

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 6, 2008

CALL TO ORDER:

Chair George C. Myers called the meeting to order at 128 P.M.

ROLL CALL:

Present:

Chair George C. Myers

Vice-Chair Stella Larson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Addison S. Thompson and Harwood A. White, Jr.

STAFF PRESENT:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Michael Mannix, Santa Barbara Police Captain

Rick Fulmer, Streets Manager

Sue Gray, Community Development Programs Supervisor

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

Chair Myers acknowledged and welcomed University of California, Santa Barbara, students studying Environmental Studies who were present during the meeting.

I. PRELIMINARY MATTERS:

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

None.

- C. Comments from members of the public pertaining to items not on this agenda.

Chair Myers opened the public hearing at 1:29 P.M. and, with no one wishing to speak, closed the hearing.

II. **DISCUSSION ITEMS:**

ACTUAL TIME: 1:29 P.M.

APPLICATION OF DAVE TABOR, AGENT FOR CASA ESPERANZA, PROPERTY OWNER, 816 CACIQUE AND 110 SOUTH QUARANTINA STREET, APN'S 017-240-021, 017-113 035 & 017-113-034, M-1 LIGHT MANUFACTURING, C-2, GENERAL COMMERCE AND S-D-3, COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST99-00432)

Staff will present a Two-Year Report on the Status of the Casa Esperanza Homeless Center, located at 816 Cacique Street.

No formal action on the project will be taken during this discussion item.

Case Planner: Kelly Brodison, Assistant Planner
Email: kbrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation and introduced Captain Frank Mannix, Santa Barbara Police Department; Rick Fulmer, Streets Manager, Public Works; Mike Foley, Executive Director, Casa Esperanza; Gary Linker, Milpas Action Task Force; and Sue Gray, Community Development Programs Supervisor, Community Development.

Captain Frank Mannix, Santa Barbara Police Department, answered the Planning Commission's questions about shifting changes in crime activity as people migrate from one area to another area, such as the railroad area; acknowledged that there has been no link found between gang activity, drug sales and the homeless population; and that no firearm violations have been found among the transient population. He also replied that no additional staffing has been added to Beat 1 patrolling efforts and that 20% of patrol activity is related to responding to transient offense reports and typically falls into Part Two crimes, which are lesser crimes and have decreased in quantity over time.

Captain Mannix responded to the Commission's inquiry about open container citations by explaining two programs in effect: a Top Ten Offender Program representing 9.4% of the open container reports; and a new program, the Zone Enforcement Program, that represents 43% of the open container reports. These two programs distinguish between the one time offender and chronic offender.

Rick Fulmer, Streets Manager, answered the Planning Commission's questions about neighborhood clean-ups, the street sweeping program, the homeless encampments; and the Recreational Vehicle Ordinance signage and enforcement.

Michael Foley, Executive Director, Casa Esperanza, responded to the Commission's questions about the relationship between Cottage Hospital and Casa Esperanza and the increase in clients coming from Cottage Hospital. The Commission acknowledged the work done Mr. Foley and his staff.

Gary Linker, Chair, Milpas Action Task Force, provided a status of the recovery zone concept discussed at the City Council Subcommittee on Homelessness and Community Relations meeting with results forwarded to City Council.

Chair Myers opened the public hearing at 2:27 P.M.

Roger Heroux, Founder of Casa Esperanza, Chair of Ten Year Plan to End Homelessness, and representing Bringing Our Community Home, stated that about 1 out of 10 homeless use 50% of city and county services. Every shelter in Santa Barbara County is at full capacity and is now turning away families. Homelessness is increasing and has become a social epidemic nationally that is causing significant money each year. He also pointed out that there are a higher number of local residents becoming homeless.

Mr. Heroux and Mr. Foley responded to the Commission's questions about panhandling and estimated that tourists and citizens contribute over \$600,000 to panhandlers.

With no one else wishing to speak, the public hearing was closed at 2:44 P.M.

The Commissioners made the following comments:

1. The Commission expressed appreciation to Staff and the Community for the reports given and the program's success. One Commissioner wondered how the City's land use policies could further the efforts being made, specifically the recovery zone; asked for the Commission's support on land use policies.
2. One Commissioner spoke to homelessness being a regional problem and wondered if there were any MOU's being pursued to involve other communities in working toward a mutual resolution.
3. In regard to panhandling, one Commissioner pointed to the irony in the enforcement of complaints for people using city parks for profit, but not in the enforcement of panhandling.
4. One Commissioner felt that just as there are RHNA numbers that the city must comply, there should be RHNA-like numbers for homelessness and the absence of an infrastructure for bailing out homelessness. Two other Commissioners agreed that other municipalities need to assist in homelessness to offload the population at Casa Esperanza.
5. One Commissioner felt that the proposed recovery zone concept needs to be supported.
6. One Commissioner predicts the change in the economy will bring an increase in homelessness; has seen the impact on other communities and is concerned that this may eventually be seen in Santa Barbara.

