



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 036-08

MISSION CREEK FROM U.S. HIGHWAY 101 TO THE OCEAN

COASTAL DEVELOPMENT PERMIT

SEPTEMBER 18, 2008

APPLICATION OF THOMAS CONTI, AGENT FOR THE CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, MISSION CREEK FROM U.S. HIGHWAY 101 TO THE OCEAN, ASSESSOR'S PARCELS 033-010-014; 033-102-002, -003, -017, & - 018; 033-074-001, -005, -009, -010, -011, -012, -019, & -020; 033-042-014, -017, & -018; 033-041-012, & -013; 037-245-012; 033-120-015; 033-075-006; AND 033-074-021, P-R/S-D-3, HRC-1 & 2/S-D-3, AND C-2/S-D-3, PARK AND RECREATION, HOTEL AND RELATED COMMERCE I AND GENERAL COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: RECREATION AND OPEN SPACE, COMMERCE-HOTEL, AND RESIDENTIAL (MST2008-00360/CDP2008/00012)

The proposed project would increase the hydraulic capacity of Mission Creek. The project would result in the construction of an oxbow bypass culvert between the northern edge of U.S. Highway 101 and Chapala Street, widening of Mission Creek south of the bypass by up to 60 feet, and construction of vertical banks, and vertical banks with vegetated slopes in expanded riparian habitat areas in two areas where existing structures would be removed. The oxbow bypass would not be connected to Mission Creek north of Highway 101 as part of this permit. Total material to be excavated is estimated to be 21,000 cubic yards. The project includes construction of fish ledges, use of grout lines in sandstone walls for tidewater goby hideouts, and use of boulder clusters to improve fish habitat. Revegetation of a portion of the lagoon south of Cabrillo Boulevard, installation of riparian vegetation above the creek banks, and maintenance of the facility is also proposed.

The discretionary application required for this project is a Coastal Development Permit (CDP2008-00012) to allow the proposed development in the Appealable, Non-Appealable, and Permit Jurisdictions of the City's Coastal Zone (SBMC §28.44.060).

The proposed project is part of a larger project, the Lower Mission Creek Flood Control Project that was approved by the City Council in 2002. That approval relied upon a certified Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse #1998101061). An Addendum to the Certified Final EIS/EIR has been prepared for the project currently under consideration.

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

WHEREAS, 1 person appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 11, 2008

2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Erik and Alex Funke, Santa Barbara

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

- I. Approved the subject application making the following findings and determinations:
 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. **Project Description.** The development of the Real Property approved by the Planning Commission on September 18, 2008 is limited to the improvements shown on the plans (Figures 1-10 attached to the Project Description in the EIS/EIR Addendum) signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. This project would result in the construction of an oxbow bypass culvert between the northern edge of U.S. Highway 101 and Chapala Street, widening of Mission Creek south of the bypass by up to a maximum of 60 feet, and construction of vertical banks, and vertical banks with vegetated slopes in expanded riparian habitat areas in two areas where existing structures would be removed. The oxbow bypass would not be connected to Mission Creek north of Highway 101 as part of this permit. The Mason Street bridge would be replaced. Total material to be excavated is estimated to be 21,000 cubic yards. The project includes construction of fish ledges, use of grout lines in sandstone walls for tidewater goby hideouts, and use of boulder clusters to improve fish habitat. Revegetation of a portion of the lagoon south of Cabrillo Boulevard, installation of riparian vegetation above the creek banks, and maintenance of the facility is also proposed. Due to the scope of this project, this approval shall be valid as long as the work commences within ten (10) years from the date of approval of the Coastal Development permit approved by the Coastal Commission for the portion of the project located within the Coastal Commission's original jurisdiction.
 - B. **Coastal Commission Determination.** The applicant shall implement all of the Conditions of Approval of the Federal Coastal Consistency Determination (CCD). Each recommendation from the studies required by the CCD shall be implemented.
 - C. **Landscape Plans.** The Applicant shall comply with the Landscape/Restoration Plans as 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/restoration plan.

