



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 23, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 12:05 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Commissioner Jacobs arrived at 12:29 P.M.

STAFF PRESENT:

Paul Casey, Community Development Director

John Ledbetter, Principal Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Allison De Busk, Project Planner

Irma Unzueta, Project Planner

Peggy Burbank, Project Planner

Adam Nares, Planning Technician

Victoria Johnson, Project Engineer

Peter Lawson, Associate Planner

Chelsey Swanson, Associate Transportation Planner

Andrew Bermond, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

The first half of the meeting was held in the David Gebhard Public Meeting Room, with John Ledbetter, Principal Planner, filling in for Danny Kato, Senior Planner.

I. ROLL CALL

Roll call was taken. Commissioner Jacobs arrived at 12:29 P.M.

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.
- B. Announcements and appeals.
1. Mr. Ledbetter announced that item V, 226 and 232 Eucalyptus Hill Drive would not be heard, and was rescheduled for August 20, 2009.
 2. Chair Larson announced that the August 13, 2009 Planning Commission meeting will be cancelled. The next meeting of the Planning Commission will be held on August 20, 2009.
- C. Comments from members of the public pertaining to items not on this agenda.
Chair Larson opened the public hearing at 12:08 P.M. and, with no one wishing to speak, closed the hearing.

III. PLAN SANTA BARBARA WORK SESSION:

ACTUAL TIME: 12:08 P.M.

Staff presented the findings of the economic feasibility analysis prepared for the June 24th and 25th Density and Unit Size Workshops, as well as a summary of the workshop results. The Planning Commission was asked to provide feedback and direction regarding proposed changes to the existing variable density standards, the Mobility Oriented Development Area (MODA) boundary, and appropriate increases to residential densities in order to promote affordable housing. This was a Planning Commission discussion item; no formal Commission action was taken on *Plan Santa Barbara*.

Case Planner: John Ledbetter, Principal Planner
Email: JLedbetter@SantaBarbaraCA.gov

John Ledbetter, Principal Planner, gave the Staff presentation on Density and Housing Affordability, later joined by Rob Dayton, Transportation Supervisor, who arrived at 12:40 P.M.

Staff responded to Planning Commission questions related to changing the City's variable density standards, assumptions used to evaluate the development scenarios in the Development Feasibility Study, the purpose of the MODA, and how boundaries and areas included in the MODA were determined. Mr. Ledbetter indicated that regulating residential density with reduced unit sizes is necessary in order to produce additional affordable housing, while also attaining community goals of preserving the City's small town character, open space and mountain views, etc. Additionally, Mr. Ledbetter confirmed that the feasibility analysis looked at mixed-use projects as evidenced by the report's findings.

Staff explained that City College, and the harbor/breakwater area, were excluded from the MODA because they are not sufficiently served by transit that could be balanced with future development potential. The MODA relates to transit service, walkability and land use mix and will only work if all the necessary components exist. Based on this, Staff identified areas where the MODA would be successful and congestion would be minimized. It was noted that additional development on the southern side of the freeway would increase congestion to already impacted intersections.

Commissioner Jostes stated that traffic thresholds and “living within our resources” policies currently in place will address concerns about traffic congestion and impacted intersections. In addition, the Adaptive Management Program that is proposed through the *PlanSB* process will also monitor this issue. Taking SBCC and the train station area out of the MODA does not make sense.

Commissioner Lodge felt that the MODA and development was being driven by traffic congestion and appeared focused on transportation corridors. Staff acknowledged that the purpose of the MODA was to focus development in transportation corridors and build smaller, more compact housing that will benefit from making use of transit to reduce traffic congestion. Staff is also trying to balance two community goals: preserving community character, while achieving additional affordable housing.

Commissioner Jacobs stated that the MODA concept makes sense and is an opportunity to plan what type, how much and where we want residential development.

Commissioner Lodge referenced Casa de las Fuentes as a type of high density residential project that she can support at 54 units per acre. She stated that 60 units to the acre is more like the Chapala One development and is not acceptable.

Commissioner Larson felt that adaptive-re-use of existing buildings has not been sufficiently explored, stating that the trend in Santa Barbara is to “tear down structures and redevelop properties.” She is concerned with the aesthetic changes that would result from lifestyle changes.

Chair Larson opened the public hearing at 1:06 P.M.

The following people gave public comment:

1. Cathy McCammon expressed concern that the June workshops focused more on the consultant feasibility report and did not allow for much public input. Consultant did not seem to understand that the public does not want to see massive development, such as Chapala One. Urged the Commission to study Gil Barry’s alternative which shows that middle income units can be produced less expensively. Concerned that the model presented at the workshops showed more market units than affordable units. More discussion is needed that includes the public before this goes on to Council.

2. Steve Amerikaner, representing Andy Seybold on Alan Road, distributed a handout and spoke about the zoning inconsistencies with the General Plan in the Braemar track area noting that this would be a good time to address and reconcile inconsistencies.
3. Yates Satterlee expressed concerned with the preservation of Santa Barbara and finding a way to put more in such a small area. Opposed to further growth.
4. Jean Holmes, Allied Neighborhood Association, was concerned with scenario 4 and its assumptions for affordable non-subsidized housing. Lot size of one acre is hard to come by, lot prices are expensive, and parking is limited and would result in more cars vying for on-street parking downtown. There is Incompatibility of scenario 4 with community character.
5. Connie Hannah, League of Women Voters, summarized prior written comments related to the development scenarios evaluated in the Feasibility Study, and stated that we need to find alternatives to building less expensive housing.
6. Gil Barry, Allied Neighborhood Association, submitted prior written comment and presented a fifth scenario. He also suggested using the 'affordable-by-design' model used by the Santa Barbara Housing Authority. Judy Orias relinquished her speaking time to Mr. Barry.
7. Mary Louise Days, Citizens Planning Association, summarized prior written comments related to deficiencies and omissions on the draft Land Use Map and the revised MODA Map.
8. Paul Hernadi, Citizens Planning Association, summarized previous submitted written comment identifying deficiencies and shortcomings of the Feasibility Study, including worsening the jobs/housing imbalance with increased density, ignoring alternative remedies to improve the jobs/housing imbalance and associated commuting, and an inadequate developer profit approach. .
9. Naomi Kovacs, Executive Director, Citizens Planning Association, summarized previous written comment related to discrepancies in the development feasibility study and Staff's PowerPoint presentation at the June workshops., Requested that the worksession be continued to allow for consideration of Mr. Barry's scenario 5.
10. Kellum de Forest, said that the current practice of building market-driven units with the inclusion of affordable unites is not working. Condominiums that are currently built are bought as weekend or vacation units, and not affordable housing. Believes that affordable housing can be made available for essential workers by employers, either public or private, such as what has worked at UCSB.
11. Dick Jensen commented on being initially driven by fear, such as when Casa de la Fuentes was built, but found that the results proved that the transportation corridors work based on correct assumptions. Supports housing that allow residents to live there without a car.
12. Tom Bollay, AIA submitted a handout with a sixth option and expressed support for Citizens Planning Association and Mr. Barry's scenario 5. Stated that even if only 2-story projects were built downtown, it would double the 60% existing FAR and would increase traffic far more than can be supported. The MODA makes assumptions that housing will only be built near existing transportation; instead should look at best place to put housing and then follow with transportation.

