



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 032-07

103 S. CALLE CESAR CHAVEZ

COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT

AUGUST 30, 2007

**APPLICATION OF RICK FOGG, AGENT FOR AMERICAN TRADITION, 103 S. CALLE CESAR CHAVEZ, 017-113-020 ,OM-1/SD-3 ZONES, GENERAL PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2004-00791)**

The proposed project is for the construction of a 106 stall parking lot with a 100 square foot unenclosed kiosk on a vacant lot. The parking lot would provide part of the required parking for the approved Waterfront Hotel located to the south of the site at the corner of Calle Cesar Chavez and Cabrillo Boulevard. As part of the project, a habitat restoration of the portion of the El Estero Drain located on the project site is proposed. This would include removal of non-native vegetation, an approximate twenty-five foot separation between the top of bank and the parking lot. A detention basin would be constructed to the south-west of the parking lot to capture runoff and pollutants from the parking lot. The project would also include selective soil remediation of contaminated soil in the proposed parking area only. Access to the site would be directly from Calle Cesar Chavez. The discretionary applications required for this project are:

1. A Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060); and
2. A Conditional Use Permit to allow development other than that specifically expressed in the Ocean-Oriented Light Manufacturing Zone (SBMC §28.73.030.B).

In accordance with State CEQA Guidelines Section 15164, an addendum to the Waterfront Hotel and Park and Youth Hostel Final Environmental Impact Report (EIR) (State Clearing House # 92091038) has been prepared.

**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 in favor of the application, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 21 2007
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. **Findings for the Waterfront Park and Hotel and Youth Hostel FEIR Addendum (CEQA Guidelines 15164)**

1. In the Planning Commission's independent judgment there is no substantial evidence that this project will have a significant effect on the environment; and,
2. Minor technical changes and additions are necessary to complete environmental review. However, a Supplemental Environmental Impact Report is not required because the proposed project remains largely unchanged from the existing project described in the Final Environmental Impact Report for the Waterfront Park, Hotel and Youth Hostel (SCH# 92091038).
3. No substantial changes are proposed in the project and no substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions of the Final Environmental Impact Report. No new information of substantial importance shows a new or more severe impact. Additionally, no new information of substantial importance shows that a previously considered infeasible mitigation or alternative and no new mitigation or alternative that would substantially reduce the impact of the maintenance project are known to exist (CEQA Guidelines §15162(a)).
4. Pursuant to Section §15164 of the California Environmental Quality Act Guidelines, the Planning Commission adopts the Final Environmental Impact Report and Addendum dated August 15, 2007.

**B. The Conditional Use Permit (SBMC §28.94.020)**

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The parking lot supports an approved visitor-serving use. Visitor-serving uses are considered a high priority in the Coastal Zone.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The parking lot will be secured and staffed by the hotel operator, which will substantially reduce existing concerns with human intrusion into this area. Maintenance of the restored El Estero Drain wetland area will also reduce the potential fire hazard.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The proposed parking lot is surrounded by industrial uses and vacant land and would not result in detrimental impacts on the surrounding area.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

Parking demand for the Waterfront hotel will be met by the parking provided on the hotel site, in a parking area on Fess Parker's DoubleTree Resort property and on the parking lot included in this project.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

Substantial landscaping will be provided as part of the project, subject to review and approval by the Architectural Board of Review. Landscaping will be further enhanced by the wetland restoration plan for El Estero Drain.

6. Compliance with any additional specific requirements for a conditional use permit.

The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions. Any use other than those permitted by Section 28.73.030.A of the OM-1 Zone and permitted in the M-1 Zone and subject to those findings required in Section 28.73.030.B and Section 28.94.020

- a. The use is compatible with ocean-dependent or ocean-related uses.  
The parking lot will not result in impacts on adjacent existing uses. It is compatible with ocean-related and -dependent uses.
- b. The property would have no feasible economic value if limited to ocean-dependent or ocean-related uses. This finding shall be substantiated by competent evidence determined by the Planning Commission to be objective which includes no present or future demand for ocean-dependent or ocean-related uses.

Given site constraints, including the shape of the parcel and the costs of soil remediation and wetland restoration, there will be no feasible economic value if property use is limited to ocean-dependent or -related uses, as outlined in the information provided by the applicant.

C. **Coastal Development Permit (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, 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, and shall include the following:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
2. **Recreational Vehicle Storage Prohibition.** No recreational boats or trailers shall be stored on the Real Property.
3. **Landscape Plan and Restoration Plan Compliance.** The Owner shall comply with the Landscape Plan, including the Restoration Plan for the El Estero Drain approved by the Architectural Board of Review (ABR), unless modified by the California Department of Fish and Game, the U.S. Army Corps of Engineers or other similar regulatory agency. 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. If said landscaping or plants included in the restoration is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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 applicant shall submit a repair and restoration plan to the Community Development

Director to determine if an amendment or a new 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.

5. **Development Rights Restrictions.** The Owner shall not make any use of the restoration area of the Real Property as designated on the approved Development Plan in order that those portions of the Real Property remain in their natural, restored state. These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures, ornamental landscaping, or utility service lines. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
6. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 30, 2007 is limited to development of a 111 space parking lot, which includes restoration of the El Estero Drain, with no alteration to the physical size of the Drain, removal of contaminated soil and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
7. **Landscape and Restoration Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan and Restoration Plan shall be maintained and preserved at all times in accordance with the Plans.
8. **Use Limitations.** Due to configuration of the parking spaces, all automobiles shall be parked on the subject site by professional valets employed by the hotel located at 433 E. Cabrillo Boulevard. No other uses are permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
9. **Pesticide or Fertilizer Usage Near El Estero Drain.** The use of pesticides or fertilizer shall be prohibited within the 25 foot **setback** area, as measured from the top of bank and the retention basin which drains directly into **El Estero Drain**. The use of pesticides and fertilizer shall be strongly discouraged elsewhere on site.
10. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from the parking area and landscaped areas. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.