- D. **Mitigation Timing.** Mitigation applicable to each phase of construction shall be completed or initiated as applicable during that phase of construction.
- E. **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. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department shall be replaced on-site on a one-for-one basis with a native species propagated from seeds or seedlings collected from within the Lower Mission Creek corridor, to the maximum extent feasible.
 2. **Moreton Bay Fig Tree Protection Measures.** The landscape plan(s) and grading plan(s) shall include the following tree protection measures:
 - a. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Dan Condon Arboricultural Consulting, dated December 19, 2007, shall be implemented.
 - b. **Arborist Monitoring.** An arborist with knowledge of root systems of large ornamentals shall monitor bypass culvert construction to minimize impacts to the Moreton Bay Fig Tree. [BIO-14]
 - c. **Root Protection:** Any Moreton Bay Fig Tree root over 2 inches in diameter that must be cut during excavation shall be cleanly severed using a sharp hand cutting tool. [BIO-15]
 - d. **Construction Buffer:** Install a construction fence as near as possible to the limit of the excavation trench on the Moreton Bay Fig Tree buffer side. No parking or storage of construction equipment would be allowed in the buffer area. [BIO-18]
 - e. **Tree Protection Excavation:** All excavation on the channel near the Moreton Bay Fig Tree shall be made from the side of the culvert opposite from the Moreton Bay Fig Tree. [BIO-19]
 - f. **Tree Protection Mulching:** Prior to the initiation of culvert construction, remove all turf grass between the edge of the excavation trench and the drip line of the Moreton Bay Fig Tree and mulch the entire area with two-inch deep composted organic mulch to be approved by the City Arborist. [BIO-20]
 3. **Tree Protection Measures.** The landscape plan (and grading plan) shall include the following tree protection measures for other trees in the project area:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).

- b. **Oak and Sycamore Tree Protection Measures.** The following provisions shall apply to existing oak and sycamore trees in the project area:
 - (1) Landscaping provided under the oak and sycamore trees shall be compatible with preservation of the trees as determined by the HLC. No irrigation system shall be installed under the dripline of any oak tree.
 - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum five (5) gallon size, from Lower Mission Creek watershed stock, to the maximum extent feasible.
 4. **Crime Analyst Plan Review.** The Developer shall meet with the City Police Department Crime Analyst prior to Preliminary Approval to determine how lighting, locking mechanisms, egress, and fencing with special emphasis on culvert and expanded habitat access can be designed and installed to reduce the potential number of calls for police service resulting from unauthorized use of the Real Property.
 5. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for irrigation systems shall be provided in a location screened from public view.
 6. **Bank Planting.** Upper creek banks shall be planted with native vegetation. [AES-1]
 7. **Vertical Walls/Fences.** Plant vines along the vertical walls to minimize visual impacts; cover concrete with natural color and texture. If fencing is installed in the project design for safety purposes, plant vines along fencing to minimize impacts. Upgraded fence materials shall be used in areas visible or accessible to the public. [AES-2]
 8. **Concrete Treatment.** Aesthetic treatment, including the use of colored concrete and/or pouring concrete in forms that would mimic existing sandstone walls or natural vertical creek banks, shall be incorporated into project plans to minimize project-related impacts. [AES-3]
 9. **Bridge Design.** Mason Street Bridge shall be designed to retain an appearance appropriate to the character of the neighborhood in which it is located. Design of the bridge shall be reviewed and approved by the Historic Landmarks Commission. [AES-4]
- 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 Applicant, 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.
 - f. 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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property Applicants, 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 Applicant 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. **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 near archaeological sites CA-SBA-27 and SBA-28. 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 Applicant 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 Applicant 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 Applicant 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. (CR-2)

6. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) in the front yard setback.
7. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all native trees and within 30 feet of the dripline of the Moreton Bay Fig Tree at

Chapala Street and Montecito Street. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.

