

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

September 10, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:03 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.

Absent:

Commissioner Bruce Bartlett arrived at 1:06 P.M.

STAFF PRESENT:

Paul Casey, Community Development Director

Danny Kato, Senior Planner

Jaime Limón, Senior Planner

N. Scott Vincent, Assistant City Attorney

Steve Foley, Supervising Transportation Planner

Michael Berman, Project Planner/Environmental Analyst

Debra Andaloro, Senior Planner

Allison De Busk, Project Planner

Kathleen Kennedy, Associate Planner

Chelsey Swanson, Associate Transportation Planner

Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
1. Senior Planner Danny Kato announced that a request had been received to continue Item IV. 631 Olive Street. The Commission agreed to make a decision at the time the item was scheduled to be heard.
 2. Mr. Kato reviewed the Commission's prior request to move the order of Item IV, 631 Garden Street with Item V, 920 Summit Road.

MOTION: White/Jostes

Switch the agenda order of item IV. with item V.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Jacobs) Abstain: 0 Absent: 1 (Bartlett)

- B. Comments from members of the public pertaining to items not on this agenda.
- Chair Larson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. POST CITY COUNCIL APPEAL:

ACTUAL TIME: 1:07 P.M.

EX PARTE COMMUNICATION:

Commissioners White, Bartlett, and Lodge disclosed an ex parte communication with representatives of the Orient Express Hotel.

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ORIENT EXPRESS HOTELS, TRAINS & CRUISES, EL ENCANTO HOTEL AND GARDEN VILLAS, 1900 LASUEN ROAD, APN 019-170-022, R-2/4.0/R-H: TWO FAMILY RESIDENTIAL/ 4 UNITS PER ACRE/ RESORT-RESIDENTIAL HOTEL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2007-00140)

The proposal is a project revision to the approved El Encanto Hotel Revised Master Plan. The proposed project consists primarily of revisions to the design of the northwest corner of the project site. The proposal consists of three, one-story cottages (#37, 38 & 39) above an underground, 42-space, valet parking garage. The operations/back of house facilities would be located in the three cottages. Components of the utility distribution facility would be located in cottage 39, in the underground parking garage, and underneath cottage 29. As a result of relocating the parking underground, one parking space would be relocated to the Mission Village underground valet parking garage located in the northeast corner.

The proposal also includes 900 square feet of additional underground mechanical space that was not previously proposed in the Mission Village underground valet parking garage.

All other components of the Revised Master Plan remain as approved on February 12, 2009.

The discretionary applications required for this project revision are:

1. Modification to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place (SBMC§28.27.050);
2. Modifications to provide less than the required distance between buildings in the northwest corner (SBMC§28.27.050.2); and
3. Transfer of Existing Development Rights of 6,000 square feet (instead of 10,000 square feet as previously approved) of non-residential floor area to the project site (SBMC§28.95).

The Planning Commission will consider approval of the Addendum to the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15164.

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

Mr. Kato requested that the Planning Commission waive the Staff Report.

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Trish Allen, Suzanne Elledge Planning and Permitting, briefly explained the utility distribution facility plans and stated that a landscape plan was not required at this time.

Jim Lefever, Gensler Architects, answered the Planning Commission's questions stating that less grading would be required with the proposed project revisions and that efforts have been made to save the Eucalyptus trees.

Chair Larson opened the public hearing at 1:19 P.M.

The following people spoke in support of the project:

1. Greg Parker
2. Bruce Love
3. Bill Beckers (had to leave early)
4. Jeannine Daniel
5. Charles Croninger
6. Trevor J. Martinson (supported the project, but raised some concerns)
7. Edward Cooper
8. Mary Moore

9. Geoff Rutkowski
10. Sandra Hotchkiss
11. Richard Potter
12. David Hughes
13. Gloria Hendley
14. Farrokh Nazerian
15. Sally Nazerian
16. Collette Phillippi
17. Jim Knight
18. Tim Angelo
19. Joanna Von Yurt
20. Jan Von Yurt
21. Delia Smith
22. Steve and Nancy Petchan

Ms. Kennedy added that a voice message had been received from Mariam Hanlon in support of the project. Chair Larson read the names of public correspondence recorded into the resolution. With no one else wishing to speak, the public hearing was closed at 1:39 P.M.

Joe Poire, Santa Barbara City Fire Batalian Chief, stated that while the Eucalyptus trees have never been conditioned for removal and are combustible, there are ways that they can be made reasonably fire-safe. Anne Marx, Wildlife Fire Specialist, stated that the trees would be evaluated for health and stability in order to determine which trees would be removed, if any.

Staff added that the five historically designated eucalyptus trees could only be removed if an arborist report states that they need to be removed. Scott Vincent, Assistant City Attorney, reminded the Commission that the conditions of approval did address removal of the Eucalyptus trees based on an arborist recommendation.

Staff answered additional Planning Commission's questions in response to Trevor Martinson's concerns, stating that the height of the main building was approved to be 2' taller than the original building, and that building inspectors have confirmed that the building is being constructed per the approved plans; stated that the only changes being considered were the project revisions for the northwest corner and the additional underground square footage in the northeast corner, and explained that city Staff refers to city records to determine square footage amounts, not County records.

The Commissioners made the following comments:

1. The Planning Commission acknowledged the collaboration and cooperation of the applicant, city Staff, and the neighbors to reach a recommendation that would address the concerns of each and made for a better project. This is a model example of mediation between an applicant and neighbors and should serve other applicants.

2. Commissioner Jacobs hoped that the Historic Landmark Commission would work with the applicant to create a welcoming pedestrian entry way with connectivity to the crosswalk by Alvarado Place.
3. Commissioner Lodge commented on the beauty of the Eucalyptus trees and felt that a good plan for maintenance would make them reasonably safe.

MOTION: Jostes/Thompson

Assigned Resolution No. 034-09

Approved the Addendum to the Final Mitigated Negative Declaration; and approved the project revisions, making the findings for the two Modifications and the Transfer or Existing Development Rights, as outlined in the Staff Report, subject to the same conditions of approval as the February 12, 2009 approval (Planning Commission Resolution 004-09).

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

Chair Larson called for a break at 2:11 P.M and reconvened the meeting at 2:18 P.M.

The following two items were heard out of order, as noted by the actual time.

IV. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 3:52 P.M.

RECUSAL: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself due to working with the Housing Authority as a client and left the dais at 2:29 P.M.

APPEAL BY HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA OF THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF SEFTON GRAHAM FOR THE GREEN LIGHT DISPENSARY, 631 OLIVE STREET, 031-160-005 C-M ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2008-00577)

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The remaining 462 square feet of the building would be a residential unit. The discretionary application required for this project are a Medical Cannabis Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures.

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

Allison De Busk, Project Planner, gave the Staff presentation and corrected the statement in the mailed notice, that the item could be appealed to the City Council, by stating that the Planning Commission decision is final.

Rob Pearson, Santa Barbara Housing Authority, gave the Appellant's presentation, joined by Skip Szymanski, Barbara Allen and David K. Hughes

Sefton Graham, for Green Light Dispensary, gave the applicant presentation.

Scott Vincent, Assistant City Attorney, gave the Commission clarification of the California Educational Code's definition of 'educational institution' to provide the clarification of where the dispensaries could exist and suggested a narrow interpretation of the definition. He further suggested that the Commission look to findings B.7 and B.10. in the Staff Report.

Mr. Kato added that the Ordinance was written using language from other jurisdictions, but in retrospect is broader than intended. The Ordinance Committee and City Council will be reviewing the Medical Cannabis Dispensary Permit Ordinance and revisions to the ordinance will be considered.

