



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 013-08 210 WEST CARRILLO STREET MODIFICATION AND TENTATIVE SUBDIVISION MAP APRIL 17, 2008

APPLICATION OF THE CONCEPTUAL MOTION COMPANY, AGENT FOR DBN CARRILLO LLC, 210 W. CARRILLO STREET, APN 039-271-025, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2007-00554).

This is a revised project. The proposal involves the demolition of the existing Carrillo Plaza/Radio Square shopping center which consists of 18,547 sq. ft. of commercial space and the construction of a new two- and three-story mixed-use development on a 1.17 acre parcel. The commercial portion of the project would consist of 12,851 square feet of commercial space that would be divided into five commercial condominium units. Utility and service areas would comprise an additional 3,450 square feet. The residential portion of the project would consist of 32 condominium units (27 market rate and 5 affordable). The proposal includes one more affordable unit than is required by the Inclusionary Housing Ordinance. A total of 122 parking spaces would be located within a two-level subterranean garage. The previous proposal under MST2005-00772 has been withdrawn.

The discretionary applications required for this project are:

1. A Modification of the lot area requirements to allow five (5) density bonus residential units on a lot in the C-2 Zone (SBMC§28.21.080 & 28.43); and
2. A Tentative Subdivision Map for a one-lot subdivision to create thirty-two (32) residential condominium units and five (5) commercial condominium units. (SBMC§27.07 and 27.13).

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Sections 15074.

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

WHEREAS, 4 people appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 10, 2008
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. Final Mitigated Negative Declaration Adoption

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review period process.
2. The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
3. The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
4. The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.
5. The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
6. The location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

B. Lot Area Modification (SBMC§28.21.080)

A Modification of the lot area requirement to allow five (5) bonus density units is consistent with the purposes and intent of the Zoning Ordinance to construct housing units which are affordable to middle-income households and is necessary to secure an appropriate improvement on a lot and to meet the requirements of the Inclusionary Housing Ordinance.

C. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

D. The New Condominium Development (SBMC §27.13.080)

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

2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

II. Said approval is subject to the following revised 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 an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, 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 vehicles, boats, or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, 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 Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number 102, 204, 206, 208, and 304 on the project plans and Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to and occupied only by households who qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Units No. 208 and 304 (Studio units) =	\$149,400
Units No. 204 and 206 (one-bedroom units) =	\$199,700
Unit No. 102 (two-bedroom units) =	\$249,900

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 17, 2008 is limited to the construction of a new two- and three-story mixed-use development consisting of 12,851 square feet of commercial space to be divided into five commercial condominium units, 3,450 square feet utility and service area, 32 residential condominium units (27 market rate and 5 affordable), 122 parking spaces located within a two-level subterranean garage and the improvements shown on the project plans and Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Gas Fireplaces.** Only gas fireplaces, not wood-burning fireplaces, shall be allowed.
 - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **Use Limitations.** Due to potential traffic, air quality and parking impacts, uses other than general office and retail commercial are not permitted within the commercial square footage and no residential square footage may be converted to commercial square footage 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.

In addition, dry cleaners and gasoline dispensing facilities shall be restricted according to California Air Resources Board and APCD requirements.

9. **Transportation Demand Management.**
 - a. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - b. **Bicycle Parking.** A total of 43 bicycle parking spaces shall be provided on the Plaza level, including 14 onsite covered spaces, 11 bicycle hitching post spaces, and 18 offsite bicycle hitching post spaces located along the street frontage and near the entrances of the commercial spaces.
10. **Residential Permit Parking Program.** The City's Residential Permit Parking Program shall not be available to residents of this project or their guests.

B. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication(s).** Dedication of Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. A dedication of an easement for All Street Purposes along Carrillo Street in order to establish an additional four-foot (4'-0") wide public right-of-way for a total width of a twelve-foot (12'-0") sidewalk
 - b. An Easement in Gross for the purposes of Water Meter Reading and Maintenance of water meters to the City of Santa Barbara.
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*. Public Works Engineering Division Staff will prepare said agreement for the Owner's signature.

4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
5. **Drainage Calculations/Hydrology Report.** 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.
6. **Carrillo Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on Carrillo Street. The C-1 plans shall be submitted separately from plans submitted for a Building Permit, shall be prepared by a registered civil engineer, and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include the following: Construct two (2) new concrete raised medians with landscaping in the center of the street, twelve-foot wide City standard sidewalk (City standard unless otherwise approved by the City Engineer), one commercial style driveway apron modified to meet Title 24 requirements, curb and gutter, Dual Directional access ramp at intersection of Carrillo and De la Vina Streets, connection to City water and sewer mains, extend existing sewer main +/-330 linear feet, construct drainage improvements with supporting drainage calculations and connection to existing City storm drain system, storm drain stenciling at drop inlets, preserve and protect the existing State Street style City standard street light on Carrillo Street, supply and install one (1) new State Street style City standard street light adjacent to pedestrian access, obtain HLC approval to either preserve and protect existing Teardrop style street light with traffic signal mounted on it located at the intersection, or to replace this existing street light with State Street style street light to match other City standard street lights for this section of Carrillo Street, asphalt slurry seal to the centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, re-striping of roadway lanes, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs (2006 MUTCD with CA supplements), supply and install new street trees and tree grates as approved by the City Arborist and HLC, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **De la Vina Street Public Improvements.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on De la Vina Street. The C-1 plans shall be submitted separately from plans submitted for a Building Permit, shall be prepared by a registered civil engineer,