8. **Letter of Commitment for Pre-Construction Conference.** The Applicant 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 and/or Public Works 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 Applicant, the Archaeologist, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
9. **Biology.** A signed contract shall be submitted for the following:
 - a. **Biological Monitor.** A qualified biologist (knowledgeable of steelhead and tidewater goby) shall monitor project construction in the water. Monitoring shall be performed at least twice per week beginning when any construction activity is initiated in or above the creek water and occurring every other week until construction in or above the creek water is completed. [BIO-4]
 - b. **Invasive Plants.** Invasive weeds (principally giant reed, castor bean, salt cedar, and sweet fennel) shall be removed at least twice a year for the first two years and annually for the next three years following final acceptance of contractor contract completion for each phase of the project. [BIO-10]
 - c. **Native Tree Plantings.** Any native trees removed shall be replaced. Any replacement trees which die within the first five years shall be removed and replaced by the same species from 1-gallon stock. The applicant shall maintain the planted vegetation for the life of the project. Said replacement trees shall be propagated from local genetic stock, primarily in lower Mission Creek. [BIO-11]
 - d. **Growth Monitoring.** The growth rates of the trees and shrubs planted as a part of this project shall be monitored biannually for five years or until vegetation has been established. If the plants do not meet pre-determined growth and survival rates, actions shall be taken to improve growing conditions such as fertilization, increased irrigation and replanting. Achieve 90% success of the planted vegetation at the end of five years of planting, and ensure that vegetation survival rate is equivalent. If 90% success of the planted vegetation is not achieved after five years, the applicant shall ensure achievement of 90% success of the planted

vegetation. For the first year after completion of construction, the stream bank corridors and habitat expansion zones shall be monitored every three months. At each monitoring period, a monitoring report shall be prepared and a final report shall be prepared at the end of the five year period. Said reports shall be submitted to the Santa Barbara City Community Development Department and the Santa Barbara County Flood Control and Water Conservation District. Monitoring of planted vegetation shall be conducted at least twice a year for a minimum of five years. [BIO-12]

e. **Native vegetation.** At the time contract is awarded, contractor shall initiate propagation of native plant materials collected from the area of the Lower Mission Creek Flood Control project, to the maximum extent feasible. Said material shall be used in each phase of construction. Native plant materials removed from the project area shall be used in project revegetation, to the maximum extent feasible.

10. **15 West Mason Street.** Prior to removal of the building at 15 West Mason Street, full Historic American Building Survey (HABS) recordation, including a photographic study of the structure to the neighborhood and a short history of the building that places it in its historic and architectural context, is required prior to issuance of a demolition permit. [CR-3]
 11. **134 Chapala.** If the structure at 134 Chapala is to be removed, complete full HABS documentation, including a photographic study of the relationship of the structure to the neighborhood, and a short history of the building that places it in its historical and architectural context prior to the issuance of a demolition permit. [CR-4]
 12. **Waterfront Neighborhood.** Submit the already completed study regarding eligibility of the Waterfront Neighborhood to the City Planning Division. [CR-6] Note that the study has already been completed.
 13. **Property Acquisition.** The applicant shall purchase the property interest and provide compensation to the Applicant and tenants and/or property would be relocated as required by State and Federal law. [LU-1]
- G. **Permit Requirements.** The Public Works Permit shall require the following measures to be included as requirements in the construction contracts and reproduced on the drawings.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section C. above.
 2. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a Public Works Permit, Applicant shall notify owners and occupants of structures within 100 feet of the project site

property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Applicant shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of Final Acceptance, Applicant shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site.

