



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-10

540 WEST PUEBLO STREET

DEVELOPMENT PLAN, AND COMMUNITY PRIORITY DESIGNATION

JUNE 10, 2010

APPLICATION OF DUDEK, AGENT FOR THE CANCER CENTER OF SANTA BARBARA, 540 W. PUEBLO STREET, 025-090-005, -008, -022, -023, -024, -031, -039, -040, -046, -047, C-O, MEDICAL OFFICE ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2007-00092)

The proposal consists of a new comprehensive outpatient cancer treatment facility and rental housing for the Cancer Center of Santa Barbara. The project site consists of ten lots, located between West Junipero and West Pueblo Streets that would be merged into one 3.38-acre lot.

The existing development on the project site consists of a 17,444 square foot main medical building, five additional medical office buildings totaling 9,248 square feet, a residential duplex, a residential tri-plex and an uninhabitable single-family dwelling.

The project includes the demolition of all structures onsite except for three buildings along West Junipero Street. The existing main medical building which is located within the 25-foot setback of Mission Creek would be replaced with a new 53,407 square foot, three-story medical facility, located approximately 130 feet from the top of bank. The new facility would have a maximum height of 45 feet except for an architectural feature that would extend to 50 feet. The proposal includes a new three-story (four tier), 66,170 square foot parking structure with 169 parking spaces. The parking structure would have a maximum height of 39 feet. Three additional uncovered parking spaces would be located onsite, for a total of 172 proposed parking spaces. Vehicular access to the site would be provided by one driveway on West Pueblo Street and one driveway on West Junipero Street.

Two of the buildings to be retained would continue to be used as medical offices. One of the buildings to be retained would be converted to a residential duplex and two new residential duplexes would be constructed. The proposed project would result in a total of 57,239 square feet of medical office space and six residential units.

Grading would consist of 2,700 cubic yards of cut and 5,500 cubic yards of fill. The project includes revegetation of the creek bank and creek setback area.

The discretionary applications required for this project are:

1. A Development Plan to allocate 30,000 square feet of non-residential square footage from the Minor Addition and Small Addition categories (SBMC §28.87.300) (SBMC §28.87.300); and
2. Recommendation to City Council for Final Community Priority Designation for 5,845 square feet of floor area (SBMC §28.87.300).

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, 5 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, June 3, 2010.
2. Site Plans
3. Correspondence received in opposition:
 - a. Paula Westbury, Santa Barbara, CA

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

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

A. Final Mitigated Negative Declaration Adoption

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated May 27, 2010 for the 540 W. Pueblo Street, Cancer Center of Santa Barbara Project (MST2007-00092), 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 May 27, 2010, 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. Development Plan (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance. *The proposed project is in compliance with the C-O Zone standards, as described in Section V of the Staff Report.*
2. The proposed development is consistent with the principles of sound community planning. *The proposed project is consistent with the principles of sound community planning by maintaining the current use of the property (outpatient cancer facility, medical offices, residential), which are allowed uses in the C-O Zone. The project is consistent with the General Plan, as described in Section VI of the Staff Report. Further, the project has been designed to minimize the impact on its residential neighbors.*
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. *All exterior alterations onsite require review and approval by the Architectural Board of Review (ABR). The ABR has conceptually reviewed the project and has found it to be compatible with the existing buildings and the surrounding neighborhood.*
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock. *The project will not result in a significant impact to City and South Coast affordable housing stock as it will maintain the current uses (outpatient cancer facility, medical offices, residential), will provide one additional rental unit over what currently exists onsite, as described in Section 8 of the Initial Study/Mitigated Negative Declaration, and there will be no increase in the number of employees.*
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources. *Adequate City services are currently available to the project site. Water resource impacts are not anticipated with the construction of the proposed development because there will be no significant increase in water demand as described in Section 9 of the Initial Study/Mitigated Negative Declaration.*
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic. *Traffic impacts are not anticipated with the construction of the proposed development, as described in Section 11 of the Initial Study/Mitigated Negative Declaration.*
7. Resources will be available and traffic improvements will be in place at the time of project occupancy. *Adequate City services are currently available to the project site, and traffic improvements are not required.*

C. Community Priority Designation

The project is necessary to meet a present or projected need directly related to public health, safety or general welfare. *The City Council has determined that the proposed project qualifies as a Community Priority project because it is a local, non-profit organization that is necessary to provide present and projected needs for cancer treatment in the Santa Barbara area.*

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 \$2,010.25 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). ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
1. **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.
 2. **Parking.** Reduce the number of parking spaces to be provided onsite such that it meets, but does not exceed, city parking requirements. The location of such parking to be determined in consultation with the Architectural Board of Review (ABR).
- 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 June 10, 2010 is limited to approximately 57,239 square feet of building area and six dwelling units and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recycled Water.** Recycled water shall be used for irrigation purposes. (PS-1)
 4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. 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 ABR, the owner is responsible for its immediate replacement.