Chair Larson opened the public hearing at 4:19 P.M.

The following people spoke in support of the appeal:

1. Gloria Hebert
2. Rosanne Crawford
3. Britta Bartels, Eastside Neighborhood Association
4. Bonnie Raisin, also asked for continuance for revised ordinance

Sharon Byrne did not state a position, but requested a continuance of the Commission's decision due to the Marijuana Dispensary Ordinance being reviewed by the Ordinance Committee on September 15, 2009.

With no one else wishing to speak, the public hearing was closed at 4:27 P.M.

Mr. Vincent responded to the Planning Commission questions about potential revisions to the Medical Marijuana Ordinance on September 15, 2009 by stating that this will be an initial meeting before the Ordinance Committee and it is unlikely that they will come to any conclusions in the initial meeting. Once any revisions are agreed to by the Committee, then State Law requires that the Planning Commission review any revisions before the zoning ordinance can be presented to the City Council for adoption. However, if the City Council finds that there are problematic issues in the community, they can put in place an interim ordinance or moratorium for a period of time. Absent a stipulated continuance by the

applicant and appellant, there is no reason to continue the item. Suggested the Commission apply the ordinance as it stands today.

Jaime Limón, acting as the Staff Hearing Officer, gave the reasoning for his decision to approve the Dispensary. Stated that we do not have history to guide us, but we do have security measures, he did not believe there was evidence that the dispensary would create a significant nuisance, therefore he could not deny the application.

Mr. Pearson acknowledged that while agreement could not be reached on the definition of educational facilities, he asked that consideration be given to finding B.10, since the Housing Authority had been adversely impacted by marijuana dispensaries and cited examples. Mr. Hughes added that under B.10, it could be found that marijuana dispensaries adversely affect the health, peace, or safety of individuals living or working within a surrounding area.

Mr. Kato responded to the Commission's questions regarding the provisions for annulling a decision by stating that revocation of an approved dispensary is addressed in the Ordinance. If conditions were not being met, the Planning Commission could have a revocation hearing.

The Commissioners made the following comments:

1. Commissioners Jostes and Larson acknowledged the valid concerns of the Appellant, as well as the fact that medical cannabis has been abused by some patients. Commissioner Jostes supported the Staff Hearing Officer's decision given that there is a remedial process in place.
2. Commissioners Jostes and White remained concerned that the Ordinance does not have an appeal process beyond the Planning Commission.
3. Commissioner White would support the withdrawal of permits if the applicant does not meet the conditions of the Ordinance.
4. Commissioner Larson was concerned with the distance to Girls Inc and Transition House and was sympathetic to the 500' circumference. She remained concerned with the level of enforcement priority given by the City. Commissioners Larson and Lodge supported the appeal.

MOTION: Jostes/White

Deny the appeal based on the discussion and findings presented.

This motion carried by the following vote:

Ayes: 2 Noes: 2 (Larson, Lodge) Abstain: 0 Absent: 3 (Bartlett, Jacobs, Thompson)
The motion failed for lack of a majority.

Mr. Vincent advised the Commission to make a decision based on substantial information before them: the Staff Report, the application materials, and the hearing. Substantial

evidence should not be conjecture. He reminded the Commission that suspension and revocation procedures are in place.

Mr. Graham felt that situations where Cannabis users are reselling have not been documented and are hypothetical.

Commissioner Jostes acknowledged the impasse and was informed by Mr. Vincent what the lack of a motion would hold for the applicant by stating that a tie vote has no action. The Commission continued to deliberate and even considered the recommendation that it could continue a decision to when a greater number of Commissioners were present.

MOTION: Jostes/Lodge

Assigned Resolution No. 036-09

Denied the appeal of the Housing Authority of the City of Santa Barbara, based on the discussion, and upheld the decision of the Staff Hearing Officer to approve the Medical Cannabis Dispensary Permit making the findings, and subject to the Conditions of Approval, contained in Staff Hearing Officer Resolution No. 065-09 (Exhibit B) with the added condition that the Applicant make verbal contact with the Housing Authority, Transition House, and Girls Inc., quarterly, to ascertain if there are nuisance issues raised by the Applicant's operation. A written update would be given to City Staff and reported to the Planning Commission at six months and at one year following issuance of the site's certificate of occupancy.

Discussion was held on the possibility for creating a list of Cannabis abuse and sharing it with other dispensaries and the potential conflict with the Health Insurance Portability and Accountability Act (HIPPA).

Additional discussion was held regarding the encouragement of having the applicant and neighborhood work together to resolve differences.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Larson) Abstain: 0 Absent: 3 (Bartlett, Jacobs, Thompson)

Mr. Pearson thanked the Commission and stated he is looking forward to working with the Applicant.

V. **NEW ITEM:**

ACTUAL TIME: 2:18 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing this item:

Commissioner Bartlett recused himself due to working adjacent to the project and left the dais at 2:29 P.M.

Commissioner Jacobs recused herself due to family members being members of the Montecito Country Club. She also announced that she would not be returning to the dais and left at 2:29 P.M.

EX PARTE COMMUNICATION:

Commissioner Jostes disclosed an ex parte communication with the applicant regarding a site visit since he was unable to make the designated site visit.

APPLICATION OF STEVE WELTON, SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES FOR MONTECITO COUNTRY CLUB, 920 SUMMIT ROAD, APN 009-091-014, 009-091-020, 009-151-006, 009-151-007, 015-211-009, 015-211-010, 015-280-014, 015-300-001, 015-300-002, 015-300-003, A-2/S-D-3 AND E-2 ZONES, GENERAL PLAN DESIGNATION: OPEN SPACE AND RESIDENTIAL – TWO UNITS PER ACRE (MST2005-00831)

The project consists of changes to the existing site plan of the Montecito Country Club and Golf Course. The project site is comprised of ten parcels totaling 114.35 acres, and is situated at the northwest corner of Old Coast Highway and Hot Springs Road. The project includes a redesign of the existing golf course, including grading, removal of trees, and a habitat restoration and revegetation plan; improvements to the exterior and perimeter of the existing clubhouse; demolition of the existing maintenance buildings, cart barn, tennis pro shop and flammable materials building; and construction of a new maintenance building, new golf pro shop, new tennis pro shop, new tennis courts and new cart barn. The project also includes construction of a new 400 square foot residential unit located above the proposed maintenance building, to be occupied by a Club employee. Net new non-residential square footage resulting from the project is approximately 1,320 square feet. The project's grading would involve approximately 106,000 cubic yards of cut and 86,000 cubic yards of fill. It is anticipated that grading associated with the project will be balanced on site. The project involves removal of 361 trees and other landscaping, including all golf course turf.

The project does not propose any substantial changes to existing operational parameters as outlined in the Club's existing Conditional Use Permit (CUP). Membership is limited to 680 members. The Club is used by members for golf, tennis and dining on a year-round basis. The Club is open 7 days a week from 7:00 am to 9:30 pm (closed Christmas and New Year's Day). The Club also includes meeting rooms, lounges, locker rooms and a golf shop, and on site functions include dinners, dances, parties, meeting and tournaments for member and guests. Additionally, the Clubhouse dining room and meeting rooms are occasionally rented to outside groups for special events such as weddings, parties, banquets and meetings. These events typically occur in the afternoon or evening hours.