3. **Design.** Implement a design which causes no constriction to the creek bed, and hence no increase of water velocity compared to existing conditions. [BIO-5]
4. **Flow Conditions.** Create flow conditions conducive to the passage of steelhead through the length of the project on Mission Creek. [BIO-6]
5. **Fish Refuges.** Provide permanent refuges appropriate to Tidewater Goby and Steelhead. Restore an important measure of natural heterogeneity in flow characteristics to the riverine portion of the streambed through the creation of boulder fields. Use placement of ledges, grout lines in cast walls, mid-stream boulder clusters, and natural bottom to promote higher quality of in stream habitat, especially during steelhead migration. [BIO-7]
6. **Habitat.** Use strategic placement of boulder clusters on the creek bed as energy dissipaters as determined by a qualified biologist and hydrologist. [BIO-8]
7. **Vegetation Establishment.** A temporary, above ground irrigation system shall be installed and maintained for five years to ensure that planted vegetation is established. [BIO-9]
8. **Revegetation Plan.** A final revegetation plan shall be prepared by a qualified biologist that includes the above-stated mitigation measures, indicates how plants and seeds would be collected and grown for the project, and defines success criteria and monitoring in more detail. BIO-13
9. **Potter Hotel Footbridge.** Extend the box culvert downstream of the Chapala Street Bridge as currently designed. [CR-5]
10. **Recreation.** Areas that provide limited passive recreation shall be created where real estate is available. [REC-1]
11. **Fencing/Access.** Provide safety fencing for the public and locations for emergency access. [SAF-1]

12. **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., 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:

_____		_____
Applicant		Date
_____		_____
Contractor	Date	License No.
_____		_____
Architect	Date	License No.
_____		_____
Engineer	Date	License No.

- H. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Applicant 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. **Pollution Prevention.** Construction equipment shall be kept in proper working condition and inspected for leaks and drips on a daily basis prior to commencement of work. The construction contractor shall develop and implement a spill prevention and remediation plan and workers shall be instructed as to its requirements. Construction supervisors and workers shall be instructed to be alert for indications of equipment-related contamination such as stains and odors. Construction supervisors and workers shall be instructed to respond immediately with appropriate actions as detailed in the spill prevention and remediation plan if indications of equipment-related contamination are noted. No refueling or oil change shall occur in the creek bed. [HAZ-1]
2. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City

Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. [CR-1]

3. **Tree Protection Buffer:** Install a construction fence as near as possible to the limit of the excavation trench on the Moreton Bay Fig Tree buffer side. No parking or storage of construction equipment shall be allowed in the buffer area. [BIO-18]
4. **Tree Protection Excavation:** All excavation on the channel near the Moreton Bay Fig Tree shall be made from the side of the culvert opposite from the Moreton Bay Fig Tree. [BIO-19]
5. **Tree Protection Mulching:** Prior to the initiation of culvert construction, remove all turf grass between the edge of the excavation trench and the and the drip line of the Moreton Bay Fig Tree and mulch the entire area with two-inch deep composted organic mulch to be approved by the City Arborist. [BIO-20]
6. **Hazardous Materials Contamination.** Prior to construction, borings and soil samples shall be taken at potentially critical areas and analyzed at a qualified laboratory for likely contaminants. If concentrations are detected at or above action levels, remediation action shall be implemented in accordance with federal, state, and county procedures. [HAZ-2]
7. **Sediment Samples.** Prior to the commencement of excavation activities, samples of creek sediments shall be taken to the depth of planned excavation and the same suite of analyses used to characterize the shallow sediments would be used to analyze the deep sediments. In the event actionable concentrations of

contaminants are detected by the analyses, the applicant shall develop a plan to identify the extent of contamination. A plan shall then be developed and implemented to comply with applicable laws and regulations related to the identified contamination so that excavation activities do not result in releases of actionable levels of hazardous materials to the environment. [HAZ-3]

8. **Construction-Related Truck Trips.** Construction-related truck trips that will pass through capacity constrained intersections or peak hour level of service problem areas (as designated in the City's Master Environmental Assessment, p. 99) 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.), unless approved by the Public Works Director. The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
9. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the staging area or access points, shall be approved by the Public Works Director.
10. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
11. **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 at the staging area or 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.
12. **Storage.** Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Public Works Director.
13. **Dust Control.** Water the excavation site, storage piles and unpaved roads twice each day of construction - once in the morning and at the end of the construction day; and cover material transported in haul trucks. [AQ-1]
14. **Speed.** Limit vehicle speeds to 15 mph maximums within the construction site and maintenance areas. [AQ-2]
15. **Wind Erosion.** Cease grading and earth movement when wind speeds exceed 15 mph, or as directed by SBCAPCD. Storage piles shall be covered to minimize fugitive dust. [AQ-3]

16. **Construction Dust Control. Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
17. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads.
18. **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.
19. **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:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. 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;
 - d. Other methods approved in advance by the Air Pollution Control District.
20. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
21. **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.
22. **Diesel Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible.
23. **Engine Size.** The engine size of construction equipment shall be the minimum practical size.
24. **Amount of Equipment.** 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.