and shall be reviewed and signed by the City Engineer. As determined by the Public Works Department, the improvements shall include the following: City standard sidewalk unless otherwise approved by the City Engineer, three (3) alley-entrance style driveway aprons modified to meet Title 24 requirements (one of which is located at adjacent site APN 039-271-010), curb and gutter, asphalt slurry seal to the centerline of the street along entire subject property frontage, re-striping of roadway lanes, connection to City water and sewer mains, construct supporting drainage calculations for installation of curb drain outlet(s) and connection to City storm drain system, supply and install two (2) new City standard street lights style determined by HLC and the Public Works Facilities Manager, preserve and protect existing traffic signal, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs (2006 MUTCD with CA supplements), storm drain stenciling, supply and install new street trees and tree grates per approval of the City Arborist and HLC and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

8. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, 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.
 9. **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.
- C. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee required is \$1,876.75 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- D. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Reduction in the Massing.** A reduction in the massing of that portion of the project immediately adjacent to the neighborhood to the north shall be incorporated into the design. (CR-2)

2. **Noise Barriers.** Noise barriers shall be installed on the balconies of those residential units as required by the Acoustical Study.
 3. **Street Landscaping.** Increased street landscaping shall be encouraged.
 4. **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.
- E. **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 Final Map and 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. **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.
- F. **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 footing installation and biweekly 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.

2. **Completion of Corrective Action Plan.** Written evidence of completion of a Corrective Action Plan approved by the California Regional Water Quality Control Board and the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the Corrective Action Plan, such as a demolition permit to remove the existing structures onsite. (H-1)
3. **Air Pollution Control District (APCD) Permit Required.** An Air Pollution Control District permit is required prior to commencement of the soil remediation project.
4. **APCD Form Required.** Prior to demolition, an "Asbestos Demolition/Renovation Notification" form must be delivered to APCD.
5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
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 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting, dated June 2006. 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. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as Units 102, 204, 206, 208, and 304 on the Tentative Subdivision Map and project plans shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall be determined by Housing Programs staff based on the City's Affordable Housing Policies and Procedures in effect on the date of project approval by the Planning Commission.
 - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.
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 Contractor and each subcontractor.
- G. **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 Historic Landmarks Commission.
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 Contractor and each Subcontractor.
3. **Construction Notice.** At least 30 days prior to commencement of construction, the contractor shall provide written notice to all property owners and building occupants within 300 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, a description of noise reduction measures and the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas. (N-4)
4. **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.
5. **Sound Barriers.** As part of the building plan submittal, noise barriers shall be installed at the balcony boundaries of those residential units which would not otherwise comply with the maximum allowed noise level of 60 dBA Ldn for private outdoor living spaces. The noise barriers shall comply with the specific height and construction requirements stated in the acoustical study. (N-1)
6. **Interior Noise Reduction:** As identified in the Preliminary Acoustical Study, certain residential units shall require a "windows closed" condition in order to meet the maximum interior 45 dBA Ldn noise level standard. As a result, these units shall provide mechanical vents. (N-2)
7. **Final Acoustical Study.** A Final Acoustical Study shall be submitted for review and approval as part of the building plan submittal and shall include verification that the construction noise levels are reduced to the most reasonable extent possible, that interior noise levels are reduced to 45dBA Ldn or less and that exterior noise levels for the required private outdoor living spaces is reduced to 60dBA Ldn or less. (N-3)

8. **Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The owners association shall maintain approved facilities in working order for the life of the project. (W-2)
9. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project. The mitigation monitoring and reporting program shall require post-occupancy measurement of trip generation.
10. **Archaeological Monitoring.** After removal of all structures and pavement, construction shall be temporarily suspended and a City-qualified archaeologist shall be retained to inspect the ground of the entire impact area to ensure the likely absence of any prehistoric archaeological resources. If no prehistoric cultural remains are identified on the exposed ground surface during the surface survey, it is reasonable to assume that no buried Native American prehistoric site is located within the project site, as this location has not been subject to substantial natural alluviation that could deeply bury such deposits. Therefore, no further prehistoric archaeological investigations would be necessary.

In the unlikely event that prehistoric cultural remains are identified on the ground surface during the inspection, a City-qualified archaeologist and a City-qualified Native American representative shall be retained to monitor all subsequent construction excavations until a depth is reached below any potential to disturb the remains, pursuant to the City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria. The archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric remains, consistent with a Phase 3 Data Recovery excavation as defined in City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.