The discretionary applications required for this project are:

1. A Modification to allow fencing to exceed 3-½ feet in height along the front lot lines (SBMC §28.92.110.A.3);

2. A Coastal Development Permit (CDP2008-00021) for the portion of the project (grading and vegetation removal) that is within the Appealable and Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
3. A Development Plan to allow the construction of 7,771 square feet of nonresidential development on APN 009-091-020 (SBMC §28.87.300); and
4. A Conditional Use Permit Amendment to permit the proposed changes to the site plan for the Montecito Country Club (SBMC 28.94).

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

Allison De Busk, Project Planner, gave the Staff presentation.

Bill Medel, Ty Warner Resorts, gave the applicant presentation, joined by David Van Hoy, Architect.

Chair Larson opened the public hearing at 2:45 P.M.

The following people spoke in support of the project:

1. Michael Ditmore
2. Terry Tyler, Eucalyptus Hill Improvement Association
3. Daniel Signore
4. Paul Ugesaka
5. Garrison Bieleu
6. John Wiemann
7. Mary Wiemann
8. Hiro Tsuzuki
9. Debbie Dalee
10. Ryan Nomura
11. Roxanne Nomura
12. Butch Breeden
13. Judy Hatfield
14. Tom Orlando
15. Ed Edick

The following people spoke in opposition to the project or with concerns:

1. Denice Adams expressed concern about the loss of cultural and recreational amenities, and asked for consideration of club reciprocity for members for use of other clubs during the project's construction.

Chair Larson read the names of public comment letters received regarding the project. With no one else wishing to speak, the public hearing was closed at 3:00 P.M.

Staff responded to the Planning Commission's questions about the Mitigated Negative Declaration (MND) and noted that it was amended to reflect the comments made by Mr. Martin Potter, California Department of Fish and Game and the Air Pollution Control District's asbestos conditions. In response to the use of recycled water on the greens, Staff stated that the tees and greens will not use recycled water, but the remainder of the course will.

Steve Welton, Suzanne Elledge Planning and Permitting, assured the Commission that permitting options have been explored with the Army Corp, the State Water Resources Board, and the Department of Fish and Game to keep the project moving forward. He also stated the bioswales would use recycled water year-round.

In response to future development potential on the site, Staff stated that there would still be some development potential since there are multiple parcels at the project site, but they are designated under the General Plan as open space which limits potential development. Any remaining non-residential square footage that is transferred to or from the property would require review by the Planning Commission.

Staff also provided clarification of the parcel lines as related to the conditional use permit, which does cover all the parcels and does not require that they be held in the same ownership.

Mr. Medel said that the number of club employees changes with the number of members, but has been consistent for the last five years. Mr. Medel stated that the club does offer bus passes and carpooling options.

Mr. Van Hoy explained that the emergency gate is a metal green gate. The pedestrian gate will remain unlocked; the auto gate will remain locked except for emergencies with mandatory evacuation. He added that there is a provision for bicycle parking, including covered bike parking.

Steve Foley, Supervising Transportation Planner, commented on the MTD bus transit service available.

Scott Vincent, Assistant City Attorney provided clarification to the Commission on how Measure E and the Conditional Use Permit (CUP) applied to this project; both are separate.

Doug Fell, Attorney for the applicant, elaborated on a parcel of land that is not a part of the golf course and is not intended to be a part of the CUP, nor will it be used by the golf course. If at anytime it was later desired to be used by the golf course, it would have to go through rezoning and a longer process.

The Commissioners made the following comments:

1. Commissioners White and Larson appreciated the addition of the workforce unit to the project. Appreciated the benefit of having a resident employee that would safeguard the property. Asked that the full length of the pedestrian path be reviewed by the Architectural Board of Review (ABR) for pedestrian safety.
2. The Planning Commission was appreciative of the applicant's efforts to work with the neighborhood for a better project.
3. Commissioner Thompson felt that the proposed changes will not only benefit the golf community, but will have a benefit to the community at large aesthetically and environmentally. Supports the modification for the higher fence since it serves as a safety feature for the public.
4. Commissioner Jostes appreciates the water quality elements that have been added to the project. Suggested caution of Transfer of Existing Development Rights (TEDR) in the future given the open space designation.

MOTION: Thompson/Lodge

Assigned Resolution No. 035-09

Adopted the Mitigated Negative Declaration and approved the project, making the findings for the modification, Coastal Development Permit, Development Plan, and Conditional Use Permit Amendment as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report, as revised by Staff at the hearing and with the following revision: 1) Architectural Board of Approval to study the pedestrian path to Hot Springs Road for maximizing aesthetics and public safety.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Jacobs)

Chair Larson announced the ten calendar day appeal period.

Chair Larson called a recess at 3:43 P.M and reconvened the meeting at 3:52 P.M. Commissioner Thompson did not return to the dais.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:22 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer

Commissioner Larson reported on the Staff Hearing Officer's meeting of September 9, 2009.

2. Officer Liaison Reports

MOTION: Jostes/White

Continue administrative agenda to September 17, 2009.

This motion carried by the following vote:

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

VII. ADJOURNMENT

Chair Larson adjourned the meeting at 5:22 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary





City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 034-09

1900 LASUEN ROAD

ADDENDUM TO MITIGATED NEGATIVE DECLARATION, MODIFICATIONS,
AND TRANSFER OF EXISTING DEVELOPMENT RIGHTS

SEPTEMBER 10, 2009

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ORIENT EXPRESS HOTELS, TRAINS & CRUISES, EL ENCANTO HOTEL AND GARDEN VILLAS, 1900 LASUEN ROAD, APN 019-170-022, R-2/4.0/R-H: TWO FAMILY RESIDENTIAL/ 4 UNITS PER ACRE/ RESORT-RESIDENTIAL HOTEL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2007-00140)

The proposal is a project revision to the approved El Encanto Hotel Revised Master Plan. The proposed project consists primarily of revisions to the design of the northwest corner of the project site. The proposal consists of three, one-story cottages (#37, 38 & 39) above an underground, 42-space, valet parking garage. The operations/back of house facilities would be located in the three cottages. Components of the utility distribution facility would be located in cottage 39, in the underground parking garage, and underneath cottage 29. As a result of relocating the parking underground, one parking space would be relocated to the Mission Village underground valet parking garage located in the northeast corner.

The proposal also includes 900 square feet of additional underground mechanical space that was not previously proposed in the Mission Village underground valet parking garage.

All other components of the Revised Master Plan remain as approved on February 12, 2009.

The discretionary applications required for this project revision are:

1. Modification to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place (SBMC§28.27.050);
2. Modifications to provide less than the required distance between buildings in the northwest corner (SBMC§28.27.050.2); and
3. Transfer of Existing Development Rights of 6,000 square feet (instead of 10,000 square feet as previously approved) of non-residential floor area to the project site (SBMC§28.95).

The Planning Commission considered approval of the Addendum to the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15164.

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

WHEREAS, 23 people 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 February 5, 2009; and September 3, 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. Ashley Radosevic, via email
 - b. Barbara Rogers Scolin, via email
 - c. Walter Michaejlenko, DDS/MD, via email
 - d. Kellam de Forest, via email
 - e. Fleurette Barsom-Janigian, via email
 - f. Kate Ford, via email
 - g. Robert and Virginia Guess, via email
 - h. Jim Knight, The Riviera Association, Santa Barbara, CA
4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA
5. Correspondence received with concerns about the project:
 - a. Trevor J. Martinson, 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. **Addendum to the Mitigated Negative Declaration (CEQA Guidelines 15164)**
 1. In the Planning Commission's independent judgment there is no substantial evidence that this project will have a significant effect on the environment; and,
 2. Minor technical changes and additions are necessary to complete environmental review. However, a Supplemental Mitigated Negative Declaration is not required because the proposed project remains largely unchanged from the existing project described in the Final Mitigated Negative Declaration for the El Encanto Revised Master Plan.
 3. No substantial changes are proposed in the project and no substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions of the Final Mitigated Negative Declaration. No new information of substantial importance shows a new or more severe impact. Additionally, no new information of substantial importance shows that a previously considered infeasible mitigation or alternative or a new mitigation or alternative that would now be feasible and substantially reduce the impact of the project are known to exist (CEQA Guidelines §15162(a)).