25. **Equipment Maintenance.** Construction equipment shall be maintained in tune per the manufacturer's specifications.
26. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
27. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
28. **Certified Pollution Controls.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
29. **Electric Equipment.** Diesel powered equipment should be replaced by electric equipment whenever feasible.
30. **Limited Idling.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
31. **Equipment.** To avoid impacts to aquatic resources, no construction equipment shall be operated within the channel and stream bottom between December 1st and March 30th or whenever significant water flows (defined as more than ½" for April and May and more than 1" from June through November) pass down Mission Creek. [BIO-1]
32. **Construction Dates.** To avoid impact to steelhead trout and tidewater goby, which are federally listed species, construction shall be restricted to dates between June 1 and December 1st if water flow in the CALTRANS Channel [upstream of Yanonali Street within Mission Creek] is more than 1/2 inch deep. If no continuous surface water flow (defined as more than ½" for April and May and more than 1" from June through November) exists in the CALTRANS Channel after April 15th, construction could occur from then until December 1st. Downstream of Yanonali Street, all construction in Mission Creek shall be performed after June 1, provided no significant stream flows are occurring in Mission Creek. [BIO-2]
33. **Construction in the Channel.** No construction shall occur in the flowing water. If water is present during construction, the water shall be diverted by construction of a low flow channel or installation of a pipe as follows:
 - a. No construction work is allowed in water in the estuary from December 1 to June 1st
 - b. Divide a suitable length of the estuary down the middle with an impermeable barrier, such as sheet piling. The length should be as long as practicable to minimize repetition of this divide and dry procedure for making temporary construction enclosures. A lateral coffer dam in mid-

stream shall not be acceptable because of increased turbidity and fine sediments that would be conveyed downstream to the coastal lagoon.

- c. Dam half the estuary at the upper end with sheet piling or equal
- d. A qualified biologist shall walk downstream in a zigzag pattern to herd as many fish as possible from the incipient enclosure
- e. Dam the lower end of the enclosure with sheet piling or equal immediately.
- f. Fish biologists shall seine the entire contained half thoroughly to remove any gobies and other large organisms to the wet side of the construction enclosure.
- g. Fish biologists shall monitor the drying enclosure and seine it thoroughly at least twice a week.
- h. When construction on one side has been completed, the downstream wall of the enclosure shall be removed first, followed by the upstream end.
- i. The above steps shall be repeated for the opposite bank construction.
[BIO-3]

34. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 7:00 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. [N-1]

35. **Truck Traffic.** Truck traffic shall be limited to designated truck routes, as determined in cooperation with City Transportation Staff. Truck transport shall be permitted between 7 a.m. and 7 p.m., Monday through Saturday and by Condition 8 above that limits construction traffic in impacted intersections during peak traffic times. [N-2]
36. **City Noise Ordinance.** The selected construction contractor shall follow the noise ordinance established by the City of Santa Barbara. [N-3]
37. **Notification.** Property owners and tenants within the project area shall be notified a minimum of 20 days prior to project construction in their area. [N-4]
38. **Equipment.** Any equipment that must be operated during nighttime hours must be individually reviewed and treated with enclosures, barriers, silencers or other techniques as required to reduce the noise at any residential property line to 50 dBA. [N-5]
39. **Silencers.** All equipment used in the project shall be equipped with factory standard or better silencing features in proper working condition. [N-6]
40. **Workers.** Worker hearing conservation requirements shall be incorporated into contract documents and implemented. [N-7]
41. **Minimizing Noise Due to Pile Installation.** In order to minimize the amount of noise and vibration generated by pile installation, the preferred method shall be to use push and twist pile installation techniques. However, should pile driving be necessary, the following shall be required:
 - a. **Public Exclusion.** If CISS piles are driven with a hammer, members of the public shall be kept out of the 120 dB peak noise level area. The public exclusion area is estimated to be 50 feet from the pile insertion location unless reduced by a three or four sided noise barrier reviewed and approved for adequacy by the noise consultant and the City. If a noise barrier is used, the noise consultant shall specify the reduced estimated distance from the pile insertion that would exceed the 120 dB contour wherein the public would be excluded during pile driving. The public exclusion area shall be clearly demarcated and signed as follows: "WARNING NOISE HAZARD AHEAD, you are advised to avoid the area, use ear protection or stay in this area for less than 30 minutes."
 - b. **Barriers.** If CISS piles are inserted, within the area between 50 and 100 feet of the pile insertion point, noise barriers shall be installed that are 8-10 feet high. The barrier design shall be reviewed and approved for adequacy by the noise consultant and the City, and be installed only if the private landowner or business operator consents. In addition, the contractor shall install signs, clearly visible to the public, on all area