7. One Commissioner would like to see steam-cleaning done on the neighboring sidewalk areas to promote walkability.

Scott Vincent, Assistant City Attorney, spoke to the recovery zone proposal and the issues and challenges presented. He also spoke to two major points: intoxicating sales and probation terms. The recovery zone is described in geographical terms, yet this is a geographical concentration of effort, not a land use tool. Any land use overlay that may use geographical zones for a desired area would grandfather existing businesses and those businesses would continue. Probation terms will take coordination and cooperation between city and county agencies. Intoxicating sales is a manpower issue that necessitates an officer being able to witness the sale-in-process and is not a land use issue. The last RHNA statute update added in requiring that in order to be certified, cities and counties must show that their zoning allows for shelters. Zoning must show the ability but not the actual construction of the shelters.

III. ADMINISTRATIVE AGENDA

- A. Committee and Liaison Reports.

None were given.

- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Commissioner White reported on the six modifications approved at the Staff Hearing Officer meetings held on October 22, and November 5, 2008. Most involved working with non-conforming situations.

- C. Action on the review and consideration of the items listed in I.A.1. of this Agenda: At the Commission's request, Items I.A.1 a-c were suspended at the meeting of October 16, 2008 and were reviewed today.

- a. Draft Minutes of August 14, 2008
- b. Draft Minutes of September 10, 2008 Special Meeting
- c. Draft Minutes of September 11, 2008 Special Meeting
- d. Draft Minutes of September 25, 2008 Special Meeting
- e. Draft Minutes of October 9, 2008

MOTION: Jacobs/Jostes Approve the minutes and resolutions of August 14, 2008, September 10-11, 2008, September 25, 2008, and October 9, 2008 as edited.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: as noted Absent: 0

Commissioner Jostes abstained from the Draft Minutes of October 9, 2008.

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 3:14 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

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City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 13, 2008

CALL TO ORDER:

Vice-Chair Stella Larson called the meeting to order at 1:07 P.M.

ROLL CALL:

Present:

Vice-Chair Stella Larson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Addison S. Thompson and Harwood A. White, Jr.

Commissioner Bartlett arrived at 1:08 P.M.

Commissioner Jacobs arrived at 1:15 P.M.

Absent:

Commissioner George C. Myers

STAFF PRESENT:

Paul Casey, Community Development Director

Bettie Weiss, City Planner

John Ledbetter, Principal Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Barbara Shelton, Project Planner/Environmental Analyst

Peggy Burbank, Project Planner

Beatriz Gularte, Project Planner

Irma Unzueta, Project Planner

Max McCumber, Planning Intern

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Ms. Weiss announced that City Council had considered steps for the Upper State Street Study Program at its meeting on Tuesday.

C. Comments from members of the public pertaining to items not on this agenda.

Vice-Chair Larson opened the public hearing at 1:10 P.M. and, with no one wishing to speak, closed the hearing.

Vice Chair Larson welcomed UCSB students from Bob Wilkenson's environmental studies class who were in the audience.

II. **ACTION ITEM:**

ACTUAL TIME: 1:11 P.M.

**PLAN SANTA BARBARA (PLANSB) GENERAL PLAN FRAMEWORK:
REVISED DRAFT POLICY PREFERENCES**

A. **Staff Presentation**

- a. Desired Outcome: Unanimous recommendation to City Council on *REVISED Draft Policy Preferences Report* as drafted
- b. Overall Approach
- c. Overview of changes to *REVISED Draft Policy Preferences Report* and Alternatives Analysis outline

B. **Questions from Commission**

C. **Public Hearing**

D. **Planning Commission Recommendations on REVISED Draft Policy Preferences Report (November, 2008)**

E. **Preliminary Comments on EIR Alternative Analysis outline**

Case Planners: John Ledbetter, Principal Planner; Barbara Shelton, Project Planner/Environmental Analyst

Email: JLedbetter@SantaBarbaraCA.gov; BShelton@SantaBarbaraCA.gov

Bettie Weiss, City Planner, gave introductory remarks summarizing Staff's activity-to-date and introduced John Ledbetter, Principal Planner, who gave the Staff Presentation.

Mr. Ledbetter clarified two Planning Commissioners questions about the location of Secondary Dwelling Unit Locations on the map and acknowledged one Commissioner's request to have the legend indicate single-family zoned areas. In addition, one Commissioner asked that the map reflect permitted secondary dwelling units.

Vice Chair Larson opened the public hearing at 1:40 P.M.