4. The Planning Commission has considered the Addendum, dated September 3, 2009, for the project revisions for the El Encanto Hotel (MST2007-00140), together with the adopted Final Mitigated Negative Declaration for the original project, and public comments received.
5. The Addendum to the adopted Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements. The Addendum together with the adopted Final Mitigated Negative Declaration constitute adequate environmental analysis of the project.

B. Modifications (SBMC§28.27.050)

The modification request to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot because the minor encroachment is substantially less than the encroachments requested by the previous proposal and less than the existing surface parking lot which currently encroaches ten feet into the front setback, as described in Section V of this Staff Report.

The modification requests to provide less than the required distance between buildings for the proposed three, new cottages in the northwest corner is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot because it would be difficult to meet the 15 foot minimum distance between buildings requirement without further reducing the size of the cottages, as described in Section V of this Staff Report.

C. Transfer of Existing Development Rights (SBMC§28.95.060)

1. The proposed development plans for both the sending and receiving sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and the Municipal Code. *The mixed-use development on the sending site received approval by the City Council on April 17, 2001 and was determined to be consistent with the goal and objectives of the General Plan and the requirements of the Zoning Ordinance. The Land Use Element acknowledges the El Encanto Hotel as an acceptable use in the Riviera neighborhood. The Revised Master Plan, which provides for the continuation of the project site as a hotel, is therefore in compliance with the General Plan. With approval of the requested Modifications, the receiving site (El Encanto Hotel) is consistent with the requirement of the Resort-Residential Hotel Zone.*
2. The proposed developments will not be detrimental to the site(s), neighborhood or surrounding areas. The sending site project was approved by the City Council and the Architectural Board of Review, which found the project to be appropriate. *The El Encanto Hotel Revised Master Plan has reduced its potential impacts to a less than significant level, and has addressed neighborhood concerns with project revisions to the design in the northwest corner.*

3. The floor area of proposed nonresidential development on the receiving site does not exceed the sum of the amount of Existing Development Rights transferred when added to the amount of Existing Development Rights on the receiving site, and does not exceed the maximum development allowed by the applicable zoning of the receiving site. *The proposed total new floor area for the Revised Master Plan (8,312 sq. ft.) does not exceed the sum of the transferred square footage (6,000 sq. ft.) and the Small and Minor Additions of Measure E square footage (2,312 sq. ft.). The total development on the site does not exceed the maximum development allowed by the R-H Zone.*
4. Each of the proposed nonresidential developments on the respective sending site(s) and receiving site(s) will meet all standards for review as set forth in Section 28.87.300.E of the Municipal Code and all provisions of this Chapter, and will comply with any additional specific conditions for a transfer approval. *The sending site received approval by the City Council on April 17, 2001 and met all standards for review. With approval of the requested Modifications, the receiving site (El Encanto Hotel) complies with all standards for review in Section 28.87.300.*
5. Development remaining, or to be built, on a sending site is appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community. *The development on the sending site received approval by the City Council on April 17, 2001 and has been constructed. The development was approved by the Architectural Board of Review which found it to be compatible with the surrounding neighborhood.*

II. Said approval is subject to the Conditions of Approval in Resolution 004-09 dated February 12, 2009.

This motion was passed and adopted on the 10th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 035-09

920 SUMMIT ROAD

**CONDITIONAL USE PERMIT AMENDMENT, DEVELOPMENT PLAN,
COASTAL DEVELOPMENT PERMIT AND FENCE HEIGHT MODIFICATION**

SEPTEMBER 10, 2009

APPLICATION OF STEVE WELTON, SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES FOR MONTECITO COUNTRY CLUB, 920 SUMMIT ROAD, APN 009-091-014, 009-091-020, 009-151-006, 009-151-007, 015-211-009, 015-211-010, 015-280-014, 015-300-001, 015-300-002, 015-300-003, A-2/S-D-3 AND E-2 ZONES, GENERAL PLAN DESIGNATION: OPEN SPACE AND RESIDENTIAL – TWO UNITS PER ACRE (MST2005-00831)

The project consists of changes to the existing site plan of the Montecito Country Club and Golf Course. The project site is comprised of ten parcels totaling 114.35 acres, and is situated at the northwest corner of Old Coast Highway and Hot Springs Road. The project includes a redesign of the existing golf course, including grading, removal of trees, and a habitat restoration and revegetation plan; improvements to the exterior and perimeter of the existing clubhouse; demolition of the existing maintenance buildings, cart barn, tennis pro shop and flammable materials building; and construction of a new maintenance building, new golf pro shop, new tennis pro shop, new tennis courts and new cart barn. The project also includes construction of a new 400 square foot residential unit located above the proposed maintenance building, to be occupied by a Club employee. Net new non-residential square footage resulting from the project is approximately 1,320 square feet. The project's grading would involve approximately 106,000 cubic yards of cut and 86,000 cubic yards of fill. It is anticipated that grading associated with the project will be balanced on site. The project involves removal of 361 trees and other landscaping, including all golf course turf.

The project does not propose any substantial changes to existing operational parameters as outlined in the Club's existing Conditional Use Permit (CUP). Membership is limited to 680 members. The Club is used by members for golf, tennis and dining on a year-round basis. The Club is open 7 days a week from 7:00 am to 9:30 pm (closed Christmas and New Year's Day). The Club also includes meeting rooms, lounges, locker rooms and a golf shop, and on site functions include dinners, dances, parties, meeting and tournaments for member and guests. Additionally, the Clubhouse dining room and meeting rooms are occasionally rented to outside groups for special events such as weddings, parties, banquets and meetings. These events typically occur in the afternoon or evening hours.

The discretionary applications required for this project are:

1. A Modification to allow fencing to exceed 3-½ feet in height along the front lot lines (SBMC §28.92.110.A.3);

2. A Coastal Development Permit (CDP2008-00021) for the portion of the project (grading and vegetation removal) that is within the Appealable and Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
3. A Development Plan to allow the construction of 7,771 square feet of nonresidential development on APN 009-091-020 (SBMC §28.87.300); and
4. A Conditional Use Permit Amendment to permit the proposed changes to the site plan for the Montecito Country Club (SBMC 28.94).

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, 15 people appeared to speak in favor of the application, and 1 person appeared to speak with a concern thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 4, 2009, and September 3, 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. David Baum, via email
 - b. David Alpert, via email
 - c. Stephen Stonefield, via email
 - d. Martin Tucker, via email
4. Correspondence received with concerns about the project:
 - a. Eric Spivey, via email
 - b. Richard C. Banks, via email
 - c. 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**
 1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated August 27, 2009 for the 920 Summit Road Project (MST2005-00831), and comments received during the public review process prior to making a recommendation on the project.
 2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.

3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated August 27, 2009, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material 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, CA 93101.
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. Fence Height Modification (SBMC §28.92.110.A.3)

A modification of the fence height regulations is necessary for the use of the site as a golf course, as it improves public safety by deflecting errant golf balls. The proposed six-foot tall chain link fence is consistent with the purposes and intent of the Zoning ordinance, as it does not pose a safety impact to pedestrians, bicyclists or vehicles due to its location and transparency.