A City-qualified archeologist with experience in historic archaeology shall be retained to monitor construction of the first 3 feet of excavation within the existing parking areas along the mid-section of the project site extending from De la Vina Street south to the project boundary parallel to Bath Street, within the area where outhouses associated with the 4th Ward/Jefferson School are indicated on the Sanborn Fire Insurance Maps from 1886 to 1907. If historic materials are identified, the archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric remains, consistent with a Phase 3 excavation as defined in City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.

11. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater 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, stormwater 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.
12. **Construction Erosion/Sedimentation Control Plan.** Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the site preparation, earthwork, and construction process. Prior to the issuance of a demolition or building permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site. At a minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation and/or maintenance of each of the following water resource protection strategies: Paving and Grinding, Sandbag Barriers, Spill Prevention/Control, Solid Waste Management, Storm Drain Inlet Protection, Stabilize Site Entrances and Exits, Illicit Connections and Illegal Discharges, Water Conservation, Stockpile Management, Liquid Wastes, Street Sweeping and Vacuuming, Concrete Waste Management, Sanitary/Septic Waste Management, Vehicle and Equipment Maintenance, Vehicle and Equipment Cleaning, Vehicle and Equipment Fueling. (W-1)
13. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of

storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project. (W-3)

14. **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 employ 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 above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
15. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on each Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers. (PS-2)
16. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided. (PS-1)
17. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project. (W-4)
18. **Ingress and Egress Improvements:** Stop signs and pavement markings shall be installed onsite at parking garage entrance and exits.
19. **Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

20. **Utilities.** Provide individual water, electricity, and gas meters for each unit. Service lines for each unit shall be separate until a point five feet (5') outside the building. Each building shall have a separate sewer lateral.
21. **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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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H. **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.

1. **APCD Authority to Construct Permits.** APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g. emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
2. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
3. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur 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 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 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. (AQ-2)

4. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
5. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. (AQ-4)
6. **Construction Dust Control – Stockpiling.** 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. (AQ-5)
7. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:

Seeding and watering until grass cover is grown;

 - a. Spreading soil binders;
 - b. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - c. Other methods approved in advance by the Air Pollution Control District. (AQ-6)
8. **Construction Dust Control – 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. (AQ-7)
9. **Construction Dust Control – PEC.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
10. **Diesel Engines.** Construction contracts must specify that only heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized. (AQ-9)
11. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)

12. **Equipment Use Management.** 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. (AQ-11)
13. **Equipment Maintenance.** Construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-12)
14. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
15. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
16. **Diesel Emission Reduction.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed. (AQ-15)
17. **Diesel Equipment Reduction.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
18. **Biodiesel.** To the maximum extent feasible, biodiesel shall be used for all construction equipment. (AQ-17)
19. **Engine Idling Limitations.** At all times, idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:

shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location,

shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you are within 100 feet of a restricted area (homes and schools). (AQ-18)
20. **Minimize Employee Trips.** Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite. (AQ-19)
21. **Arborist's Report.** During construction, carry out measures to protect the coral tree as recommended in the Arborist's Report, prepared by Bill Spiewak, dated March 27, 2006. (BIO-1)
22. **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. (PS-3)

23. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
24. **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.
25. **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 Transportation Manager.
26. **Construction Traffic Haul Routes.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Manager. 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.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through residential neighborhoods and minimize congestion. (T-1)
27. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
28. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 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.

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. weekdays by the Chief of Building and Zoning (per Section 9.13.015 of the Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 300 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends or holidays. (N-5)

29. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dBA at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. (N-6)
30. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. Stockpiling and vehicle staging areas shall be located as far as practical from sensitive noise receptors. (N-7)
31. **Construction Noise Barrier.** 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. (N-8)
32. **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. (T-2)
33. **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.

34. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
35. **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.
36. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
37. **Mitigation Monitoring Compliance Reports.** The PEC shall submit monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
38. **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.
39. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
40. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
41. **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.

42. **Groundwater/ Dewatering.** Water, when encountered in the excavation, shall be removed using a suitable dewatering system. A stockpile of 3- to 6-inch gabion rock material (approximately 10 to 20 cubic yards) shall be available when excavating near the property line in case a caving side wall or a boiling subgrade condition develops. In such a case, the rock must be placed on the caving excavation or the boiling subgrade until stabilization results. (W-5)
- I. **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 *caused by construction* (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.** Construction of the public improvements, as shown in the separate C-1 Public Improvement Plans, including utility service undergrounding and installation of street trees.
 3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade where applicable.
 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. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
 6. **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 whichever is earlier.
 7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

8. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.
- J. **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 MODIFICATION AND TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 17th day of April, 2008 by the Planning Commission of the City of Santa Barbara, by the following vote:

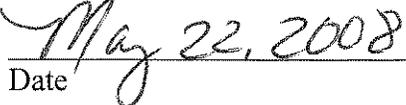
AYES: 6 NOES: 1 (White) ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No.013 -08
210 W. CARRILLO STREET
APRIL 17, 2008
PAGE 24

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.