The existing trees shown to remain on the Landscape Plan and Tree Protection Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the Tree Protection Plan and Addendum report prepared for the project by Duke McPherson, dated April 12 and August 17, 2009.

6. **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 Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 7. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited from any area that drains directly into Mission Creek.
 8. **BMP Training.** 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 system.
- 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 20-foot wide easement for maintenance of the existing Mission Creek bridge adjacent to W. Pueblo Street, and storm drainage purposes as shown on the civil sheets of the proposed Development plans.
 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. **W. Pueblo & W. Junipero Streets Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on W. Pueblo and W. Junipero Streets. As determined by the Public Works Department, the improvements shall include the following to City Standards: Saw-cut and remove all cracked and/or uplifted sidewalk; construct one commercial driveway apron modified to meet Title 24 requirements on W. Pueblo Street; saw-cut and replace all damaged curb and gutter; install two single-directional pedestrian access ramps on the W. Junipero Street frontage, in alignment with the ramps on W. Junipero and W. Alamar Streets; connection to City water and sewer mains; public drainage improvements with supporting final drainage calculations and/or final hydrology report for installation of a minimum of 6 Type B curb drain outlets, removal of existing 8 inch VCP from the existing drop inlet on W. Pueblo Street., and connection of proposed storm drain to the existing drop inlet; retire existing Cobra Head luminary and supply and install one Dome Style residential standard street luminary on two existing concrete fluted poles (one on W. Pueblo Street and one on W. Junipero Street.), coordinate with City staff to retire existing Cobra Head standards from existing utility poles; retire existing Junipero Street bus stop and construct new bus shelter with 27' x 8' loading area per MTD standards; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs per the CA 2006 MUTCD during construction; add storm drain stenciling or appliqué to all drop inlets fronting the project site; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching on both W. Pueblo and W. Junipero Streets; supply and install four (4) new street trees (Coast Live Oak) on W. Junipero Street and tree grates per approval of the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
6. **Underground Utilities.** Utilities on and to the site shall be undergrounded, including the existing poles along both sides of W. Junipero Street, if feasible.

7. **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.
8. **Encroachment Permits.** Any encroachment or other permits from the City or County Flood Control, for the construction of improvements (including any required appurtenances) within their rights of way (easement).
9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
10. **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.
11. **Voluntary Lot Merger Required.** The Real Property, consisting of ten (10) lots (APN 025-090-005, -008, -022, -023, -024, -031, -039, -040, -046 and -047) shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.
12. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

E. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and 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 monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding

MMRP and condition compliance by the PEC to the Community Development Department/case planner.

- f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
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, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
3. **Contractor and Subcontractor Notification.** The 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.
4. **Asbestos Containing Material.** Applicant shall submit the SBCAPCD "Asbestos/Demolition/Renovation Notification" Form to the SBCAPCD at least ten days prior to the start of any demolition work. (AQ-1)
5. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work 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.
6. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
7. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
8. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department (Engineering and Transportation Divisions), Building Division, Planning Division, Property Owner, Architect, Arborist, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

9. **Relocation of Historic Structures (524 and 526 West Pueblo Street).** The applicant shall publish advertisements for acquisition and relocation of the Structure of Merit and require subsequent rehabilitation at its new site. The standards and guidelines for rehabilitation contained in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings and the Secretary of Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings shall be employed for any rehabilitation to the Structure of Merit. (CR-1)
 10. **Documentation Prior to Demolition (524 and 526 West Pueblo Street).** Prior to demolition of the Structure of Merit, the structure shall be subject to recordation according to the Community Development Department's "Required Documentation Prior to Demolition" standards. (CR-2)
 11. **Transportation Demand Management Program.** Provide greater detail regarding the elements of the proposed Transportation Demand Management Program (TDM)
- 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.
 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. **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.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C-6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
5. **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.
6. **Energy Use.** Minimize the use of energy by designing and constructing structures using sustainable development principles including green building designs and materials. (AQ-21)
7. **Biological Resources Summary Report.** The project shall comply with the recommendations contained in the Biological Resources Summary Report prepared for the project by Dudek, dated May 31, 2009.
8. **Conceptual Riparian Revegetation Plan.** The project shall comply with the recommendations contained in the Conceptual Riparian Revegetation Plan prepared for the project by Dudek, dated June 2009.
9. **Replacement Oak Trees.** A total of 22 coast live oak trees (24-inch boxed container size nursery specimens) shall be planted as replacement for the seven coast live oak trees that would be removed. (BIO-2)
10. **Tree Protection Plan.** The project shall comply with the recommendations of the Tree Protection Plan and Addendum report prepared for the project by Duke McPherson, dated April 12 and August 17, 2009. All recommendations shall be reproduced on the Tree Protection Plan.
11. **Creek Stability Analysis Report Recommendations.** Work within the creek bank shall be in accordance with the recommendations contained in the Updated Creek Stability Analysis prepared for the proposed project by Questa, dated April 9, 2009. Compliance shall be demonstrated on plans submitted for grading and/or building permits. (G-1)