C. Conditional Use Permit Amendment (SBMC §28.94.020)

1. The use of the project site as a country club and associated uses, including but not limited to a golf course, tennis courts, maintenance facilities, and manager's units, is deemed desirable to the public convenience and is in harmony with the various elements or objectives of the Comprehensive General Plan because the General Plan Parks and Recreation Element recognizes the Montecito Country Club's contribution to the City's recreational opportunities and the Open Space Element emphasizes preservation of the Club as a significant open space and a gateway to the City from the south. The proposed project would upgrade the Country Club's existing facilities, thereby increasing the likelihood that the Club

- can continue to provide recreational opportunities and provide an attractive open space and gateway to the City.
2. The uses associated with the Montecito Country Club will not be materially detrimental to the public peace, health, safety comfort or general welfare, and will not materially affect property values in the Eucalyptus hill neighborhood because the activities permitted and hours of operation of the Country Club would not change as a part of this project. The proposed parking lot changes will move parking areas farther away from adjacent residential uses, and proposed lighting would be low-level and shielded. No golf course or tennis court lighting is proposed.
 3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. The project provides at least the minimum requisite double setbacks for non-residential uses in a residential zone.
 4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. The project would provide adequate permanent parking (400 spaces) for its maximum 680 members, and sufficient overflow parking is included on-site for special events.
 5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The proposed changes to the Clubhouse are in keeping with the historic character of the facility, and proposed new structures and alterations to existing features are compatible with the historic character and use of the Montecito Country Club. New structures would be adequately screened from adjacent development, and the golf course provides appropriate open space as the setting for the site.
 6. Compliance with any additional specific requirements for a conditional use permit. The following are the special findings for an outdoor tennis club, which is a part of the project:
 - a. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. All setbacks provided would meet or significantly exceed the required double setback requirement for non-residential uses in the A-2 zone.
 - b. The prescribed hours and days of operation of the various facilities of the club are such that the character of the area is not altered or disturbed

because hours of operation would not change as a part of the proposed CUP amendment.

- c. The design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area because lighting changes would be limited to low intensity fixtures located on the Clubhouse and in parking areas, and no golf course or tennis court lighting is proposed.
 - d. See 4 above.
 - e. See 5 above.
7. The Planning Commission has imposed additional conditions and restrictions upon the proposed use to ensure that the project remains consistent with the Zoning Ordinance and Comprehensive General Plan.

D. Development Plan (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance, upon approval of the fence height modification, because the project complies with the minimum required setbacks for non-residential development in the A-2 Zone, and a Conditional Use Permit Amendment would be granted for the proposed changes to the site plan of the Country Club.
2. The proposed development is consistent with the principles of sound community planning since the City's General Plan recognizes the Montecito Country Club's contribution to the City's recreational opportunities and open space, and as a gateway to the City from the south. The proposed project would update and upgrade the Country Clubs existing facilities, thereby increasing the likelihood that the Country Club can continue to provide recreational opportunities and to provide an attractive open space area as the gateway to the City.
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood, and alterations to the site would be minimally noticeable from Highway 101 following initial construction.
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock because it would not increase employment, nor would it eliminate existing housing units. Additionally, the project includes one studio unit intended for use by a Club employee.
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources as the improvements are anticipated to reduce overall water use on the site.
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic because proposed improvements would not increase the Club's maximum membership capacity, nor would it increase the number of

employees required to serve the facility. Therefore, the project is not expected to generate additional peak hour trips.

7. Adjacent infrastructure is in place to serve the project site, and temporary construction at the new Hot Springs roundabout is anticipated to be in place at the time of project re-occupancy.

E. Coastal Development Permit (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act.

The project is consistent with the policies of the California Coastal Act because it provides public access through the site, maintains the site in a private recreational use, provides one new housing unit consistent with applicable standards, enhances and restores marine resources and the biological productivity of wetlands, and maintains existing scenic views. These issues are described more fully in the staff report and in the Final Mitigated Negative Declaration prepared for the project.

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.E of the project's staff report, and all applicable Zoning Ordinance regulations with the requested modification, as shown in Section V of the 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 impact existing public recreation opportunities as it does not involve any additional residents or workers in the area. Further, the project provides recreation opportunities to members of the Club, which may reduce the burden on nearby public recreational opportunities. The project includes a pedestrian path that provides a more convenient connection between the nearby residential areas and Hot Springs Road, and eventually, to Butterfly Beach.

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. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR) for its area of jurisdiction and Historic Landmarks Commission (HLC) for its area of jurisdiction. ABR/HLC shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
1. **Design Review Required.** The final design scheme and planting palette for the golf course and landscaping shall be reviewed by the historian of record and submitted to the City's Historic Landmarks Commission and/or Architectural Board of Review, as appropriate, for their review and approval. (CR-4)
 2. **Preliminary Habitat Restoration and Revegetation Plan.** The restoration goals and approaches identified in the Preliminary Habitat Restoration and Revegetation Plan prepared by Hunt & Associates, dated 25 February 2009, shall be followed. This includes, but is not limited to, non-native vegetation removal and control; and revegetation planting, monitoring, and performance criteria. Invasive tree species shall be removed from the western, middle and eastern drainages, as recommended. All trees proposed for planting within the restoration area shall be native, locally-occurring species such as coast live oak, western sycamore, white alder, arroyo willow, California walnut or black cottonwood. (BIO-1)
 3. **Landscape Plan.** A qualified biologist familiar with invasive, non-native plants shall review the planting palettes for all areas, including landscaping around the clubhouse, fairways, and other areas. Non-native plants that have a moderate to high probability for spreading to unintended areas shall be replaced with non-invasive species or native species. The biologist shall work closely with the landscape architect to ensure that all landscaping avoids the use of invasive plant species. The trees to be planted on the course shall focus on using native, locally-occurring species that are well-adapted for the project area, such as western sycamore and coast live oak. Planting area palettes within and around the western, middle and eastern drainages, and the two water features (ponds) shall consist of at least 90% native, locally-occurring species. Shoreline and buffer vegetation surrounding the ponds shall be composed of plants that provide food for herbivorous bird species, such as coots, duck, geese and other migratory and resident species, in order to passively limit their use of fairways, greens and other course features as foraging habitat. (BIO-2)
 4. **Trees.**
 - a. **Oak Tree Removal.** All coast live oaks in excess of three inches in diameter at basal height that are removed shall be mitigated at a 10:1 ratio by planting 5-gallon coast live oaks obtained from locally-collected

acorns and grown in a local native plant nursery. A minimum survivorship ratio of 80% shall be achieved three years post-planting.

- b. **Oak Tree Relocation.** Any coast live oak in excess of three inches in diameter at basal height that is relocated and does not survive three years post-planting shall be mitigated at a 10:1 ratio by planting 5-gallon coast live oaks obtained from locally-collected acorns and grown in a local native plant nursery. For the 10:1 replacement oaks, a minimum survivorship ratio of 80% shall be achieved three years post-planting.
- c. **Tree Relocation.** The 83 existing trees identified for relocation in the Tree Protection Plan prepared by Duke McPherson and dated February 16, 2009 shall be relocated on the project site and shall be fenced and protected during construction.
- d. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - 1) Landscaping Under Trees. Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 - 2) Trees shall be adequately protected from damage inflicted by machinery in root zones, canopies and on tree trunks. Well staked protective fencing will be needed in most cases. Where activity is not expected to be intensive, staked caution tape may be appropriate. Provide signage that cautions personnel to keep away from trees.
 - 3) Access roads shall not run across Critical Root Zones. In situations where this cannot be avoided, a 4" layer of tree chips is to be laid down to insulate tree roots.
 - 4) No equipment, soil, or debris of any kind shall be placed on tree Critical Root Zones.
 - 5) No trenching of any kind shall be permitted through Critical Root Zones unless supervised by the project Arborist.
 - 6) Clean-out pits for plaster and concrete are to be placed well away from root zones.
 - 7) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.