The following gave public comment:

1. Judy Orias, President, Allied Neighborhood Association, read a letter into the record and stated that smart growth does not work in a city of our size. Advocated for a ballot-box vote on any General Plan revisions that affect growth.
2. Judy Orias, Secretary, Hidden Valley Association, requested that the Hidden Valley area be removed from being on the second dwelling unit map given the traffic and fire safety challenges attributed to the geographic limitations of the Hidden Valley area, as well as the density of retirement communities.
3. Sheila Lodge, Citizens Planning Association (CPA), submitted written comment and summarized comments made about future commercial and residential growth, and asked the Commission to consider the renewal of Measure E restrictions and that residential growth to be capped at about 40,005 dwelling units.
4. Paul Hernadi, Citizens Planning Association, continued CPA's comments, specifically commenting on air quality and energy conservation. CPA is pleased with the proposed policy calling for a 500 square foot proposed setback from Highway 101 and for funding a program to monitor emission levels. Remains concerned with the lack of site specific monitoring of the proposed mobility oriented development area (MODA) that is further remote from the highway. Cautioned against policies that may be counterproductive, citing H14 and ER37. H14 would allow a shared electric gas and water meter between the principle single-family residence and secondary unit and could burden resources. ER37's relaxed noise standards could contribute to increased energy consumption if residents kept windows closed and opted for air conditioning.
5. Mary Louise Days, Citizens Planning Association, concluded CPA's written comments and spoke specifically on environmental and economic sustainability. She objected to draft policy CH10 because it favors retaining a 60' height limit for Downtown Santa Barbara. Feels that the city should not have a policy preference that is less sustainable than a policy that may be approved in a ballot measure next November. The environmental analysis for Plan Santa Barbara should explore if police and fire are adequate for our day-time population. Supports all draft policies that promote living within our resources and promote a job and housing balance.
6. Steve Moss, Metropolitan Transit District (MTD), submitted a written letter and expressed support for the City's innovative elements included in the Draft Policy Preferences Report, such as the MODA concept and expansion of California's "yield to bus" program. He added that many of the improvements will require public subsidy and asked that funding be kept in mind. MTD is supportive of coordination on both local and regional transit.
7. Gil Barry, Allied Neighborhood Association, suggested the General Plan have two time periods: a short range time period to 2030 that would determine the 2,200 unit rate of growth and density; and a long range time period to 2050 to set zoning capacity to meet RHNA allocation requirements. Recommends that Measure E be set at 1,000,000 square feet over the next 20 year planning period.

8. Connie Hannah, Vice-President, League of Women Voters, submitted written comment and congratulated the Commission for re-adopting Measure E and appreciates the addition of sustainability to the plan. Supports a Housing Element goal with a proposed 2,000 unit goal, but not higher. Supports Adaptive Management Plan as reasonable to control resources. Suggested reevaluation every 5-7 years to prepare for the review mandated by the State Steinberg Bill.
9. Cathie McCammon, Land Use Consultant, League of Women Voters, appreciated the revisions that Staff has made to the Policy Preferences Report, especially to living within our resources. Document could use clarity in discussing the change from Euclidian development patterns. Cautioned against the encouragement of more granny units citing existing granny units and illegal dwelling units. Concerned with the reduction of parking requirements when transit system infrastructure is fragile due to funding challenges.
10. Cathie McCammon, Co-President, La Mesa Neighborhoods Association, concerned with policy C-8, on page 58, and its potential impact on Cliff Drive. Concerned that a MODA may not be appropriate for the Mesa.
11. Debbie Cox Bulton, Executive Director, Coastal Housing Coalition, supports updated report and the sustainability sections. Asked that Growth Management Policies LG1-LG3 be clear on defining affordable housing as traditionally low and very low, up to work-force housing, and be consistent as defined in the document. Supportive of incentives for employer-sponsored housing and development of granny flats.
12. Lisa Plowman, SB4ALL, spoke about the changes to Measure E suggested in LG7. Believes that the adoption of the TEDR Ordinance brought about redevelopment opportunities where they had not existed, allowing for more development, and also allows square footage to be transferred between properties that could better accommodate the level of development and have less impact on the community. Thinks it is a good tool in the Downtown area for encouraging strong economic vitality. Recommends increasing flexibility in TEDR such as also transferring resource credits in limited circumstances where there are neighboring projects and they can get credit for traffic. If the concern is over square footage that has been banked since the adoption of Measure E, then suggests lowering the commercial growth cap rather than take away a tool that allows for a transfer between two properties.
13. Micki Flacks, SB4ALL, praised Staff and community for participation in the General Plan update process. Very pleased with the sustainability sections of the draft and how it fits in with SB4ALL's principle objectives of protection of the environment, economic well-being, and social equity. Supports the MODA concept and policy LG1. A General Plan update should guide future development not focus on preserving past development. It should include flexibility to adapt to forces of change.
14. Max Josephson recommended 1,000,000 square feet as more sustainable than larger alternatives. Asked that the roads not be changed to two lane roads because it will encourage more automobile traffic. Need more incentives for increasing bus use.