13. Meagan Burney, Community Environmental Council, thanked staff and supported the consultant's report. Supported staff recommendations and options presented.
14. Michael Chiacos, Transportation Specialist, Community Environmental Council, strongly supports workforce housing density overlays for the MODA, as well as expanding MODA to other areas. Cited the need for building moderately sized one and two bedroom properties. Suggested encouraging more employer built housing. Concerned with the MODA being reduced to exclude schools, the west side, and coastal zones. Suggested expansion of car sharing nodes and use of zipcars. Developers could be given incentives to offer car sharing options.
15. Britta Bartels felt that the public is not as involved or informed about the process, cited the Santa Barbara Newspress editorial drawing that captured what is going on in our community's development. Concerned with the Eastside neighborhood not being sufficiently included. The media should be made aware of these public meetings for greater public participation.
16. Mickey Flacks was concerned that with the effects of increasing traffic and stressed the need for transportation options that are not dependent on cars. Development continues to be luxury housing, but is not what is needed. Need to find ways to subsidize workforce housing. Stated that small developments would not achieve sufficient affordable units, large development is needed in MODA. Urged the Commission to listen to the younger people and their way of living, they are the future.
17. Joe Andrulaitis, AIA, supported the change in the variable density formula; supported MODA concept and suggested adding blocks facing Anapamu Street corridor running east and along the Milpas Street Corridor running north. Single family neighborhoods, such as San Roque and Samarkand, should be excluded from the MODA. Supports unbundled parking and the one space/unit requirement. Noted the workshop was poorly attended by younger people. We need to move beyond buildings and heights, and focus on people. Mr. Andrulaitis will submit his written comments.
18. Peter Hunt, Architect, stated that 50% of revenue comes from tourism and suggested that what tourists like about Santa Barbara be kept in mind. Questioned loading up downtown with more housing, which could have unintended consequences. Suggested not confining ourselves to downtown, but looking at the De La Vina/Alamar/State Street triangle and the Highway 101/Hitchcock Way/Highway 101/State Street triangle for development of more mixed-use housing and finding ways to make more appealing to tourists.
19. Alex Pujo said that small houses can be possible, but cautioned on tightening up the building envelopes. Agreed with all the scenarios presented. Need to include younger generations and community diversity in the process.
20. Lee Moldaver stated that more market housing is not needed. The goal is to produce affordable housing units. Building one and two unit affordable housing projects is a step in the wrong direction. Cautioned that if the MODA were adopted, it is beyond MTD's capacity to accommodate it. Funding is being slashed, not expanded.
21. Chuck Davis, Macerich Company (representing La Cumbre Plaza), said the center is built on five separate ground leases on separately owned parcels of land. La Cumbre

Plaza does not own the land. Department stores are on their own ground lease parcels and have their own rights and terms. Sees value of mixed use and density, but would want to see incentives for development and sufficient ground floor retail tenants. Any change to the site plan at La Cumbre Plaza requires full approval of all the underlying land owners and the department stores; not just reasonable approval, but unilateral approval.

With no one else wishing to speak, the public hearing was closed at 2:21 P.M. Commissioner Larson summarized the public comment letters into the record.

The Commission was pleased with the discussion and given the constrained time, asked Staff if the discussion could be continued to another meeting. Staff will review available dates and notify the public.

Commission Direction:

1. Pursue changes to variable density standard to reduce unit sizes and building envelopes in the MODA:
 - a. Commissioners Lodge, White, and Larson support changing the variable density standard from bedroom count to unit size. Commissioner White suggested changing variable density standard everywhere and eliminating the MODA.
 - b. Commissioner Thompson concurred indicating that large units should equal lower densities to incentivize the development of smaller units.
 - c. Commissioner Bartlett suggested using an FAR approach on residential components, so that the smaller the units, the more you can fit in the allowable FAR. This is an FAR approach with a minimum density to regulate larger units.
 - d. Commissioner Jacobs and Jostes agree that the proposed change in variable density standards is something that has been desired citywide across the board by the Planning. Just do it!
 - e. Commissioner White noted that MTD is suffering financially, which is a critical issue. MODA requires excellent transit, but how will that work with MTD's financial status. Felt that a realistic forecast for transit over the next 10-20 years should be included to help define a component of MODA.
 - f. Commissioner Jacobs favored the proposed MODA boundary and was concerned that enlarging the MODA will not have the adequate transit structure to make it work. The map should include more open space and suggested including the old Presidio Park. The map should also include the train station and Santa Barbara City College area.