(BIO-9)

5. **Sycamore Riparian Woodland.** Where feasible, restoration areas shall be enlarged to accommodate more landscape and habitat setback area. The upper

on-site watershed of the western drainage and the on-site reach of the eastern drainage represent valuable opportunities to restore upland and riparian habitat. (BIO-12)

6. **Swimming Pool Area.**

- a. **Materials.** Finish materials for the remodeled swimming pool terrace shall be referential to the nearby Clubhouse.
- b. **Planting.** The planting scheme for the swimming pool shall draw its inspiration from the historic planting scheme of the Clubhouse.
- c. **Design Approval.** The final design scheme for the swimming pool terrace shall be reviewed by the historian of record and submitted to the City's Historic Landmarks Commission for their review and approval.

(CR-1)

7. **Storage Bins.** Relocate the storage bins from the south side of the proposed maintenance building to a less prominent location on the east side of the building. (CR-2)

8. **Date Palms.** Retain, either in place or moved to another location on the property, the date palm trees located just northeast of the Clubhouse. (CR-3)

9. **Sandstone Blocks.** Re-use, on site, the sandstone blocks from the demolished tennis court's retaining wall. Plans for the re-use shall be identified on the project plans reviewed by the Historic Landmarks Commission prior to any design approvals. (CR-6)

10. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

11. Pedestrian Path. Study the full length of the pedestrian path -(to Hot Springs Road) in order to maximize-aesthetics and public safety.

C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 10, 2009 is limited to changes to the existing Montecito Country Club and Golf Course, including a redesign of the golf course, changes to the Clubhouse building and perimeter, demolition of the existing maintenance buildings, cart barn, tennis courts and tennis pro shop and flammable materials building, and construction of a new maintenance building with a second floor residential unit, new golf pro shop, new tennis pro shop, new

tennis courts and new cart barn, resulting in approximately 1,320 square feet of net new building area and one new residential studio. Additional project details are provided in the project description included in the staff report and Initial Study, and on the Development Plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR) for its area of jurisdiction and Historic Landmarks Commission (HLC) for its area of jurisdiction. Such plan shall not be modified unless prior written approval is obtained from the ABR/HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the City, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:

Tree Protection. The existing tree(s) shown to remain on the Landscape Plan (Sheets L1 through L7) shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Duke McPherson, dated March 19, 2009). During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s). The following provisions shall apply to any oak trees to remain on the property:

- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
5. **Parking.** Due to potential parking impacts, on-site parking is limited to use by owners, members, guests, residents and employees of the Montecito Country Club, delivery and service persons associated with the operation of the Club and attendees of special events occurring at the Club. Use of the Club's designated parking areas by other users shall not be permitted without prior written approval by the Community Development Director.
 6. **Membership Limits.** Membership levels greater than 680 members are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating an increase in membership beyond 680 members, the Owner shall submit a letter to the Community Development

Director detailing the proposal, and the Director shall determine the appropriate review procedures and notify the Owner.

7. **Bicycle Parking.** Fourteen bicycle parking spaces shall be provided, including ten covered spaces.
8. **Lighting.** Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. No floodlights shall be allowed. No overhead fixtures shall be installed on the golf course, tennis courts or parking areas without further environmental review and review by the Planning Commission and Architectural Board of Review and/or Historic Landmarks Commission. Lighting shall be directed toward the ground.
9. **Long-Term Maintenance of Ponds. (BIO-6)**
 - a. **Native Aquatic Species.** No non-native aquatic species shall be placed in the two permanent water features (ponds). Prior to construction of these water features, a qualified biologist shall prepare a letter report detailing native aquatic species that could be introduced and function as biological control agents for mosquitoes and other noxious pests. The course operations manager shall work closely with the biologist to implement the plan and ensure that non-native, predatory species are not introduced into these water features.
 - b. **Pond Draining.** If the two water features (ponds) are periodically drained, a qualified biologist shall salvage native fish and other animals inhabiting the features until they can be placed back into the restored water feature. The biologist shall train course maintenance personnel so that they can take over the salvage operation in the future.
 - c. **Pond Water Quality.** Water quality in the ponds shall be maintained using "green" methods, such as aerators, in order to minimize or avoid the use of chemicals. Pond water shall be recirculated to the western and middle drainages to increase aeration and avoid the need for chemical maintenance of water quality. The shorelines of the ponds shall be planted with native wetland vegetation that will require little or no maintenance, and the nearshore areas shall be designed so that invasive aquatic vegetation, such as bulrushes and cattails do not overrun the ponds and require chronic chemical and/or mechanical control.
10. **Golf Course Maintenance. (BIO-7)**
 - a. **Wildlife Encroachment Management.** The golf course maintenance manager shall develop a plan for managing wildlife encroachment issues, to be submitted with the permit to the California Department of Fish and Game (CDFG). A qualified biologist and the CDFG representative shall review this plan as part of the permitting process. Control methods used to reduce wildlife encroachment onto the course, if necessary, shall be

limited to methods that do not cause mortality, such as the use of trained dogs to discourage birds from foraging in certain areas.

- b. **Integrated Pest Management.** The golf course maintenance manager shall prepare and implement a management plan for the three drainages, two de-silting basins and two ponds. The plan shall incorporate the principles, methods, and approach of the City's Integrated Pest Management (IPM) Plan (as it is revised and updated from time to time) in order to minimize the use of pesticides and herbicides for landscape maintenance.
11. **Wetland Restoration.** The western pond and western and middle drainages shall be constructed and maintained to restore, expand, and improve the biological productivity of on-site coastal wetlands and improve the quality of surface flows leaving the project area and entering Andree Clark Bird Refuge, as compared to existing conditions. Temporary and permanent disturbance impacts to on-site wetlands and net restoration benefits to these wetlands as a result of implementing the project shall be at least that identified in Table 5 of the Revised Biological Assessment prepared by Hunt and Associates and dated 25 February 2009. (BIO-11)
12. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan 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 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.

Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of any mechanical storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.

13. **Trash and Recycling.** The Owner shall comply with the Solid Waste Management Plan identified in condition D.8, as approved by the Public Works Department.

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. **Dedication(s).** Easements described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. A 15-foot wide easement for maintenance purposes for the storm drainage system and for the relocation of the ten-inch Ductile Iron, City water main and hydrant for the Pro Shop.
2. **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.
3. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
4. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
5. **Summit Road Public Improvement Plans.** The Owner shall submit C-1 public improvement for construction of improvements. The C-1 plans shall be

submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: relocation of 10" City water main line and Fire Hydrant, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, drop inlet, off-site detention, erosion protection (provide off-site storm water BMP plan), preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

6. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed Agreement to Construct and Install Improvements, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
7. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner.
8. **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.
9. **Solid Waste Management Plan.** Owner shall submit a solid waste management plan that identifies feasible measures to address the construction and operation of the Montecito Country Club uses which may include, but are not limited to, the following:
 - a. Provision of space and/or bins for storage of recyclable materials within the project site. 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 trash hauler. Green waste shall either have on-site containers adequate for the landscaping or be hauled off site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements.
 - b. Development and implementation of a plan for collection of recyclable materials on a regular basis.
 - c. Development of Source Reduction Measures, indicating the method and amount of expected reduction.
 - d. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.
 - e. Implementation of a monitoring program (quarterly, bi-annually) to attain and maintain a 35-50% minimum participation in recycling efforts.