15. Alex Pujo, COAST, commented that sustainability is not the status quo. Supports the Circulation Element section of the report.
16. Faramarz Nabouri, supports more bike racks on buses, suggests a gas tax surcharge to support roads. Supports reduction of single-car use. Supports section on community gardens and asked city to consider edible landscaping on public property.

Chair Larson entered the following comments into the record.

1. Paula Westbury requested that preservation be considered in the General Plan Update.
2. Kellum de Forest was pleased to see a Historic Element in the update; concerned with no reference made to Mills Act and the preservation of landmark structures.
3. Fred Sweeny wrote against encouraging second units within the MODA since it is inconsistent with the General Plan policy for the Upper East.
4. SB4ALL submitted a letter.
5. Cars Are Basic submitted a letter.
6. Christie Schuerch, MA, Coalition for Community Wellness, was pleased that the General Plan Update considers the wellness community's comments and encourages consideration for air quality and respiratory health.

With no one else wishing to speak, the public hearing was closed at 2:30 P.M.

Ms. Weiss will follow up on a Planning Commission question about Charter Section 1507 and the alleged existence of a city policy requiring a public vote on any policies that potentially influence growth. Scott Vincent, Assistant City Attorney, added that the measure was an advisory measure and can be adopted as recommendations to the City Council giving instruction on issues, and unlike a charter amendment does not require any particular action.

Ms. Weiss responded to the Commission's questions about the remaining 1.5 million Measure E square footage and need for reallocation. Stated that while this is an initial assumption, approved and pending projects do not all go forward. The residual square footage is folded into a catch all of economic development. Also need to add in Small Additions. There is a need to redefine for the General Plan Update what happens with pending and approved project square footage; the thought has been to work through a detailed reallocation program with the Commission as a necessary implementing tool. Also responded to the reconstruction of non-residential growth under LG2 not requiring a Measure E development plan or charter findings, but subject to a discretionary review or CEQA review.

The Commissioners made the following comments:

1. The Commission thanked staff for the excellent document and the process that has led to it, as well as the public participation and valuable input. Some Commissioners felt that

- there were still some outstanding issues, but supported submitting the Draft Policy Preferences Report to City Council and moving onto the Environmental Impact Report. Stated that the General Plan Update process should not take as long to complete as the period of time it is supposed to cover.
2. The Commission thanked the Commission's Subcommittee: Commissioner Jostes for his leadership and Commissioner Thompson for his views and perspective in the evolution of the well-structured draft that has been presented. The plan is well structured, provides a context for planning in the next 20 years, links past policy and recent studies; and articulates a vision for the future. The land use policies coupled with the housing strategies provide assurance to slow growth advocates and those that provide development of affordable housing.
 3. The report provides specific guidance for the MODA and integrates transportation, housing, connectivity, and community character.
 4. Commissioners were supportive of the Adaptive Management framework and felt that it sets a precedent for being proactive in anticipating and responding to changing conditions and outcomes. Two Commissioners commented on how the Adaptive Management component will serve well and become a model for the State. Incremental growth will be small when it is adopted.
 5. Some Commissioners felt that the non-residential square footage was still too high. Recommended a 1.5 million total square foot figure to balance housing with the goal of having meaningful jobs and housing.
 6. Some Commissioners remained concerned with the sequencing of the Land Use Element and Housing Element. Acknowledged the difficulty in obtaining an extension from State Office of Housing and Community Development for completion of Housing Element, but should not deter completing a Land Use Element.
 7. Objectives are included in the draft need to be fine tuned, revised, and reframed. Wants assurance that that the Commission will have a voice in improving them.
 8. Regarding the EIR focus, does not agree with the 3,000,000 square footage figure, but sees a need to craft alternatives as building blocks to construct a hybrid that may be an environmentally superior alternative, as opposed to x residential and y non-residential.
 9. One Commissioner appreciated the format used in the report and the Historic Resources Section, although feels that the Historic Resources Section is still light and recommended that it be reviewed.
 10. One Commissioner appreciated the new policies: the MODA, sustainable neighborhood plans, and the future adaptive management program that collectively create a new and dynamic General Plan.
 11. Stated that funding will be needed to make the MODA possible. Wants to make sure that money is available for transportation and open space.
 12. One Commissioner appreciated the sustainable components of the plan and noted that while the focus is on the future, the EIR assumptions are based on the past. Wished that EIR alternatives could be analyzed so that they could be cross tabbed differently. Wants to see the results of the EIR before coming up with a preferred alternative.
 13. Noticed the elimination of TEDR for non-residential, yet increase of TDR for residential, and feels that the former tool should stay in place to manage non-residential

- growth. Another Commissioner noted the varied opinions among Commissioners regarding TEDR.
14. The Commission felt that the development community needs to be involved in the question about the TEDR policies.
 15. It was recommended that the report objectives need to have timelines associated with them, not just left open-ended.
 16. Two Commissioners do not support the reference to a 60' height restriction in the document because it is already trumped by the other community design policies in the document. The general consensus of the Commission was agreeable to the current building height.