2. Establish R3//R4 zones outside MODA at 18 du/ac:
 - a. Commissioner Jostes feels that shrinking the MODA boundaries is going in the wrong direction and against options that the young people from CEC commenting at the workshop spoke in support. In addition, centers identified in the MODA create more problems. Instead, explore crafting overlay zone to provide increased density. Upper State Street and Single Family Zones should not be included in the MODA.
 - b. Commissioner Jostes feels that some of the MODA reduction is good, but suggested a MODA alternative that included schools, the breakwater; and more multi-family and commercial zones. Higher density would be allowed only if it meets the test of living within our resources.
 - c. Commissioner Bartlett concurs with Commissioner Jostes' redefined MODA boundaries and agrees that it will help take the pressure off of El Pueblo Viejo. Does not want to lose sight of the concept of dual density or an FAR approach; would want to have a higher FAR or density for rentals, as opposed to for-sale units.
 - d. Commissioner Bartlett added that another issue that the Commission has faced is with rentals that have been developed at a higher density and subsequently converted to condominiums. Commissioner Bartlett explained that the dual density FAR approach allow a certain amount of square footage that could be carved into various building envelope options; not set increments as are currently permitted.
 - e. Commissioner White suggested consideration for rental only housing areas – it is needed in the city and we need to find places where this can happen.
 - f. Commissioners Jacobs and Lodge felt that if the MODA map were redrawn, then question two would be eliminated. Although, Commissioner Jacobs is satisfied with current MODA map and supports any incentives or accommodations for rental properties, either using municipal funding or other means. 60% of Santa Barbara's population chooses to rent rather than take an hour long commute. We do not have sufficient rental property and that has not been addressed.

Mr. Ledbetter clarified that what PlanSB proposes for single family areas is not variable density, but granny units as was described.

3. Are market driven affordable units desired at required density, and if so, where, and how (MODA, overlay, AMP, clear standards, etc.,)
 - a. Commissioner Jacobs felt that even looking at scenario's 5 and 6 would not get to the heart of the matter; market driven ownership

units will not solve the jobs/housing imbalance. If lucky, we may get 100 units which will not help the number of people commuting from Ventura County.

- b. Commissioner Lodge felt that this is a no win game. Building projects with 60 market units to obtain 40 mid-range affordable units, the 60 units will create 180 service jobs. Additional commuters will result, not less. Have to find ways for financing mechanisms. Would like to see scenario 5 studied.

The Commission called for a continuation of the worksession to continue discussion on item three and the draft land use map and asked Staff to determine a possible date and notify the public.

Chair Larson called for a recess at 3:04 P.M and reconvened the meeting at 3:32 P.M. in City Council Chambers.

Commissioner White left during the recess. and did not return to the dais.

IV. CONSENT ITEMS:

ACTUAL TIME: 3:32 P.M.

APPLICATION OF ELVA ROGERS, AGENT FOR CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY, 6401 HOLLISTER AVENUE, 073-045-003, G-S-R, S-D-3, GOLETA SLOUGH RESERVE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RECREATIONAL OPEN SPACE (MST 2008-000432, CDP2009-00005)

The project consists of the installation of two groundwater monitoring wells in wetlands south of Hollister Avenue on Santa Barbara Airport property in the appealable jurisdiction of the Coastal Zone. Installation of these wells is required by the Santa Barbara County Fire Department as part of the site assessment for MTBE contamination associated with a former Chevron gas station that was located at 6470 Hollister Avenue. The 6-inch diameter wells would be manually drilled to a depth of approximately 10 feet. Soil samples would be collected from the boring material, and the wells would be completed with 2-inch diameter Schedule 40 PVC casings that would extend above the ground and be encased in a well monument set into a small concrete pad so that the wells can be located year-round. The proposed wells would be fully removed after one year of quarterly monitoring, or as directed by the County Fire Department. The area occupied by the wells would then be filled in and replanted with native wetland vegetation. The proposed project also includes the restoration of eight square feet of habitat to mitigate the temporary loss of wetland habitat associated with the installation of the two wells.

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

Case Planner: Andrew Bermond, Associate Planner
Email: ABermond@SantaBarbaraCA.gov

Ms. De Busk requested that the Planning Commission waive the Staff Report.

MOTION: Jostes/Thompson

Waive the Staff Report

This motion carried by the following vote:

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

Andrew Bermond, Associate Planner, did not give a Staff presentation, but remained available for any questions.

Elva Rogers did not give an Applicant presentation, but also remained available for any questions.

Chair Larson opened the public hearing at 3:34 P.M. and, with no one wishing to speak, closed the hearing.

MOTION: Lodge/Jostes

Assigned Resolution No. 028-09

Approved the project, making the findings for approval of the Mitigated Negative Declaration as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

V. STAFF HEARING OFFICER APPEAL:

APPLICATION OF BRENT DANIELS, AGENT FOR CYNTHIA HOWARD, 226 & 232 EUCALYPTUS HILL DRIVE, APN 015-050-017 & 015-050-018, A-2, ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWO UNITS PER ACRE (MST2004-00349)

****NOTE: This project was initially scheduled to be heard on June 18, 2009 and was continued to July 23, 2009. The hearing is now rescheduled for August 20, 2009.**

This is an appeal of the denial of the project by the Staff Hearing Officer. The proposed project involves a lot line adjustment between two parcels (2.82 and 2.75 acres in size) by realigning the dividing lot line from a north-south direction to an east-west direction, and resulting in two parcels of 2.47 acres (Parcel 1, upper parcel) and 3.10 acres (Parcel 2, lower parcel). Parcel 1 would have an average slope of 21.3% and Parcel 2 would have an average slope of 22.5%, both parcels sloping north to south. An existing single-

family residence, greenhouse foundation, and hardscape driveway would be removed, and two new single-family residences are proposed on each parcel. Parcel 1 would include a 6,129 square foot residence with an attached 743 square foot garage, and a 1,517 square foot residence with a 320 square foot garage, and a detached 430 square foot garage. Parcel 2 would include a 3,927 square foot residence with an a 747 square foot attached garage, and a 1,786 square foot residence with a 352 square foot subterranean garage. The project site is currently accessed from Eucalyptus Hill Drive, a private road, by an existing unimproved driveway which extends to the southern portion of the properties. This driveway would be improved to facilitate access to the proposed lower parcel, via an easement though the upper parcel. The total grading quantities proposed for the development of both parcels include 3,090 cubic yards of cut and 2,830 cubic yards of fill.

The discretionary applications required for this project are:

1. Lot Line Adjustment to allow adjustment of the property line between two existing parcels (SBMC§27.40);
2. Street Frontage Modifications to allow less than the required 100 feet of frontage on a public street for each parcel (SBMC§28.15.080); and
3. Performance Standard Permits to allow an additional dwelling unit on each parcel (SBMC§28.93.030.E).

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

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

VI. **NEW ITEMS:**

ACTUAL TIME: 3:35 P.M.

