure that utility services are not disrupted. Preconstruction utility location shall be required in conjunction with service providers to avoid disruption of any utility service. Before and during construction, all utilities in conflict with the Project shall be relocated, avoided, or protected in place. The design team shall continue to minimize the need for utility relocations and reconstruction.

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. **Dedications.** Easements, as shown on the approved site plan. However, some work may occur outside dedication areas, prior to completion of dedications.
- b. **Right of Way Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements within the City ROW and along the frontage of 1295 Coast Village Road, 1298 Coast Village Road, and 110 Olive Mill Road. 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 be designed and constructed per City standard details including all new sidewalk, driveways (including the driveway at 1295 Coast Village Road and 110 & 112 Olive Mill Road), curb and gutter, access ramps, and asphalt concrete. Driveway aprons shall be reconstructed to also meet Title 24 requirements. The improvements shall include reconstruction of asphalt concrete to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to and/or relocation or extension of public/private water and sewer mains, laterals and utilities, relocation of new residential/commercial fire hydrant(s), public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City or County storm drain, supply and install Type B and C City standard Dome Style street lights, coordinate with Public Works staff and Edison to retire light standard from existing utility pole, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s) "Old Santa Barbara Style" with white lettering on a brown background, storm drain stenciling, relocation of the MTD bus stops, benches, poles, and signs on Coast Village Road and Olive Mill Road. New street trees as approved by the Parks and Recreation Commission shall be installed, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul routes for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.

- d. **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.
  - e. **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.
  - f. **Landscape Maintenance.** A Memorandum of Understanding between the City, County, SBCAG and Caltrans that outlines the long-term funding agreement for landscaping within the project area shall be approved prior to issuance of a permit.
  - g. **Temporary Construction Easements.** Obtain temporary construction easements from property owners.
2. **Community Development Department.**
- a. **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 Applicant shall submit a hydrology report and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices 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's Creeks Division and the 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 will result from the project.  
  
Any elements added after Design Review may affect stormwater compliance determinations, and may trigger additional treatment requirements and stormwater hydrology calculations. This includes any additional work in the public right-of-way.
  - b. **Closure Plan.** Prior to permit issuance, Caltrans shall provide the City with a Closure Plan that identifies the timing and duration of ramp closures; the location of alternative access points; methods to protect access to businesses, destinations, and points of interest; proposed signage; and any other methods to mitigate the impacts of the closure. Public Works staff shall approve the Closure Plan such that, to the extent feasible, there is minimal disturbance to, and maximum protection of, the residences and businesses in the affected area.
  - c. **Construction/Traffic Management Plan.** A Final Construction/Traffic Management Plan shall be provided to the City identifying construction phasing, staging, detours and road/ramp closures. Public Works staff shall ensure that the

Construction/Traffic Management Plan considers and, to the maximum extent feasible, minimizes disruption to residences and businesses in the affected area.

- d. **Traffic Management Plan.** As provided for, and in conjunction with, condition D.9.b.(4), vehicular and pedestrian access shall be provided to residences and businesses to the maximum extent feasible, with notice of any closure being provided in advance to the property owner and tenant.
- e. **Mitigation Monitoring and Reporting Requirement.** The Owner shall implement a Mitigation Monitoring and Reporting Program (MMRP) for the project's conditions of approval, which include applicable mitigation measures as outlined in the July 22, 2020 Addendum. The MMRP shall include, but not be limited to the following:
  - (1) Each of the project's mitigation measures and conditions of approval.
  - (2) Timing and specific responsible party for implementation of each mitigation measure and condition of approval.
  - (3) Timing and party responsible for monitoring each mitigation measure and condition of approval and a list of monitors to be retained.
  - (4) Procedures, timing, and responsible party for reporting to Planning staff on project mitigation/condition compliance and monitoring.
  - (5) Specification of a qualified representative for the applicant to be designated as the coordinator responsible for ensuring full compliance with the provisions of the Plan. The designated coordinator shall have authority over all other monitors.

The MMRP shall be submitted to the Planning Division for review and approval prior to Public Works Permit issuance. The resident engineer/ Public Works inspector will conduct intermittent field inspections and respond to complaints.

- f. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) to the City. The contract shall include the following, at a minimum:
  - (1) The frequency and/or schedule of the monitoring of the mitigation measures and conditions of approval.
  - (2) A method for monitoring the mitigation measures and conditions of approval.
  - (3) A list of reporting procedures, including the responsible party, and frequency.
  - (4) A list of other monitors to be hired, if applicable, and their qualifications.



- (5) Submittal of biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance by the PEC to the Community Development Department/Case Planner.
- (6) Submittal of a Final Mitigation Monitoring Report.
- (7) The PEC shall return calls to the PEC hotline within 24 hours.
- (8) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

- g. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities in the areas identified in the Treatment and Data Recovery Plan for the South Coast 101 HOV Project; prepared by Joslin and Hildebrandt, June 2013, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition E.2.h "Requirement for Archaeological Resources" below.