roadways approximately 150 feet from the construction area that say "WARNING NOISE HAZARD AHEAD, you are advised to avoid the area, use ear protection or stay in this area for less than 30 minutes." [N-8]

42. **Access/Detours.** No access to residences or commercial establishments shall be eliminated. Appropriate detours and traffic control officers would be provided to direct traffic to alternative routes. Alternative routes, including bicycle routes, shall be coordinated with the City of Santa Barbara, Transportation Division. [TRAN-1]
43. **Safety.** During construction, traffic control officers shall be provided at affected intersections to divert traffic to minimize accidents. [TRAN-2]
44. **Notification** Notify residents and commercial owners of proposed construction in their area at least 20 days before initiation of construction in the vicinity of their neighborhood to advise them of location, time and duration of construction. [TRAN-3]
45. **Damage.** Identify damage caused by construction vehicles and repair damaged facilities. Identify responsible agency or individuals to repair the damaged roads and assure that repair work is completed. [TRAN-4]
46. **Equipment amount, size and speed.** Limit the number and size of vehicles and reduce speed limits. [TRAN-5]
47. **Phases.** Perform project construction in sections as proposed. [TRAN-6]
48. **Notification.** Provide notification to affected landowners prior to disruption of utilities. [UTIL-1]
49. **Dewatering.** The creek channel upstream of construction activity shall be dammed temporarily to prevent water from entering the reach under construction. A diversion pipe shall be installed in the creek to convey any creek water around the construction area for discharge downstream of the construction activity. [WQ-1]
50. **Leaks.** The selected contractor shall develop and implement a spill prevention and remediation plan. [WQ-2]
51. **Time of Construction.** No construction or sediment removal shall occur anywhere within the project area between December 1 and April 15. Construction upstream from the estuary could be accomplished between April 15 and November 30, provided that no continuous surface flow exists. Water flowing deeper than an inch through the CALTRANS Channel (above Yanonali Street) between April 15 and June 1 would require temporary cessation of construction activities in the streambed. [WQ-3]
52. **Turbidity.** Measures to reduce turbidity during the construction of the project and periodic future maintenance shall include installation of pipe, as needed, as

well as creation of low-flow channels around construction and debris removal operations to divert water flow and avoid mixing of loose dust particles into creek flow. Details of these mitigation measures are:

- a. Pipe culverts shall be placed in the low flow stream where the stream must be crossed on a regular basis. No work shall be allowed in the flowing water except as absolutely necessary (as determined by the Flood Control District and concerned resource agencies).
- b. Construction of temporary low-flow channels within the creek during debris removal operations shall be required to minimize turbidity and provide habitat for aquatic species. The low-flow channel shall be constructed around and away from debris removal operations. Project biologists shall develop criteria for the low-flow channels.
- c. Conditions identified in the federal and state permits (Section 404 permit and Section 401 Water Quality Certification and 1601/1603 Streambed Alteration Agreement) shall be followed during construction and future maintenance as applicable. [WQ-4]