APPLICATION OF LISA PLOWMAN, AGENT FOR SOUTHERN CALIFORNIA-NEVADA CONFERENCE - UNITED CHURCH OF CHRIST, 230 LIGHTHOUSE ROAD, APN: 045-021-021, E-3/S-D-3 ONE FAMILY RESIDENCE/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2006-00455)

The project consists of an eight-lot residential subdivision of an existing 1.6-acre site. The project does not include construction of individual homes. The existing church and all existing site improvements would be demolished. Two private driveways (one at the northern boundary and one at the southern boundary of the project site) would provide vehicular access to all of the lots. A common walkway and landscaping ("walkstreet") would be provided down the center of the site to provide pedestrian access to each of the lots. Lot sizes would range from approximately 8,552 to 9,728 net square feet. Six lot frontage modifications would be required for the project. An uncovered guest parking space

is proposed as part of the future development of each lot, and a conceptual landscape plan has been developed.

Although the project (as identified in the public notice) originally included two development options, the applicant has withdrawn the request for Option 1, which was a ten-lot subdivision that included three affordable lots. Therefore, only the project previously identified as Option 2 is currently proposed.

The discretionary applications required are:

1. Tentative Subdivision Map (TSM) for an eight-lot subdivision (SBMC Chapter 27.07);
2. Lot Frontage Modifications (6) to allow six of the lots to have less than the required 60 feet of frontage on a public street (SBMC §28.92110, A, 2);
3. Public Street Frontage Waiver (2) to allow more than two lots to be served by a private driveway (SBMC §22.60.300);
4. Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060); and
5. Design Review Approval by the Single Family Design Board (SFDB) (SBMC, Chapter 22.69).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332.

Case Planner: Allison De Busk, Project Planner
Email: ADeBusk@SantaBarbaraCA.gov

Allison De Busk, Project Planner, gave the Staff presentation and included revised conditions of approval.

Lisa Plowman, Piekert Group, gave the Applicant presentation.

Chair Larson opened the public hearing at 3:54 P.M.

Ed Gamble, spoke in support of the current project with one concern regarding the property's state of disrepair: massive amount of graffiti, drug sales, and overgrown lawn that is a fire hazard. Has observed people smoking and urinating off the roof and urges swift demolition.

Walter Dukes, President of the 1809 Cliff Drive Property Owners Association, expressed concern with the project impeding views and noted that existing eucalyptus have grown to impede views. Would ask that any replacement trees or structures be given consideration for impacting the views.

With no one else wishing to speak, the public hearing was closed at 3:58 P.M. Chair Larson read into the record a letter from Nica and Michael Guinn.

Ms. Plowman answered the Planning Commission's questions about drainage as coming from the southwest with some of it draining down the walkstreet from the northern lots while the southern lots will drain into a swale that will come out onto the street. She responded that the sale of property will be as a package with entitlements as a divestiture by the owner.

Staff answered the Planning Commission's questions about the enforcement issues that were referenced by stating that there are no open enforcement cases on the property, but that Staff will initiate the enforcement process. Ms. De Busk also responded that the useable lot sizes are relatively similar to other lot sizes in the area, but the net size is a little larger due to the inclusion of the private driveways. Staff responded to the coordination of continuity of the streetscape, such as sidewalks and crosswalk, resulting from adjacent properties to be developed.

Tim Downey, Urban Forest Superintendent of City Parks and Recreation Division, responded to Commissioner Lodge's inquiry about Park and Recreation's concerns by stating that when the tree removal application was submitted, the extent of public improvements were not yet determined. The concern for the trees in question relates to those improvements since the construction of the improvements will cause the trees to become unstable; an action similar to removing the trees. The commission postponed a decision pending the outcome of knowing if a subdivision would go through.

The Commissioners made the following comments:

1. Commissioner Thompson commented on the request for access to Lighthouse that surfaced in public comment and said that it should be resolved directly between the neighbor and the property owner since it is not a public access and is not a Planning Commission issue.
2. Commissioner Jacobs found the project supportable; works best if all are built at the same time. Recommended story poles be used at some point for benefit of the neighbors and Single Family Design Board. Wants to see coordination between this project and future school parking lot improvements.
3. Commissioner Bartlett appreciated that the project had kept many of the original qualities and that the affordable issues were resolved.
4. Commissioner Larson appreciated the opening of corridors for view and encourages a continued good neighbor policy. Appreciated the rearrangement of the sites to provide privacy to the Salida del Sol neighbor. Cautions against use of a gate prohibiting access and looks forward to the cleanup of the property.

MOTION: Thompson/Lodge

Assigned Resolution No. 029-09

Approved the project, making the findings for Tentative Subdivision Map, Modifications, Public Street Waiver, and Coastal Development Permit as outlined in the Staff Report,

subject to the Conditions of Approval in the revised Exhibit A of the Staff Report with the following revision to the Conditions of Approval: 1) The open yard areas for lots 4 and 5 shall be along the eastern property line due to privacy issues; and 2) Applicant will provide a computer depiction of the project when it goes to the Single Family Design Board.

Commissioner Jostes felt that the revised condition to "consider including fireplaces" did not constitute a condition. Commissioner Thompson stated that this was only included in the applicant's proposed revisions and not in Staff's revisions, therefore, not a part of the motion.

Commissioners Jacobs and Larson supported inclusion of story poles when the project goes to the Single Family Design Board. Scott Vincent, Assistant City Attorney, commented that the Single Family Design Board Guidelines dealt with visual representations and did not necessarily require story poles.

Commissioner Bartlett asked for consideration of conditions A.7 and B.11 as presented by the applicant, but was informed that the wording was similar to Staff's revisions and not included in the motion.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

Commissioner Jostes left the dais at 4:24 P.M.

VII. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:25 P.M.

A. Staff Discussion:

1. 810 Bond Avenue and 516 N. Nopal Street – *Level 3 Substantial Conformance Determination*
Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Peter Lawson, Associate Planner led the discussion for Kathleen Kennedy.

Steve Oros, Agent, gave the Applicant presentation to the Commission.