- h. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

- i. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all tree removal, demolition, and grading activities. The contract shall include a schedule for the arborist's presence, and is subject to the review and approval of the Planning Division. The City Arborist shall be notified of all street tree removals, demolition and grading activities that may affect street trees, and on-site delivery of new street trees. The City Arborist shall inspect and approve the location of the proposed street trees prior to installation.
- j. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division and Public Works Department for review and approval. The Owner shall obtain and submit a signed acknowledgement of the receipt of the site rules, restrictions, and Conditions of Approval from all contractors and subcontractors prior to the start of construction activities.
- k. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition F.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- l. **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 F.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- m. **Hazardous Materials.** Prior to Issuance of Public Works Permit provide a copy to the Planning Division of a report documenting the results of sampling and testing of the project site for lead, hydrocarbon and the soils along the natural gas pipeline for review and acceptance determination.
- n. **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.
- o. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
- p. **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:

City of Santa Barbara Public Works		Date
County of Santa Barbara Public Works		Date
Santa Barbara County Association of Governments		Date
Caltrans	Date	License No.
Contractor	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. **Community and Neighborhood Notification Program Prior to Construction.** The Public Works Department shall provide a Community and Neighborhood Notification Program for approval by the Planning Division at least (45) days prior to commencement of construction. Prior to start of the Community and Neighborhood Notification Program, Public Works Department shall designate a Public Liaison individual to be on-site on a daily basis and continuously available by telephone. At a minimum, the Program shall include written mailed notices to property owners, businesses, tenants and residents with addresses on Cabrillo Boulevard, Los Patos, and Coast Village Road from Milpas Street to Olive Mill Road and along Olive Mill Road from Channel Drive and Hot Springs Road to Coast Village Road. Santa Barbara and Montecito public agencies as well as the Montecito Association and Coast Village Association shall also be provided with written mailed notices. Publications in area newspapers, media releases, on-line information on City website, an open house prior to construction, and information tables at events in the Santa Barbara and Montecito areas shall be included in the Program. Information shall contain a description of the project, the construction schedule, including days and hours of construction, road closures and duration, detour plans, the name and phone number of the Public Works Project Manager and Public Liaison, site rules, Conditions of Approval pertaining to construction activities, and any additional information that will assist Inspectors, Police Officers and the public in addressing problems that may arise during construction. The Community and Neighborhood Notification Program shall begin 30 days before project construction.
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 Caltrans, Santa Barbara County Association of Governments, County Public Works

Department and Planning Department, City Public Works Department Engineering and Transportation Divisions, City Community Development Department Building & Safety and Planning Divisions, Archaeologist, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Resident Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.

3. **Construction Contact.**

- a. Immediately after Public Works permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC's) name, contractor(s) and PEC's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Public Works 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. Sign shall not exceed 24 square feet.
- b. The PEC shall respond to any comments or complaints within 24 hours.

4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:30 a.m. and 4:30 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.

Non-noise generating construction activities are not subject to these restrictions. 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.

5. **Equipment Mufflers and Maintenance.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained in tune. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.

6. **Monitoring.** Upon commencement of grading and truck hauling activities, the applicant shall have noise measurements conducted at the closest residential property line to confirm noise levels, and submit the results and average daily CNEL calculation to the Planning Division. If daily average noise levels will exceed 60 dBA CNEL at the closest residential property line, the applicant shall identify and institute additional noise reduction measures at the direction of the City
7. **Acoustical Shelters.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
8. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site within the project area. No parking or storage shall be permitted within the public right-of-way outside of the designated project area, unless specifically permitted by the Public Works Director with a Public Works permit.
9. **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.
10. **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. 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](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  - b. 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 shall be used whenever possible.
11. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports to the Community Development Department, Planning Division, and the Public Works Department during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance.
12. **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. **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 and document in Record Drawings. The Record Drawings shall be submitted to the City Engineer for review and approval prior to deeming the project complete.
3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy / Final Inspection, whichever is earlier.
4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

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/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
4. **Uninterrupted Water Flow.** The Owner (City Public Works Department and Caltrans) 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.
5. **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, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
6. **Tree Protection and Replacement.** The existing tree shown on the Tree Protection and Replacement Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the plan. A copy of Tree Protection and Replacement Plan shall be attached to the recorded conditions as an exhibit.
7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner (City Public Works Department, and Caltrans) 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 Public Works Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a

manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

8. **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:

**A. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire eight (8) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Public Works or Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.

This motion was passed and adopted on the 20th day of August, 2020 by the Planning Commission of the City of Santa Barbara, by the following vote:

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



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.**

DRAFT