- B. Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Appropriate Plants consistent with a Restoration Plan.** Special attention shall be paid to the appropriateness of the existing and proposed plant material within the twenty five foot (as measured from the top of bank) riparian area. All non-native plant material shall be removed and replaced with appropriate wetland plant material native to the South Coast of Santa Barbara County.
  2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure.
  3. **Landscape Screening.** Landscaping with low water use plants and fence shall be provided to buffer the parking area from the designated riparian area and screen the parking area from the public street.
  4. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving.
  5. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  6. **Lighting.** Special care shall be taken to minimize lighting of the restored El Estero Drain.
  7. **Landscaping.** Fencing along Calle Cesar Chavez shall be designed to complement the luxury hotel to the south at 433 E. Cabrillo Boulevard.
  8. **Photo-Voltaics.** Provide photo-voltaic array onsite sufficient to provide energy for the parking lot, on the area of the kiosk roof.
  9. **Consideration of Additional Photo-voltaics.** If a Substantial Conformity Determination is needed, then applicant will provide additional information on parking supply and demand and include coming back to the Commission or to Staff with the feasibility for use of photo-voltaics on the parking lot to generate energy for the entire project.
- C. Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
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 will prepare said agreement for the Owner's signature.
4. **Drainage Calculations.** The Owner shall submit (drainage calculations) prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that storm water runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, storm water treatment methods, and project development, shall be subject to review and approval by 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, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
6. **Calle Cesar Chavez Public Improvement Plans.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on Calle Cesar Chavez. The C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, asphalt concrete, raised planter center island or striped center island, create Northbound left-hand turn lane including striping, re-stripe Southbound single to double lanes and Northbound double to single lane, crack and slurry seal the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching and re-striping, underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, storm drain stenciling, off-site biofilter/swale sized per drainage calculations, and provide

adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

7. **Agreement to Construct and Install Improvements (Not a Subdivision).** The Owner shall submit an executed "Agreement to Construct and Install Improvements (Not a Subdivision)," prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
8. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
9. **Off-Site Parking Agreement Required.** Submit an off-site parking agreement to provide off-site parking to meet the (generated) parking demand for the hotel at 433 East Cabrillo Boulevard, as determined by the Public Works Director. The agreement shall comply with the provisions of Subsection 28.90.001.18 of the Santa Barbara Municipal Code and is subject to review and approval by the City Attorney.
10. **Voluntary Lot Merger Required.** The eighteen (18) lots that comprise the subject lot located at 103 Calle Cesar Chavez shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.

**D. Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - a. The frequency and/or schedule of the monitoring of the mitigation measures.
  - b. A method for monitoring the mitigation measures.
  - c. A list of reporting procedures, including the responsible party, and frequency.
  - d. A list of other monitors to be hired, if applicable, and their qualifications.
  - e. Submittal of biweekly reports during demolition, excavation, grading and restoration and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department.

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. The PEC may be hired to handle all required activities at the associated hotel and hostel site, as well as the subject site.

2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. 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.
3. **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 copy of the notice to the Planning Division.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
5. **Habitat Restoration Plan.** All items identified in the Habitat Restoration Plan, prepared by URS Corporation, dated May 2007, shall be implemented in the field. Monitoring of restoration success shall occur for a minimum of five years after construction or until minimum coverage standards have been met. The final restoration plan shall be reviewed and approved by the Community Development and Public Works Departments, in consultation with the Creeks Division, to assure that all appropriate standards have been included, and that the plan will work together with the restoration plan for the portion of El Estero Drain owned by the City of Santa Barbara.
6. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase Archaeological Resources Report prepared for this site by, dated. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain 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, the Owner shall retain 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.

7. **Remediation Plan.** All items identified in the Remediation Action Plan, prepared by URS Corporation, dated July 11, 2007, shall be implemented in the field. Prior to issuance of the Building Permit, the plan shall be reviewed by Community Development and Public Works Departments.
  8. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Archaeologist, the Architect, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
- E. Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section E above.
2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Archaeologist, Architect, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
3. **Grading Plan 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 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.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in

the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A-6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Construction Erosion/Sedimentation Control Plan.** This plan shall comply with the most current Building & Safety Erosion/Sedimentation Control Policy and shall incorporate all Best Management Practices to prevent the migration of dirt and other pollutants offsite or from entering a new or existing City Storm Drain System.
6. **Conditions on Plans/Signatures.** The final Planning Commission 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., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is 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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and

containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.

2. **Construction-Related Truck Trips.** Construction-related truck trips 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	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 Chief of Building and Safety 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 night 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.

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
  - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.

12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
  13. **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) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number(s), 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.
  14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
  15. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- 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 damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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 improvement/building plans, including utility service undergrounding and installation of street trees.
  3. **Record Drawings.** Submit Record Drawings identifying "asbuilt" conditions of public improvements to the Public Works Inspector for verification and approval.
  4. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
  5. **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 Final Inspection, whichever is earlier.
  6. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

7. **Biological Monitoring Contract.** Submit a signed contract with a qualified biologist acceptable to the City for on-going monitoring.
  8. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
- I. 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 the City Council denial of the appeal and approval of 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.

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Conditional Use Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

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

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

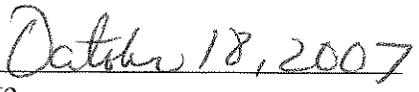
This motion was passed and adopted on the 30th day of August, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Bartlett)

PLANNING COMMISSION RESOLUTION No. 032 -07  
103 S. CALLE CESAR CHAVEZ  
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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.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

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