MOTION: Thompson/Bartlett

Removal of requested line from the conditions of approval is in substantial conformance with the project approval.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As noted. Absent: 2 (Jostes, White)

2. 2559 Puesta Del Sol – *Level 3 Substantial Conformance Determination*
Case Planner: Peter Lawson, Associate Planner
Email: PLawson@SantaBarbaraCA.gov

Commissioner Jacobs recused herself from hearing this item due to her husband being on the Board of the Natural History Museum and left the dais at 4:40 P.M.

Commissioner Jacobs left the dais at 4:40 P.M.

Peter Lawson, Associate Planner led the Staff discussion.

Gary Robinson, Facilities Director, Natural History Museum, gave the Applicant presentation to the Commission.

MOTION: Lodge/Thompson

Supported approval of substantial conformance determination.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As noted. Absent: 2 (Jostes, White)

B. Committee and Liaison Reports

1. Staff Hearing Officer Report.

Commissioner Larson reported on the Staff Hearing Officer meetings held on July 1st and 15th, 2009

2. Other Committee and Liaison Reports.

- a. Commissioner Larson reported on attending the Historic Landmarks Commission meeting and the progress on the Children's Museum.
- b. Commissioner Bartlett reported on a Planning Commission training seminar in Los Angeles attended by Commissioners Bartlett, Lodge, and Larson.

C. Action on the review and consideration of the following Draft Minutes and Resolutions:

1. Draft Minutes of June 18, 2009

MOTION: Thompson/Bartlett

Approve the minutes and resolution of June 18, 2009 as corrected.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jacobs, Jostes, White)

2. Resolution 027-09
2215 Edgewater Way

MOTION: Bartlett/Thompson

Approve resolution 027-09 with modification to Item B.1 as corrected.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jacobs, Jostes, White)

VII. ADJOURNMENT

Chair Larson adjourned the meeting at 4:55 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 028-09

6401 HOLLISTER AVENUE

MITIGATED NEGATIVE DECLARATION ADOPTION, COASTAL DEVELOPMENT PERMIT

JULY 23, 2009

APPLICATION OF ELVA ROGERS, AGENT FOR CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY, 6401 HOLLISTER AVENUE, 073-045-003, G-S-R, S-D-3, GOLETA SLOUGH RESERVE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RECREATIONAL OPEN SPACE (MST 2008-000432, CDP2009-00005)

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

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 no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 16, 2009
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

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

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

- A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION (CEQA GUIDELINES §15074)**
1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with any comments received during the public review period process.
 2. The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project, as mitigated, will have a significant impact on the environment. The Final Mitigated Negative Declaration dated July 6, 2009 is hereby adopted.
 3. The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
 4. The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project.
 5. A mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects has been prepared.
 6. The location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.
 7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included which requires the applicant to pay the fee within five days of project approval.
- B. GOLETA SLOUGH COASTAL DEVELOPMENT PERMIT (SBMC §29.25.020)**
1. The project is consistent with the policies of the California Coastal Act, because it has been designed to minimize environmental impacts to the extent feasible as described in Section VII of the staff report (Coastal Act Section 30236).
 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, because it would be constructed in previously disturbed areas and would not adversely affect cultural or biological resources (Policies F-3 and C-12) as described in Section V of this staff report.

3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because it would not introduce a new impediment to public access as it would not impede travel on any existing trail or roadway.
4. The project use is dependent upon the resources of the environmentally sensitive area, consistent with Section 30233 of the Coastal Act because the testing of groundwater at another location would not provide adequate information about the level of contamination in the Goleta Slough.
5. The project has been designed to prevent impacts which would significantly degrade environmentally sensitive habitat by restricting the use of vehicles and restoring eight square feet of wetland habitat compatible with the existing environment.
6. The project does not maintain a buffer area between itself and delineated wetlands because a buffer area around the two monitoring wells would be infeasible.
7. The project will be carried out in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms by restricting use of vehicles and requiring that all material be hauled out of the wetland upon completion of the well installation and habitat restoration.
8. The project includes adequate impact avoidance and mitigation measures to ensure protection of rare, threatened, or endangered species, that are designated or candidates for listing under State or federal law through the incorporation of Mitigation Measure BIO-1 and the Conditions of Approval.
9. There is no less environmentally damaging alternative to the proposed development, all feasible mitigation measures have been provided to minimize adverse environmental effects, and all spoils shall be removed from the wetland area to avoid significant disruption to wildlife habitat and water circulation.
10. Archaeological or other culturally sensitive resources within the Goleta Slough are protected from impacts with the implementation of Mitigation Measures CR-1-4.
11. Sedimentation from the proposed development has been reduced to a minimum and is compatible with the wetland area.
12. The project enhances public educational or recreational opportunities at the Goleta Slough by restoring habitat to a natural state in an area outside of the Airport Operations Area security fence.

II. Said approval is subject to the following conditions:

- A. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee required is \$1,993.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- B. **Written Agreement.** Prior to the issuance of a Public Works permit for the project, the Applicant 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 and shall include the following:
 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 23, 2009 is limited to a two groundwater monitoring wells, and eight square feet of wetland habitat restoration shown on the submitted plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Geotechnical Liability Limitation.** The Applicant understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Applicant unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Applicant agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Applicant's successor-in-interest or third parties.
- C. **Community Development Requirements with Public Works Permit Application.** The following shall be submitted with the application for a Public Works permit and finalized prior to Public Works Permit issuance:
 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 monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/case planner.
 - 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.
 - g. The PEC shall 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 upon request (*Required Mitigation Measure AQ-8*).
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. **Restoration Plan.** Applicant shall submit final landscaping and restoration plans for the project to be reviewed by City staff. The plans should include restoration of all temporarily disturbed habitat areas with native riparian and

wetland species and creation of eight sq. ft. of additional wetland habitat area onsite to mitigate the permanent loss of habitat. Initial planting shall occur in concert with or immediately following construction activities associated with the project. An eight square foot area of the noxious weed Harding grass (*Phalaris aquatica*) shall be removed from the area surrounding the well installations. The disturbed areas shall be immediately be seeded with local native wetland and transitional wetland species as specified in the Wetland Delineation Report for the project dated November 14, 2007. Well installation and weeding and seeding shall be implemented in the dry season (late summer/early fall) to minimize impacts to wetlands (*Required Mitigation Measure BIO-1*).