- 12. **Soils Engineering and Engineering Geology Recommendations.** Site preparation and project construction shall be in accordance with the recommendations contained in the Soils Engineering and Engineering Geology Report prepared for the project by Earth Systems Pacific, dated May 14, 2009 or equivalent. Compliance shall be demonstrated on plans submitted for grading and building permits.
- 13. **Interior Noise Reduction.** As identified in the Environmental Noise Study prepared for the project by Dudek, dated June 25, 2009, the main building and the new residential units shall require a "windows closed" condition in order to meet the maximum interior 45 dBA Ldn noise level standard. Therefore, the design shall include adequate ventilation through either mechanical ventilation and/or air conditioning. (N-1)
- 14. **Temporary Construction Wall.** Installation of a temporary 8 to 10 foot high wall shall be required around the construction site. The wall may be made of wood (minimum 5/8 inch thick) and shall present a solid surface, without openings and gaps. (N-3)
- 15. **Preliminary Drainage Report.** The project shall comply with the Preliminary Drainage Report prepared for the project by Penfield & Smith, dated April 6, 2009 or equivalent.
- 16. **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. **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-2)
 - 2. **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-3)

3. **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-4)
4. **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-5)
5. **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; and other methods approved in advance by the Air Pollution Control District. (AQ-6)
6. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-7)
7. **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-8)
8. **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-9)
9. **Exhaust Emissions - Engines.** Heavy-duty diesel-powered construction equipment manufactured after 2000 (Tier 2) (with federally mandated "clean" diesel engines) shall be used. If reasonably available, Tier 3 equipment shall be used. (AQ-10)
10. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-11)

11. **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-12)
12. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-13)
13. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-14)
14. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-15)
15. **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-16)
16. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-17)
17. **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-18)
18. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-19)
19. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-20)
20. **Carpool Parking.** For construction parking, provide preferential parking for carpools and vanpools. (AQ-22)
21. **Demolition and Debris Removal.** Apply water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle track out. Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup. (AQ-23)
22. **Post Demolition.** Apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition. (AQ-24)
23. **Demolition Activities.** Prohibit demolition activities when wind speeds exceed 25 mph. (AQ-25)
24. **Construction Schedule.** Demolition and grading within 75 feet of the Oaks Parent-Child Workshop property shall occur outside of the existing school operating hours (8:30 to noon, Monday through Friday). (AQ-26)
25. **Lead Disposal.** During demolition activities, workers shall follow OSHA regulations regarding potential exposure to lead. In addition, representative samples of any construction waste shall be tested by the Toxic Characteristic Leaching Procedure (TCLP) to determine if the waste is hazardous. Hazardous wastes must be disposed of according to Federal, State and local regulations. (H-1)
26. **Reduce Architectural Coating Emissions:** As recommended in the Air Quality Assessment of Construction Emissions Report prepared for the project by Dudek, dated

July 2009, the following methods shall be used in order to reduce ROC emissions associated with the application of architectural coating during building construction: a) minimize the use of paints and solvents by using pre-coated building materials; b) minimize the use of paints and solvents by using naturally colored building materials; c) use water based or low-ROC coating; and d) utilize coating application equipment with high transfer efficiency rates to reduce off-gassing.

27. **Nest Protection.** Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed/ removed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before proposed construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming/ removal shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist. (BIO-1)
28. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees proposed to be retained which are located within 25 feet of any grading.
 - b. No grading shall occur under the dripline of any oak tree proposed to be retained, except as indicated on the approved drainage and grading plan for the proposed project. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - c. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree proposed to be retained. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - d. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree proposed to be retained.
 - e. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock. (BIO-3)
29. **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, Property Owner, Architect, Arborist, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

30. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and not less than 75% of all construction and demolition material shall be recycled through the use of a city permitted hauler. 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-2)
31. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
32. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
33. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
34. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
35. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
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.

36. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
37. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
38. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
39. **Mitigation Monitoring Compliance Reports.** The PEC shall submit monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
40. **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.

41. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
42. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

4. **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.
5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior area noise levels are within acceptable levels for residential and/or commercial uses, as appropriate, as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR) if applicable. (N-2)
6. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
7. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
8. **Commemoration of Demolished Structure (524 and 526 West Pueblo Street).** Commemoration of the demolished structure with a display of text and graphics designed by a city-approved historical consultant within the interior of the new building proposed for the site. (CR-3)

- 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 DEVELOPMENT PLAN TIME LIMITS:

The Development Plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) 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.

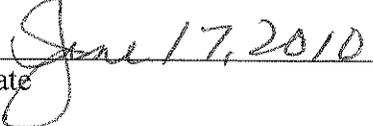
This motion was passed and adopted on the 10th day of June, 2010 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

PLEASE BE ADVISED:

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