STRAW VOTE: White/

Request that CH-10 be revised to state a preference for a lower height allowance of four stories and compatibility and sensitivity to surrounding structures, adjacent to residential zone neighborhoods.

Motion died for lack of second.

STRAW VOTE: Jostes/White

Change the 1.5 million square footage reference in LG2, subparagraph a, from 1.5 to 1.0 million understanding that that would amend the preferred project as listed in the alternatives from 1.5 of Measure E to 1.0 of Measure E and still retaining the .5 of non-Measure E as a part of the description.

Ayes: 4 Noes: 2 (Bartlett, Jacobs) Abstain: 0 Absent: 1 (Myers)

Commissioner Jacobs was fine with changing the language in alternatives policy 1, but could not support making a change in commercial square footage without having heard input from the development community.

After listening to the Commission's comments, Commissioner Jostes withdrew the motion of the straw vote, in favor of capturing the essence of the discussion in a cover memo to include looking at a smaller growth number for jobs housing, realizing that such a direction could be a concern for stakeholders in the community who have not yet had an opportunity to respond. The Commission's consensus was to express views without changing policy, leave numbers as they exist, and highlight preferences in the transmittal.

Commissioner Bartlett sought discussion on the inclusion of 60' heights and TEDR in the cover letter.

Commissioner White stated that TEDR is a large unknown potential of undeveloped square footage in the community but is not inventoried in the General Plan Update. Hence, it is not included in the 1.5 million figure and needs to be reviewed since the figure is obviously more than 1.5 million square feet.

Commissioner Jacobs noted that TEDR has been previously discussed, most recently at the Joint CC/PC meeting, and is less comfortable changing the policy when the total non-residential square footage amount is reduced by .5 million square feet. TEDR and commercial square footage fits in with economic plan of city; to change it would have an impact on the city's economic vitality.

Commissioner Thompson supported keeping LG7 and noted that there will be other opportunities for the community to weigh in; this is neither the Land Use Element nor the Environmental Impact Study. While Commissioner Jacobs suggested restoration of TEDR to be studied separately, Commissioners Bartlett and White differed in opinion.

MOTION Jostes/Thompson

Assigned Resolution No. 039-08

Planning Commission recommend that the City Council accept the Draft Revised Policy Preferences Report and initiate the formal Environmental Impact Review process, based upon the vision, goals, objectives, and policies contained therein, including the change to the building height in CH10.

Although Commissioners Jacobs and Bartlett supported the motion, both remained concerned with the TEDR.

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

MOTION: Jostes/Thompson

Assigned Resolution No. 039-08

Planning Commission authorize the Subcommittee to draft a letter capturing the discussion of concerns as articulated by the Commission's comments and forward recommendations to the City Council.

Commissioner Bartlett requested that LG7 TEDR comments be included in the letter. Commissioner Jostes agreed to review and include all comments made.

Commissioner Jacobs asked that sequencing of the Land Use Element with the Housing Element be included in the cover memo and that dates be added to the objectives.

The consensus of the Commission was agreeable to having the memo written by the subcommittee.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

MOTION Jostes/Thompson

Assigned Resolution No. 039-08

The Planning Commission forward the basic EIR alternatives, contained in Exhibit C of the Staff Report, with the understanding that they be constructed to respond to the need to identify a more functional approach to identifying an environmentally superior alternative should one exist.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Myers)

III. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:08 P.M.

- A. Committee and Liaison Reports.
1. Commissioner Larson reported on the Historic Landmark Committee's meeting and stated that the El Encanto project will return to Planning Commission in December.
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.
- None were requested.
- C. Action on the review and consideration of the following Draft Minutes and Resolutions:
- d. Draft Minutes of October 16, 2008
 - e. Resolution 037-08
600-800 Block of Milpas Street
 - f. Resolution 0038-08
15 South Hope Avenue

MOTION: Jostes/White Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As noted Absent: 2 (Bartlett, Myers)

Commissioner Bartlett abstained from the Minutes of October 16, 2008 and Resolution 037-08

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 4:14 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

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City of Santa Barbara California

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CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 039-08

GENERAL PLAN FRAMEWORK: REVISED DRAFT POLICY PREFERENCES REPORT RECOMMENDATIONS TO CITY COUNCIL NOVEMBER 13, 2008

WHEREAS, the Planning Commission has held the required public hearing on the *General Plan Framework: Revised Draft Policy Preferences Report*.