5. **Archaeological Monitor Required.** The following language shall be reproduced on the construction plans submitted for building plan check and the directives of this mitigation measures followed:
 - a. Prior to the issuance of a public works permit, the applicant shall contract with a City-approved archaeologist to provide for monitoring of additional ground disturbing activities, and, as may be determined to be necessary based on the results of the surface survey. The archaeologist shall include a City qualified Native American monitor who shall be required to be on-site during all excavation activities. Contract(s) shall be subject to the review and approval of the Environmental Analyst.
 - b. The General Contractor shall schedule a construction conference. The conference shall include representatives from the Public Works Department, Building Division, Planning Division, the Property Owner and Contractor. 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 of the parcel. If such cultural resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be consulted. 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, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, a Phase 3-recovery program shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission. That portion of the Phase 3 program, which requires work on-site, shall be completed prior to continuing construction in the affected area. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbances in the area of the find.

- c. All construction personnel shall be informed that in the event cultural resources may be present. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work must stop immediately in the area and a City-approved archaeologist retained by the applicant to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s).
 - d. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work must stop immediately in the area and a City-approved archaeologist retained by the applicant to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s). If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted and State procedures followed. Work in the area may only proceed after authorization is granted by the Environmental Analyst. *(Required Mitigation Measures CR-1-4).*
6. **Construction During Dry Season.** Construction activity in the area where flows occur in the channel shall be limited to the dry season months of July through October. *(Required Mitigation Measure WE-1).*
- D. **Public Works Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Engineering Division for Public Works permits.
1. **Mitigation Monitoring and Reporting Requirement.** Applicant shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
 2. **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 Applicant		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 Applicant and/or Contractor for the duration of the project construction.
1. **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.
- F. **Prior to Project Completion.** Prior to issuance of the Certificate of Occupancy, the Applicant 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. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Final Inspection, whichever is earlier.

3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
 4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 5. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.
- G. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant 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 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 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 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 GOLETA SLOUGH 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 Goleta Slough 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 23rd day of July, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

PLANNING COMMISSION RESOLUTION No. 028-09
6401 HOLLISTER AVENUE
JULY 23, 2009
PAGE 10

DRAFT

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.

DRAFT



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 029-09

230 LIGHTHOUSE ROAD

**TENTATIVE SUBDIVISION MAP, COASTAL DEVELOPMENT PERMIT, LOT FRONTAGE MODIFICATIONS,
PUBLIC STREET WAIVER**

JULY 23, 2009

**APPLICATION OF LISA PLOWMAN, AGENT FOR SOUTHERN CALIFORNIA-NEVADA
CONFERENCE – UNITED CHURCH OF CHRIST, 230 LIGHTHOUSE ROAD,
APN: 045-021-021, E-3/S-D-3 ONE FAMILY RESIDENCE/COASTAL OVERLAY ZONES,
GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2006-00455)**

The project consists of an eight-lot residential subdivision of an existing 1.6-acre site. The project does not include construction of individual homes. The existing church and all existing site improvements would be demolished. Two private driveways (one at the northern boundary and one at the southern boundary of the project site) would provide vehicular access to all of the lots. A common walkway and landscaping (“walkstreet”) would be provided down the center of the site to provide pedestrian access to each of the lots. Lot sizes would range from approximately 8,552 to 9,728 net square feet. Six lot frontage modifications would be required for the project. An uncovered guest parking space is proposed as part of the future development of each lot, and a conceptual landscape plan has been developed.

Although the project (as identified in the public notice) originally included two development options, the applicant has withdrawn the request for Option 1, which was a ten-lot subdivision that included three affordable lots. Therefore, only the project previously identified as Option 2 is currently proposed.

The discretionary applications required are:

1. Tentative Subdivision Map (TSM) for an eight-lot subdivision (SBMC Chapter 27.07);
2. Lot Frontage Modifications (6) to allow six of the lots to have less than the required 60 feet of frontage on a public street (SBMC §28.92110, A, 2);
3. Public Street Frontage Waiver (2) to allow more than two lots to be served by a private driveway (SBMC §22.60.300);
4. Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060); and
5. Design Review Approval by the Single Family Design Board (SFDB) (SBMC, Chapter 22.69).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332.

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

WHEREAS, one person appeared to speak in favor of the application, and one person appeared to speak with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 16, 2009
2. Revised Conditions of Approval
3. Site Plans
4. Correspondence received with concerns about the project:
 - a. Nica and Michael Guin, via email
 - b. Natasha Campbell, via email

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

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

A. Public Street Waiver (SBMC §22.60.300)

1. The private driveways will provide adequate access to the proposed parcels. The proposed driveways are acceptable to the Fire Department and Public Works Department.
2. The proposed driveways will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveways will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. There is adequate provision for maintenance of the proposed driveways because the owners of the proposed lots would be required to maintain the private driveways pursuant to an agreement with the subdivider, to be recorded prior to or concurrent with recordation of the Final Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development with private driveways rather than a public street allows for the common "walkstreet" down the middle of the development, which is an amenity to the subdivision. The southern driveway provides a permanent buffer between the new development and Washington School, which is important to the School. Additionally, the private driveways do not require expenditure of public money for maintenance.

B. Lot Frontage Modifications

As discussed in Section VI.A of the staff report, this modification is consistent with the purposes and intent of the zoning ordinance and is necessary to secure an appropriate improvement on the lot because the lots have frontage on a private driveway rather than a public street.

C. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Sections VI and VII.A of the staff report. The site is physically suitable for the proposed development due to its flat topography and soil composition, the project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII.A of the staff report, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems as discussed in Section VII.F of the staff report.

D. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act; and
As shown in Section VII.B of the Staff Report, the proposed 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.
The proposed project is consistent with all applicable Local Coastal Plan policies of the Coastal Land Use Plan as demonstrated in Section VII.B of the staff report, and all applicable Zoning Ordinance regulations with the requested modifications, as shown in Section VI of this staff report.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.
The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite and the project would not result in a negative impact to recreational activities at nearby La Mesa Park, and, due to its location on the northeast side of Meigs Road/Shoreline Drive, the project does not have the potential to affect public access to the coast.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The subdivision improvements are subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project (subdivision improvements) 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 identified for replacement on-site on the Common Area Landscape Plan on a one-for-one basis. Replacement trees shall be a minimum 24-inch box or 15 gallon size tree(s), as determined by the SFDB, of an appropriate species, in

order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.