53. **Discharges During Maintenance:** • No discharge of oil or spill of contaminated material shall be allowed within the creek bed. [WQ-5]

I. **Maintenance:** The following shall apply to future maintenance of the creek:

1. **Routine Maintenance.** All routine maintenance shall be carried out as follows:
 - a. Routine maintenance shall be accomplished between August 1st and October 31st. A front end loader or road grader working together with dump trucks (10 cubic yards) would be used for the bulk of sediment and vegetation removal.
 - b. A pair of silt curtain fences (straw bales) shall be set across the low flow channel not more than 100 yards downstream of the work area; the fences shall be approximately 10 yards apart.
 - c. Any trout present shall be captured by techniques dictated by National Marine Fisheries Service and California Department of Fish and Game and relocated promptly to a suitable refuge. A written report describing in detail any such relocation shall be submitted to National Marine Fisheries Service.
 - d. Mechanized equipment shall enter the creek immediately adjacent to the oxbow. A front end loader would scoop all materials directly from the channel to trucks waiting above adjacent to the railroad lines.
 - e. Sediments and vegetation shall be removed when channel capacity has been reduced by more than 15%. The full width of 33 feet would be cleaned of obstructive materials in the oxbow bypass and would continue to follow current practices. If storm events do not reduce conveyance

more than 15%, then the next maintenance cycle shall involve only mowing of vegetation.

- f. During those maintenance cycles when the County determines silt removal has become necessary, all plants and deposits would be removed. As the final step during maintenance, the pilot channel would be rebuilt following the path where the natural channel had gradually come into being, or where the pilot channel was if hydraulic processes have not already shifted and reshaped it. A swath half the channel width shall then be mowed or brushed to suppress the growth of potentially large perennials, first along one side as seems convenient for an arbitrary distance (approx. 250 feet), then switching to the opposite bank for another arbitrary distance, while still allowing for the growth of herbaceous perennials and annuals. The pilot channel would not be disturbed.
- g. If sediment removal is not needed the next year, then the other half of the channel shall be mowed and brushed. The pilot channel shall not be disturbed.
- h. If storm events of the next winter rains leave enough sediment to warrant their removal, then during the following summer the full width of that section of the creek shall be groomed to remove obstructing sediments and plants. The pilot channel shall be rebuilt where a natural channel had gradually come into being, or where the pilot channel was if hydraulic processes have not already shifted and reshaped it. [BIO-16]

2. **Fish Habitat Maintenance:** Boulder clusters shall be maintained as follows:

- a. Sediments shall be removed from among boulder clusters and large rocks of the side baffles only as needed to prevent them from being covered completely.
- b. If necessary, sediments shall be dug from the downstream side of boulders with a backhoe equipped with a 3 foot bucket, then dragged toward the center of the creek to be combined with streambed sediments being removed as described previously.
- c. Any individual boulders that might have been dislodged mechanically or displaced by currents would be pushed back into a suitable vacant spot in the baffle and reset.
- d. Any propagules of giant reed or salt cedar that have taken root shall be eliminated. A combination of foliar application of glyphosate or digging out rhizomes with hand tools could be employed. Application of herbicides shall be very limited, confined to only those small locations where the most persistent and aggressive weedy plants begin to reinvade the creek bottom.

- e. The remaining growth shall be cut back using a brush hog, or similar mowing attachment passed a couple feet over the tops of the rocks. The intent is to cut down woody species before they attain much height or stem expansion, but not to eradicate low-growing herbaceous plants that offer negligible friction to water currents. [BIO-17]

NOTICE OF APPROVAL TIME LIMIT:

This Coastal Development Permit shall be valid as long as the work commences within ten (10) years from the date of approval of the Coastal Development Permit by the Coastal Commission for the portion of the project located within the Coastal Commission's original jurisdiction.

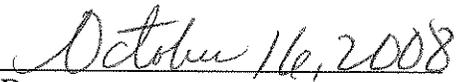
This motion was passed and adopted on the 18th day of September, 2008 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Bartlett, Jostes)

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.