WHEREAS, 16 people appeared to give public comment, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 3, 2008.
2. Revised General Plan Framework: Draft Policy Preferences Report, November 2008
3. Correspondence received:
 - a. Judy Orias, Allied Neighborhood Association, Santa Barbara
 - b. League of Women Voters of Santa Barbara, Inc., Santa Barbara
 - c. Gill Barry, Santa Barbara
 - d. Christy Schuerch, Coalition for Community Wellness, Santa Barbara
 - e. Scott Wenz, Cars are Basic, Santa Barbara
 - f. Mickey Flacks, SB4ALL, Santa Barbara
 - g. Fred Sweeney, Upper East Association, Santa Barbara
 - h. Kellam de Forest, via email
 - i. Paula Westbury, Santa Barbara
 - j. Sherrie Fisher, Metropolitan Transit District, Santa Barbara

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

- I. Recommended that the City Council accept the Draft Revised Policy Preferences Report and initiate the formal Environmental Impact Review process, based upon the vision, goals, objectives, and policies contained therein, including the change to the building height in CH10,
- II. Authorized the Subcommittee to draft a letter capturing the discussion of concerns as articulated by the Commission's comments and forward recommendations to the City Council; and
- III. Forwarded the basic EIR alternatives, contained in Exhibit C of the Staff Report, with the understanding that they be constructed to respond to the need to identify a more functional approach to identifying an environmentally superior alternative should one exist.

These motions were passed and adopted on the 13th day of November, 2008 by the Planning Commission of the city of Santa Barbara, by the following vote:

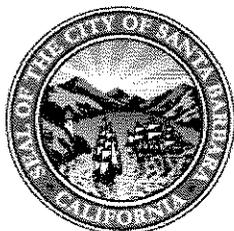
AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Myers)

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

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City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 20, 2008

CALL TO ORDER:

Chair George C. Myers called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair George C. Myers
Vice-Chair Stella Larson
Commissioners Bruce Bartlett, Charmaine Jacobs, and Harwood A. White, Jr.

Absent:

Commissioners John Jostes and Addison S. Thompson

STAFF PRESENT:

Paul Casey, Community Development Director
Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Rob Dayton, Principal Transportation Planner
Steve Foley, Supervising Transportation Planner
Melissa Hetrick, Project Planner
Kathleen Kennedy, Associate Planner
Stacey Wilson, Associate Transportation Planner
Chelsey Swanson, Associate Transportation Planner
Kelly Brodison, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

Chair Myers opened the meeting by calling for a moment of silence to pause and reflect on those affected by the Tea Fire that broke out on Thursday, November 13, 2008.

I. PRELIMINARY MATTERS:

1. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.

2. Announcements and appeals.
 1. Paul Casey, Community Development Director, provided an update on the Tea Fire recovery efforts and the loss of 151 homes destroyed in the City of Santa Barbara, with 80 more destroyed in the neighboring area.

Mr. Casey responded to the Planning Commission's questions about rebuilding the Westmont College Faculty housing by stating that the college and the home owner's association would be working together. He also responded to questions about improvements to the area infrastructure, possible changes in Community Development hours; and potential impact on the city's water supply. Mr. Casey emphasized how pleased all collaborating agencies were with the evacuation period.
 2. Mr. Kato announced that the Community Development Director granted an Emergency Coastal Development Permit to the Goleta Sanitary District's request for a sewer replacement project near the airport. The sewer line currently crosses San Pedro Creek, and they are trying to remove obstructions from the creeks in order to accommodate projected increased storm water flows from the Gap Fire burn area.
 3. Mr. Kato announced the December 4, 2008 Planning Commission meeting is being cancelled. The Commission will next meet on December 11, 2008.
3. Comments from members of the public pertaining to items not on this agenda.

Chair Myers opened the public hearing at 1:39 P.M. and, with no one wishing to speak, closed the hearing.

II. ENVIRONMENTAL HEARING:

ACTUAL TIME: 1:39 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Jacobs recused herself due to the applicant's attorney working at the same firm as her husband.

APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR SCHAAR HOMES, 101 E. VICTORIA STREET, APN 029-071-013, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICE AND MAJOR PUBLIC/INSTITUTIONAL (MST2006-00758)

The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct 17,607 square feet of commercial space comprised of 50 commercial condominiums on a parcel of approximately 19,725 square feet. The proposal consists of one-, two- and three-story elements and would have a maximum height of 35 feet. The commercial condominium units would range in size from approximately 294 to 333 square feet each. The first floor would consist of 22 units and a common locker room, shower and restroom facility, the second floor would consist of 17 units and a

common conference room and the third floor would consist of 11 units. A total of forty-five parking spaces would be provided in an underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street.