- a. **Oak Tree Replacements.** The oak tree removed as part of the project shall be identified on the Common Area Landscape Plan to be replaced on site with five (5) one-gallon trees, or with three (3) 15-gallon trees, as determined by the SFDB.
 - (1) Landscaping provided under the replacement oak trees shall be compatible with preservation of the trees as determined by the SFDB. No irrigation system shall be installed under the dripline of any oak tree.
 - b. **Olive Tree Relocation.** Common Area Landscape Plan shall show the existing 17" Olive tree to be relocated on site.
2. **Timing of Tree Replacement.** The trees identified on the Common Area Landscape Plan shall be planted within 60 days of removal of existing trees unless a building permit has been issued for the construction of a residence on at least one of the lots. If a building permit has been issued for the construction of a residence on at least one of the lots, the planting of the common area landscaping may be deferred until completion of construction. In any case, all common area landscaping must be installed prior to issuance of any Certificate of Occupancy.
 3. **Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to screen the school from the southern driveway.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 5. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, private/common improvements, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map.
 6. **Future Residential Units.** Any new home developed on one of the newly created lots shall be subject to design review by the SFDB to ensure it is compatible with surrounding development, as well as with the unique layout provided as part of the subdivision to ensure it relates appropriately to the "walkstreet" area. Computer depictions of the proposed project shall be provided to assist the SFDB with reviewing height and mass of the development.
 7. **Design Components of Future Residences.** The following design components shall be incorporated into the residential development to minimize the potential for nuisance complaints between the school and residential uses:

- a. The required open yard area for Lots 4 and 5 shall be located along the eastern property line to minimize potential privacy issues with adjacent properties to the east.
 - b. Provision of an adequate, year-round landscape buffer and/or wall between the new residence(s) and the existing school use.
 - c. The location and design of decks, balconies, patios, large windows, and similar features, including ventilation features, facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school (i.e. outdoor play areas, school bells, parking lot noise, etc), as well as exposure of the school site to noise generated by the future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should be placed so as to minimize visibility into the school and conveyance of noise (i.e. clerestory windows).
 - d. For each proposed house in the subdivision, an acoustical summary shall be submitted to the SFDB and to the Building & Safety Division with each building permit application for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:
 - 1) Exterior walls facing the school property shall have a minimum STC rating of 50.
 - 2) Roof/ceiling assemblies shall have minimum STC rating of 50.
 - 3) Outside intakes for the mechanical ventilation system should avoid orientation towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
 - 4) Fireplaces shall have glass doors and flue dampers.
 - 5) Air conditioning or mechanical ventilation system should be considered so that exterior doors and windows may remain closed.
8. **Guest Parking.** One (1) guest parking space shall be provided on each lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. The size and location of the guest parking spaces shall be subject to approval by the Public Works Director.
- 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 an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which

shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 23, 2009 is limited to an eight-lot residential subdivision and the improvements shown on the Tentative Subdivision Map (including two private driveways, common pedestrian "walkstreet" and associated landscaping, utilities, and public improvements) signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Six lot frontage modifications are approved as part of the project.
2. **Guest Parking Stall.** Each lot shall provide and maintain an uncovered guest parking stall on the lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance.
3. **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.
4. **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).
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for all common areas. 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 homeowners and/or Homeowners Association shall be responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner(s) shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development

Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common areas, include an item in the private covenants stating that the green waste will be hauled off site.
 - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **Residential Permit Parking Program.** Residents of this subdivision shall not participate in the Residential Permit Parking Program.
9. **Timing of Construction of Common Area Improvements.**
 - a. If a Building Permit is sought for an individual lot independent of the others, construction of the two private driveways, the common walkway down the center of the site, drainage improvements, perimeter walls (see condition A.3) and the private utilities as shown on the tentative map

must be completed before a Building Permit will be issued for any individual residence.

- b. If Building Permits are sought concurrently for construction of homes for the entire subdivision, construction of the two private driveways, the common walkway down the center of the site, drainage improvements, perimeter walls (see conditions A.3) and the private utilities as shown on the tentative map must be completed prior to issuance of a Certificate of Occupancy for any individual residence.
10. **Timing of Tree Replacement.** The trees identified on the Common Area Landscape Plan shall be planted within 60 days of removal of existing trees unless a building permit has been issued for the construction of a residence on at least one of the lots. If a building permit has been issued for the construction of a residence on at least one of the lots, the planting of the common area landscaping may be deferred until completion of construction. In any case, all common area landscaping must be installed prior to issuance of any Certificate of Occupancy.
 11. **Disclosure of School Activities.** Future owners of each residential lot shall be made aware of the fact that Washington Elementary School is on the adjacent property and that various indoor and outdoor activities occur on said property, including, but not limited to outdoor play, organized games, and special events. Future school expansion projects should also be disclosed. The language of the disclosure shall be provided to the Washington School Principal and shall be approved by the School District prior to recordation of the final map for the subdivision. Future owners and tenants shall be required to review and acknowledge acceptance of such disclosure. Acknowledgement shall be notarized prior to close of escrow for future owners and as part of rental agreements for tenants.
 12. **Design Components of Future Residences.** The following design components shall be incorporated into the residential development to minimize the potential for nuisance complaints between the school and residential uses:
 - a. Provision of an adequate, year-round landscape buffer and/or wall between the new residence(s) and the existing school use.
 - b. The location and design of decks, balconies, patios, large windows, and similar features, including ventilation features, facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school (i.e. outdoor play areas, school bells, parking lot noise, etc), as well as exposure of the school site to noise generated by the future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should be placed so as to minimize visibility into the school and conveyance of noise (i.e. clerestory windows).

- c. For each proposed house in the subdivision, an acoustical summary shall be submitted to the SFDB and to the Building & Safety Division with each building permit application for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:
- 1) Exterior walls facing the school property shall have a minimum STC rating of 50.
 - 2) Roof/ceiling assemblies shall have minimum STC rating of 50.
 - 3) Outside intakes for the mechanical ventilation system should avoid orientation towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
 - 4) Fireplaces shall have glass doors and flue dampers.
 - 5) Air conditioning or mechanical ventilation system should be considered so that exterior doors and windows may remain closed.

- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. *An Easement for All Street Purposes* along Lighthouse Way in order to establish an additional 10-foot wide public right-of-way.
 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.

5. **Hydrology Report.** The Owner shall submit a *final* hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
6. **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 Program. 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 Parks 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.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

7. **Lighthouse Way Public Improvements.** The Owner shall submit separate C-1 Public plans for construction of improvements along the property frontage on Lighthouse Way. C-1 plans are submitted separately from the Building plans, to the Public Works counter. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards the following: *six-foot wide sidewalk, four-foot wide parkway, two residential driveway aprons modified to meet Title 24 requirements, +/- 100-foot of curb and gutter realignment, access ramp to existing raised crosswalk, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains from private on-site mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe and curb drain outlets, supply and install 2 residential Dome style standard street lights, final placement to be determined by the Public Works Department and the appropriate design review board, coordinate with City staff to retire light standards from existing utility poles, and contact Edison to energize the new lights, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/CA supplements during construction, new street trees and tree grates as recommended by the Parks Commission and the City Arborist, and*

- provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*
8. **Land Development Agreement.** The Owner shall submit an executed *Land Development Agreement* for Public Improvements, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 9. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State schools) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
 10. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed private driveways and private drainage system, subject to the review and approval of the Public Works Director and City Attorney.
 11. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The City's Inclusionary Housing Ordinance requires Residential Lot Subdivisions of greater than one lot and less than ten lots to pay an inclusionary housing fee. As of the date of project approval, the inclusionary housing fee is \$18,000 for each lot in the project. For this project, the required inclusionary fee is \$144,000.
 12. **Disclosure Language.** Evidence of School District approval of the disclosure information identified in condition B.11.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department prior to issuance of building permits for individual parcels, *and* following construction of private infrastructure, common areas and the two private driveways serving individual lots.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building Permit.
- E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

1. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 2. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of trees in the front yard setback.
 3. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The City's Inclusionary Housing Ordinance requires Residential Lot Subdivisions of greater than one lot and less than ten lots to pay an inclusionary housing fee. As of the date of project approval, the inclusionary housing fee is \$18,000 for each lot in the project. For this project, the required inclusionary fee is \$144,000.
 4. **Common Area Improvements.**
 - a. If a Building Permit is sought for an individual lot independent of the others, construction of the two private driveways, the common walkway down the center of the site, and the private utilities as shown on the tentative map must be completed before a Building Permit will be issued for any individual residence.
 - b. If Building Permits are sought concurrently for construction of homes for the entire subdivision, construction of the two private driveways, the common walkway down the center of the site, and the private utilities as shown on the tentative map must be completed prior to issuance of a Certificate of Occupancy for any individual residence.
- F. **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. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Guest Parking.** One (1) guest parking space shall be provided on each lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. The size and location of the guest parking spaces shall be subject to approval by the Public Works Director.
5. **Private Driveway and Traffic Control Signs.** The Owner must furnish and install any private driveway traffic control sign(s) as determined by the Public Works Department Transportation Operations Division or Fire Department. Signs shall be subject to approval by the Sign Committee, as applicable.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The

undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- G. **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. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
 2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., as well as consideration of peak school traffic hours). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 3. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
 4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 5. **Construction Activities Limitation.** Grading and related activities associated with development of the tract improvements for the subdivision shall take place during the school's summer break (unless mutually agreed upon by developer and School District). To ensure that grading activities are completed prior to the beginning of the school year, some preparatory activities may be implemented outside of the summer break period. If grading activities or other excessively

loud construction activities will take place while school is in session (for tract improvements or later development of homes), temporary sound walls or other methods of reducing exposure of the school site to excessive noise levels shall be incorporated (as determined necessary based on input from the School District).

6. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 7:00 p.m. and Saturdays before 8:00 a.m. and after 5:00 p.m., and all day on 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
Cesar Chavez Day	March 31st
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.

No noise generating activities, including but not limited to activities using heavy equipment, framing, sheathing and roofing shall occur during any school-wide testing at Washington School. To the degree feasible, noisy construction activities shall be coordinated with Washington School.

Construction activities that do not generate noise may occur on holidays and Sundays between the hours of 8:00 a.m. and 5:00 p.m.

Occasional night work may be approved for the hours between 7 p.m. and 7 a.m. weekdays by the Chief of Building and Safety (per Section 9.16.015 of the Santa Barbara Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. Night work shall not be permitted on weekends or holidays.

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:

- a. During construction, free parking spaces for construction workers and construction equipment/vehicles shall be provided on-site. 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. On-site storage shall be provided for construction materials, equipment and vehicles. Storage or staging of construction materials or equipment within the public right-of-way is prohibited.
8. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited.
 9. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25.
 10. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
 11. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 12. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

13. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
14. **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.
15. **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.
16. **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.
17. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
18. **Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
19. **Fleet Owners.** Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles.

See <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.
20. **Construction Equipment Engine Size.** The engine size of construction equipment shall be the minimum practical size.
21. **Construction Equipment Numbers.** 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.

22. **Construction Equipment Maintenance.** All construction equipment shall be maintained in tune per the manufacturers' specifications.
23. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
24. **Diesel Construction Equipment.** Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
25. **Engine Timing and Diesel Catalytic Converters.** Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
26. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible.
27. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible.
28. **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.
29. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
30. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
31. **Tree Relocation.** The existing Olive tree shall be relocated on the Real Property and shall be fenced and protected during construction.
32. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

33. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

34. **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 of the parcel. 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.

H. **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 plans, including utility service undergrounding and installation of street trees.
 3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
 4. **Common Area Improvements.** If Common Area Improvements are not completed pursuant to Conditions B.9 or B.10, above, construction of the two private driveways, the common walkway down the center of the site, and the private utilities as shown on the tentative map, and the installation of the common area landscape improvements, must be completed prior to issuance of a Certificate of Occupancy for any individual residence.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.
- Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Sections 28.44.230 and 28.87.370 of the Santa Barbara Municipal Code, the Coastal Development Permit for the subdivision improvements shall remain valid as long as the tentative map approved by the Planning Commission on July 23, 2009 remains valid.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 23rd day of July, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

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.