- f. Implementation of a composting landscape waste reduction program.
 10. **Recycled Water Use.** All water used for irrigation shall be recycled water, with the exception of the golf course greens and tee boxes.
 11. **Future Additional Use of Recycled Water.** The project shall provide for the potential conversion of the greens and tee boxes to irrigation with recycled water, either by incorporating this into the project, or by including plumbing modifications that will facilitate the conversion in the future. Other appropriate uses of recycled water would include all ornamental fountains, golf cart washing, tennis court washing, and toilet flushing in newly constructed bathrooms. These uses shall be incorporated into the project to the extent feasible, as determined by the Public Works Director.
 12. **Bicycle Parking.** Provide a minimum of ten covered bicycle parking spaces and four uncovered bicycle parking spaces. The covered spaces shall be located in a covered and lockable location and subject to approval by the Transportation and Parking Manager, as well as the applicable design review board. All of the bicycle parking spaces shall meet the City of Santa Barbara Standards for Parking Design.
- E. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted finalized prior to Building or Public Works Permit issuance:
1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.
 - c. A list of reporting procedures, including the responsible party, and frequency.
 - d. A list of other monitors to be hired, if applicable, and their qualifications.
 - e. Submittal of weekly 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.

2. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees proposed to remain during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division and the City arborist, if appropriate.
3. **Geotechnical Recommendations.** Site preparation and project construction related to soil conditions and seismic hazards shall be in accordance with the recommendations contained in the Geotechnical Engineering Report prepared by MNS Engineers, dated June 26, 2006 or equivalent. Compliance shall be demonstrated on plans submitted for grading and building permits. (G-1)
4. **Draft Notices.** A draft copy of the Neighborhood Notification and Contractor and Subcontractor Notification shall be submitted to the Planning Division for approval prior to building permit issuance.
5. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect, the Arborist, the Landscape Architect, the Biologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
6. **Compliance With SBCAPCD Rules and Regulation.** The project must comply with all Rules and Regulations required by the Santa Barbara County APCD, including, but not limited to:
 - Compliance with APCD Rule 339, governing application of cutback and emulsified asphalt paving materials.
 - Obtaining required APCD permits for emergency diesel generators or any individual (or grouping) of boilers or large water heaters with a rated heat over 2.0 million BTUs per hour (MMBtu/hr). Depending on the size of the individual unit, the unit must comply with the requirements of APCD Rule 360 or Rule 361.

Evidence of compliance shall be submitted to the Planning Division. (AQ-24)

7. **Asbestos.** Pursuant to APCD Rule 1001, the applicant is required to complete and submit an APCD Asbestos Demolition and Renovation Compliance Checklist at least 10 working days prior to commencing any alterations of the buildings. A Draft Checklist shall be submitted to the Planning Division prior to issuance of any building/demolition permit. (AQ-25)
 8. **Photo-documentation.** The following shall be photo-documented prior to demolition: the tennis courts (including the sandstone retaining wall), the Badminton Building, the circa-1918 service building. (CR-5)
 9. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
 10. **Construction Erosion Control.** A Detailed Sedimentation/Erosion Control Plan shall be submitted that complies with the Building & Safety and Public Works Engineering Division's Erosion Control Policies. This plan shall include BMP's for all aspects of construction erosion control including, but not limited to; Stabilized Construction Entrance/Exits, Dust Control during grading activities, general on-site vehicle movements and transporting, Stockpiling of soil, etc.
- 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 Architectural Board of Review and Historic Landmarks Commission, outlined in Section B above.
 2. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
 3. **Installation of Bat/Nest Boxes.** The following shall be shown on plans submitted for building permits:
 - a. **Bat Boxes.** Bat boxes shall be installed at locations selected by a qualified biologist throughout the course. Attracting and maintaining small colonies of bats on site could be a significant biological control agent for mosquitoes and other insects that breed in the water features (ponds) to be created on the course. This will reduce the need for chemical controls. (BIO-4)
 - b. **Nest Boxes.** Nest boxes for bluebirds and American kestrels and nesting structures for cliff swallows shall be installed at sites selected by a qualified biologist around the property. These birds could be very effective biological control agents for a diversity of insects, including

mosquitoes, that may breed in the proposed water features (ponds), thereby reducing the need for chemical controls. (BIO-8)

4. **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.

5. **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.12, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

6. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

7. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____		_____
Property Owner		Date

Contractor	Date	License No.

Architect	Date	License No.

Engineer	Date	License No.

- 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. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Arborist, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.

2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project; a construction schedule, including days and hours of construction; site rules; Conditions of Approval pertaining to construction activities; any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction; and the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. 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. (N-1)
3. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. 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.
4. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
5. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met. (PS-1)

6. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
7. **Construction Related Truck Trips.** The route of construction related traffic shall be established by the Transportation Engineer to minimize trips through surrounding residential neighborhoods. Construction traffic shall access the site via Summit Road directly from Hot Springs Road. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. (T-1)
8. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
9. **Construction Hours.** Noise-generating construction activities (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 4:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as legal holidays (see 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.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine. Night work shall not be permitted on weekends and holidays. (N-2)

10. **Construction Parking and Staging.** Construction parking and vehicle/equipment/ materials storage shall be provided on site. (T-2)

11. **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 achieve minimum soil moisture of 12% 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 every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)
12. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-2)
13. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-3)
14. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-4)
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 erosion. This may be accomplished by:
 - Seeding and watering until grass cover is grown;
 - Spreading soil binders;
 - 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;
 - Other methods approved in advance by the Air Pollution Control District.(AQ-5)
16. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)

17. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
18. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
19. **Exhaust Emissions – Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used. (AQ-9)
20. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
21. **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. (AQ-11)
22. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-12)
23. **Engine timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
24. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
25. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
26. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
27. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-17)
28. **Worker Trips.** Construction worker trips shall be minimized by facilitating carpooling and by providing for lunch onsite. (AQ-18)

29. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-19)
30. **Carpool Parking.** Provide preferential parking for carpools and vanpools. (AQ-20)
31. **Vehicle Trackout.** Apply water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout. Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup. (AQ-21)
32. **Post Demolition.** Apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition if soils are left exposed for extended periods of time. (AQ-22)
33. **Demolition Activities.** Prohibit demolition activities when wind speeds exceed 25 mph. (AQ-23)
34. **Street Sweeping.** The property frontage along Summit Road, along Hot Springs Road to the roundabout, and parking and staging areas at the construction site, shall be swept as needed to decrease sediment transport to the public storm drain system and dust.
35. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Project Planner.
36. **Best Management Practices.** The contractor shall implement all applicable best management practices (BMPs) when working near or within the bed or banks of the three on-site drainages to ensure that sediment is not transported downstream. The contractor shall implement all applicable BMPs around storm drains, concrete clean-out areas, etc. to ensure that sediment and/or pollutants are not transported off site. (BIO-10)
37. **Pond Excavation.** Excavation of the water features (ponds) for the golf course shall be completed in stages so that groundwater can be adequately contained in either Baker tanks or in an adjacent pit, and allowed to de-silt on-site before it is pumped into the storm drain and enters Andree Clark Bird Refuge. (W-1)
38. **Legless Lizard Monitoring.** A qualified biologist shall be present to monitor initial site demolition and initial grading (down to a depth of six inches) in the northwestern portions of the site in order to capture and relocate to suitable adjacent habitat any legless lizards exposed by these activities. (BIO-5)
39. **Tree Removal - Phasing.** Tree removal shall not be phased; it shall occur in as short a time as possible within the confines of the construction "windows" identified below in order to reduce the time during which butterflies, bats and birds could be affected. (BIO-3)
40. **Tree Removal Limitations.**