The proposed project requires the following discretionary applications:

1. Modification of the parking requirements to allow less than the number of required parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07);
3. Development Plan approval to allow 5,703 square feet of additional non-residential development (SBMC§28.87.300); and
4. Preliminary and Final Economic Development Determination (SBMC28.87.300) for 2,703 square feet.

The proposed project was approved by the Planning Commission on July 10, 2008 and subsequently appealed to the City Council. At the time of the Planning Commission approval, Staff determined that the project was exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project). Staff has since discovered that a categorical exemption is not appropriate for this site. As a result, the preparation of an Initial Study is required.

The purpose of the hearing is to receive comments on the Draft Initial Study (IS) and Mitigated Negative Declaration (MND). Written comments on the Draft IS and MND should be sent at the earliest possible date, but received no later than **Monday, December 1, 2008 at 4:30 p.m.**, Please send your written comments to the attention of Kathleen Kennedy, Associate Planner, at the City Planning Division.

Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation, joined by Melissa Hetrick, Project Planner.

Chair Myers opened the public hearing at 1:46 P.M.

Trevor Martinson, Architect, representing the appellants, Mr. & Mrs. Koval, stated that an EIR should be prepared and that the following issues should be addressed: 1. The proposed driveway location on Anacapa Street creates a safety issue and an issue with vehicle exhaust; 2. Categorical exemption is not allowed if there is a parking modification; 3. Traffic and Parking Study is flawed and does not reflect a true number of projected use by the 50 units of the project; and 4. The County Fire Department wants a deed restriction on the property regarding the leaking underground fuel tank.

With no one else wishing to speak, the public hearing was closed at 1:50 P.M.

The Commission did not have any comments. Staff thanked the Commission for the hearing.

Chair Myers called a short recess at 1:51 P.M. for Staff to prepare for the next item and reconvened at 1:54 P.M.

III. NEW ITEM:

ACTUAL TIME: 1:54 P.M.

Commissioner Jacobs returned to the dais at 1:54 P.M.

APPLICATION OF JIM ZIMMERMAN, ARCHITECT, FOR JODY F. HERRICK, 1242 SHORELINE DRIVE, APN #045-202-009, E-3/SD-3 SINGLE FAMILY RESIDENTIAL AND COASTAL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 5 UNITS PER ACRE (MST2008-00319)

The project consists of a proposal to demolish the existing, one-story, 792 square foot single family residence with 365 square foot attached garage, and construct a 1,955 square foot, two-story residence with a 450 square foot attached garage in the appealable jurisdiction of the Coastal Zone. The project includes relocating the driveway from Shoreline Drive to Santa Rosa Place and the relocation of a palm tree in the City parkway.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2008-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44);

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (1)(1) demolition of small structures and 15303 new construction of small structures.

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation and stated that two public comment letters had been received.

Jim Zimmerman, Architect, gave the applicant presentation.

Mr. Zimmerman clarified the correct set of plans and answered the Planning Commission's questions about the location of an added chimney to the first floor. The applicant has met with the neighbors to the north and has mitigated all prior concerns.

Chair Myers opened the public hearing at 2:03 P.M.

The following people spoke in support of the project:

1. Jeff Lundgreen, neighbor, was concerned with the loss of 30' of public parking on Santa Rosa Lane that the proposed driveway would use and the stress to the neighborhood by Shoreline Park picnic users. The picnic area is meant to accommodate 75 people, but attracts groups of 100-200 people with inadequate parking. Stated that the Parks and Recreation website directs people to Santa Rosa Lane for nearby parking.
2. John Dunion acknowledged the applicant's effort to be sensitive to his neighboring home, but also agreed with Mr. Lundgreen's concerns. Suggested that park's picnic tables be relocated closer to a parking lot area, since there is not sufficient neighborhood parking for the amount of people using the picnic facilities.

With no one else wishing to speak, the public hearing was closed at 2:06 P.M.

The Commissioners made the following comments:

1. Many Commissioners commented that the house appears top heavy. One Commissioner stated that the covered deck is contributing to the house appearing larger than the FAR calculations but understood that covered decks are not included in FAR calculations. Another Commissioner felt that the roof pitch may be contributing to the appearance of being top heavy. Appreciated the collaboration with the neighbors on view issues and could support the project.
2. One Commissioner felt the proposal was modest, especially given the restrictions of being a corner site. Felt that the parking problems referenced are the responsibility of Shoreline Park and could not be addressed by the Commission.
3. One Commissioner voiced concern that chimney smoke did not impact neighbors.
4. One Commissioner suggested editing the city website to exclude reference to parking by Santa Rosa Lane. Some Commissioners suggested that a resident parking permit program be considered for Santa Rosa Lane, and a neighborhood petition used if necessary. A response from the audience indicated that a permit program has been sought and was not a possibility.
5. One Commissioner felt the driveway move was more advantageous to have on Santa Rosa Lane and increased traffic safety, even though it had a minor parking impact.
6. One Commissioner expressed appreciation that the applicant has proposed to recycle the existing house.

One Commissioner asked that Transportation and Planning Staff come in at a future lunch meeting and talk to the Commission at a later date about the residential parking permit program and the Parks and Recreation Department for the picnic tables and close proximity to the Santa Rosa Lane neighborhood.

MOTION: Jacobs/Larson

Assigned Resolution No. 040-08

Approved the project, making the findings as outlined in the Staff Report, and subject to the Conditions of Approval in Exhibit A.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jostes, Thompson)

Chair Myers announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:19 P.M.

1. Committee and Liaison Reports.

1. Commissioner Jacobs reported on the Alternative Building Height Ballot Measure discussed at the City Council meeting Tuesday, November 18, 2008. City Council voted 4/3 not to proceed with an alternative ballot measure, leaving the El Pueblo Viejo ballot measure to run unopposed.

Chair Myers stated that the Council's decision could be reconsidered, however, Scott Vincent added that a reconsideration of the Council's vote would have to comply with the Brown Act and an agenda need to be published before the next meeting making the reconsideration deadline timely.

2. Commissioners Larson and White reported that they will be attending a meeting on Saturday that will be put on by the Neighborhood Defense Organization on state-mandated housing.
3. Commissioner White reported that the Mountain Drive Community Association held a neighborhood meeting for those affected by the Tea Fire that was well attended by collaborating agencies and was resourceful to attendees.

2. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Commissioner White reported on the Staff Hearing Officer meeting held on November 19, 2008 and the three modifications approved, including approval of the first medical marijuana dispensary under the new ordinance.

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 2:31 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 040-08
1242 SHORELINE DRIVE
COASTAL DEVELOPMENT PERMIT
NOVEMBER 20, 2008

APPLICATION OF JIM ZIMMERMAN, ARCHITECT, FOR JODY F. HERRICK, 1242 SHORELINE DRIVE, APN #045-202-009, E-3/SD-3 SINGLE FAMILY RESIDENTIAL AND COASTAL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 5 UNITS PER ACRE (MST2008-00319)

The project consists of a proposal to demolish the existing, one-story, 792 square foot single family residence with 365 square foot attached garage, and construct a 1,955 square foot, two-story residence with a 450 square foot attached garage in the appealable jurisdiction of the Coastal Zone. The project includes relocating the driveway from Shoreline Drive to Santa Rosa Place and the relocation of a palm tree in the City parkway.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2008-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44);

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (1)(1) demolition of small structures and 15303 new construction of small structures.

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

WHEREAS, no one appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto, or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 13, 2008
2. Site Plans
3. Correspondence received in opposition to, or with concerns about, the project:
 - a. John and, Elsa Dunion, via email
 - b. Wayne Cassriel, via email

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

- I. Approved the subject application making the following findings and determinations:

Coastal Development Permit (SBMC §28.44)

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because the new residence and secondary dwelling unit would be compatible with the existing neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access, and would not contribute to safety or drainage hazards on the site and is not located on a coastal bluff or on an archaeologically sensitive site.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant preliminary approval of the project until the following Planning Commission land use 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 minimum 15 gallon size tree(s) of an appropriate species or like species.
 2. **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.
 3. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 20, 2008 is limited to 2,405 square feet of building area and the improvements shown on the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the owner is responsible for its immediate replacement.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 2. **Shoreline Drive and Santa Rosa Place Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Shoreline Drive and Santa Rosa Place. As determined by the Public Works Department, the improvements shall include the following: remove and replace all cracked and uplifted sidewalk, City Standard residential driveway apron modified to meet Title 24 requirements, saw-cut and replace curb & gutter where damaged, preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 3. **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.
 4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division staff will prepare said agreement for the Owner's signature.

5. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed Agreement to Construct and Install 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.
 6. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
 7. **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.
- D. **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 Single Family Design Board, outlined in Section A above.
 2. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
 3. **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., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect	Date	License No.
Engineer	Date	License No.

E. **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. **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.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

3. **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.
4. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. 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.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. 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.
5. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
6. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
7. **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.
8. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

9. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
- G. **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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

This motion was passed and adopted on the 20th day of November, 2008 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jostes, Thompson)

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.