- a. **Monarch Butterflies.** Tree removal/relocation/trimming activities shall not occur between October 1st and February 1st. If work must occur during this time, a qualified biologist shall survey any tree slated for removal, relocation or trimming no more than one week prior to removal. Trees containing aggregations of more than ten butterflies shall be protected from disturbance until butterflies have left the area. A 150-foot radius temporary buffer shall be established around these aggregation trees. A qualified biologist shall periodically monitor the site to verify that butterflies have left the area before tree cutting proceeds.
- b. **Birds.** Tree removal/ relocation/ trimming activities shall not occur during nesting season (February 1st – August 15th). If these activities must occur during this time, a qualified biologist shall conduct a survey of the project area no more than one week prior to the activity to identify active nests or nest holes. In the event that active nests are found, a 300-foot radius no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young have fledged the nest.
- c. **Bats.** A qualified biologist shall map the location of all active and inactive woodpecker nest holes and decay holes on the property prior to any removal, relocation or trimming of trees. Trees slated for removal or relocation that contain woodpecker nest holes, decay holes, or other suitable bat roost sites should be surveyed by a qualified biologist using a fibre-optic endoscope to examine the holes and assess occupancy by bats. Trees containing active woodpecker nest holes shall be preserved in situ wherever possible. Trimming of such trees during course redesign shall be delayed until the nesting season has passed (March 1st – July 1st). Trimming of trees with active woodpecker nest holes shall be closely monitored by a qualified biologist. If trees containing active woodpecker nest holes must be removed or relocated, then the biologist shall consult with the California Department of Fish and Game prior to such removal as to the most appropriate course of action.
- d. **Inspections.** A qualified biologist shall work closely with the tree removal/trimming contractor to inspect all trees slated for removal, relocation or trimming at any time of year prior to such activity to ensure that birds or bats will not be injured or killed during such activities.
- e. **Raptor Surveys.** Focused raptor surveys that follow County and State protocols shall be conducted no more than two months prior to project initiation. These surveys typically require a minimum of five surveys spaced at least one week apart, conducted between February 1st and June 15th. Active raptor nest trees shall be flagged for avoidance and a 300-

foot tree removal buffer shall be established around the tree(s) until a qualified biologist verifies that young have fledged the nest.

(BIO-3)

41. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection measures identified in the Conditions of Approval and in the Arborist Report for the project.
 - a. **Tree Relocation.** The 83 existing trees proposed for relocation shall be relocated on the Real Property and shall be fenced and protected during construction.
 - b. **Existing Tree Preservation.** The existing tree(s) shown on the approved Site Plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
42. **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.
43. **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. (CR-7)

- 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. **Business Plan.** Prior to issuance of a certificate of occupancy for the maintenance building, the owner shall update the business plan on file with the City Fire Department to indicate the location of the new storage area. (H-1)
 2. **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.
 3. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, shall be completed.
 4. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 5. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
 6. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
 7. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 8. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within

thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

Pursuant to Santa Barbara Municipal Code Sections 28.87.370, and 28.44.230, the expiration of all discretionary approvals granted pursuant to this application shall be four years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Staff Hearing Officer for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

This motion was passed and adopted on the 10th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

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.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 036-09
631 OLIVE STREET
MEDICAL CANNABIS DISPENSARY PERMIT
SEPTEMBER 10, 2009

APPEAL BY HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA OF THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF SEFTON GRAHAM FOR THE GREEN LIGHT DISPENSARY, 631 OLIVE STREET, 031-160-005 C-M ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2008-00577)

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The remaining 462 square feet of the building would be a residential unit. The discretionary application required for this project are a Medical Cannabis Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures.

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

WHEREAS, 4 people appeared to speak in favor of the appeal, and no one appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 3, 2009
2. Site Plans
3. Correspondence received in support of the appeal:
 - a. Paula Wesbury, Santa Barbara, CA
 - b. Britta Bartels, submitted for a coalition of neighborhood groups

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

- I. Denied the appeal of the Housing Authority of the City of Santa Barbara, and upheld the decision of the Staff Hearing Officer to approve the Medical Cannabis Dispensary Permit making the following findings and determinations:

A. MEDICAL CANNABIS DISPENSARIES (SBMC Chapter 28.80)

1. The dispensary permit complies with the limitations on the permitted locations of a dispensary pursuant to Section 28.80.060 of the Zoning Ordinance, as described in Section VI.A of the staff report.
2. The dispensary permit complies with the criteria set forth in Section 28.80.090 (Criteria for Review of Dispensary Applications) of the Zoning Ordinance, as explained in Section VI of the Staff Report and the Applicant's submittal.
3. This dispensary permit is approved conditioned upon compliance with the operational requirements specified in Section 28.80.070 of the Zoning Ordinance and the conditions of approval outlined in Exhibit A.

II. Said approval is subject to the following conditions:

1. This Medical Cannabis Dispensary Permit is conditioned upon continued compliance with the operational standards specified in Santa Barbara Municipal Code section 28.80.070.
2. Applicant shall operate the dispensary in accordance with the Operations Plan and information submitted to the City Planning Division on December 11, 2008 and May 4, 2009.
3. The project is subject to the review and approval of the Architectural Board of Review (ABR) prior to issuance of any building permits. ABR to review and approve a landscape plan that provides aesthetic enhancement of the structure and buffering from adjacent properties.
4. A Change of Use permit shall be applied for and obtained from the City's Building & Safety Division. All work required as part of this Change of Use shall be completed, and the permit "signed-off", prior to commencement of the business.
5. Prior to the anniversary date of the issuance of this permit, the operator shall submit an annual renewal fee, if such fee is established by the City Council.
6. Applicant shall apply for an alarm system permit. Said alarm system shall be installed and registered per SBMC Chapter 9.100 and shall meet the requirements of the Santa Barbara Police Department.
7. The street front windows shall be kept clear of any obstructions including any interior or exterior window treatments to facilitate visibility from the street. The front lobby shall not have any signs or obstructions that would limit visibility of the lobby from Olive Street.
8. Prior to the issuance of a Building Permit, the operator of the dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.

9. In order to comply with SBMC §28.80.070.A., prior to any involvement with the dispensary, all new employees, volunteer workers, or any person exercising managerial authority over the dispensary shall apply for and obtain a background check cleared through the City Police Department prior to commencement of activities associated with the dispensary.
10. The hours of operation for the dispensary shall be limited to between 10:00 a.m. to 7:00 p.m.
11. Exterior signage advertising the facility is not permitted.
12. The security personnel hired to comply with SBMC Section 28.80.090.B.9 shall be a "Licensed" security person. The Licensed security person's responsibilities shall include enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.
13. The Applicant shall make verbal contact with the Housing Authority, Transition House, and Girls Inc. quarterly, to ascertain if there are nuisance issues raised by the Applicant's operation. All nuisance issues raised shall be addressed and resolved by the Applicant. A written update regarding any nuisance issues and their resolution would be given to City Staff and reported to the Planning Commission at six months and at one year following issuance of the site's certificate of occupancy.

This motion was passed and adopted on the 10th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 1 (Larson) ABSTAIN: 0 ABSENT: 0 (Bartlett, Jacobs, Thompson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

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

