

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 6, 2011

CALL TO ORDER:

Chair Jostes called the meeting to order at 1:04 P.M.

ROLL CALL

Chair John Jostes, Vice Chair Sheila Lodge, Commissioners Bruce Bartlett, Charmaine Jacobs, Mike Jordan, Stella Larson, and Deborah L. Schwartz.

Absent: Commissioner

STAFF PRESENT:

Danny Kato, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Steve Foley, Supervising Transportation Planner
 Allison De Busk, Project Planner
 Peter Lawson, Associate Planner
 Stacey Wilson, Associate Transportation Planner
 Julie Rodriguez, Planning Commission Secretary

PRELIMINARY MATTERS:

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

1. Draft Minutes of September 22, 2011
2. Resolution 019-11
1820-1826 De la Vina Street

MOTION: Bartlett/Jordan

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: As noted. Absent: 1 (Jacobs)

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
Senior Planner Danny Kato announced that Item III, 404 N. Moffet Place has been continued to November 3, 2011.
- C. Announcements and appeals.
Mr. Kato announced that the recruitment for Board and Commission is open until October 17, 2011 and directed public interest to the City's website, www.SantaBarbaraCA.gov for more information.
- D. Comments from members of the public pertaining to items not on this agenda.
Chair Jostes opened the public hearing at 1:07 P.M. and, with no one wishing to speak, closed the hearing.

CONSENT ITEM: CONTINUED FROM SEPTEMBER 22, 2011

APPLICATION OF ROGER RONDEPIERRE, ATLANTIC AVIATION, 404 WILLIAM MOFFETT PLACE, 073-045-003, A-F, S-D-3, AIRPORT FACILITIES AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTION (MST2011-00270, CDP2011-00008).

The project consists of the installation of three 2,820 square foot prefabricated hangars on existing paved aircraft parking ramp at Atlantic Aviation's leasehold on Santa Barbara Airport property. The project would replace five aircraft tie-down spaces with three general aviation T-hangars (small airplane hangars shaped like a capital "T"). These hangars would be owned by Atlantic Aviation and leased to airplane owners who want a secure, enclosed space for their airplane. The new hangars will replace three older T-hangars that were removed as part of construction of the new Airline Terminal.

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00008) to allow construction of three prefabricated T-hangars in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303(c).

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

Phone: 805-692-6032

This item was continued to November 3, 2011.

NEW ITEMS:

ACTUAL TIME: 1:07 P.M.

A. **APPLICATION OF TRUDI CAREY AGENT FOR GIARDINI DI CIPRIANI, LLC, 457 N HOPE AVENUE, APN 057-170-012, RES 4.6 (COUNTY) ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL (COUNTY) (MST2006-00564)**

The project consists of a nine-lot subdivision of a 2.96-acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. As part of the project, the site would be annexed to the City of Santa Barbara. A General Plan designation of Residential (5 units/acre) and Zoning designation of One-Family Residence E-3/S-D-2 (7,500 square feet minimum) is proposed. No development of the individual lots is currently proposed, but construction of infrastructure to serve all of the lots is part of the project. Infrastructure would include a new cul-de-sac road, which would be dedicated as a public road, and all utilities to serve each of the nine lots. Future development of the parcels would be single-family homes. Future development of homes would be reviewed individually through design review and building permit review. Based upon the proposed lot size, it can be assumed that development could be up to 30 feet in height and approximately 4,000 square feet in size (includes garage, habitable space and hardscape).

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Local Agency Formation Commission (LAFCO):

1. General Plan Amendment to change the land use designation of project site from the Santa Barbara County Land Use Designation of Residential, Res 4.6 units per acre to City General Plan Designation of Residential, 5 units per acre (SBMC §28.07);
2. Zoning Map Amendment to rezone the site from the Santa Barbara County zoning designation of Single-Family Residential 8-R-1 to the City Zoning designation of One-Family Residence/Special District E-3/S-D-2 (7,500 s.f. minimum) (SBMC, §28.92.020);
3. Detachment from County Service Area (CSA) No. 32 (Unincorporated Law Enforcement) County Fire District, and Goleta Water District;
4. Annexation of the property from Santa Barbara County to the City of Santa Barbara;

Actions by the Planning Commission, contingent upon approval of the actions listed above:

5. A Modification to reduce the required street frontage of proposed Lot number 8 from 60 feet to 38 feet (SBMC §28.92.026.A);

6. A Tentative Subdivision Map to allow the division of one parcel (1) into nine (9) lots (SBMC 27.07);

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

Case Planner: Peter Lawson, Associate Planner

Email: PLawson@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4565

Peter Lawson, Associate Planner, gave the Staff presentation.

Trudi Carey, Carey Group Architects gave the applicant presentation.

Chair Jostes opened the public hearing at 1:28 P.M.

The following people spoke in support of the project:

1. Claude Dorais, neighbor
2. Britt Jewett
3. Greg Rech

With no one else wishing to speak the public hearing was closed at 1:33 P.M.

Straw Poll:

Concurrence with Annexation.

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

Straw Poll:

Concurrence with the General Plan Amendment

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

Straw Poll:

Concurrence with the Zoning Map Amendment

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

Straw Poll:

Approval for Negative Declaration

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

Straw Poll:

Concurrence for Street Frontage Modification:

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

Commissioner Bartlett could not support the Modification to reduce the street frontage of proposed Lot 8 to a 38' lot frontage when the other eight lots, on average, exceed their minimum lot width by 13' each.

Straw Poll:

Support Tentative Subdivision Map with the condition that the light polls are reduced from 20 to 14 feet

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

Bartlett could support narrowing the conforming lots just enough to bring Lot 8 into the minimum frontage standard of 60 feet. Other lot widths could be reduced approximately 2.5-3 feet each. Ms. Carey, could not support the request because it would create longer and narrower lots.

MOTION: Lodge/Larson

Assigned Resolution No. 020-11

Recommendation from the Planning Commission to City Council, making the findings for the Annexation, the General Plan Amendment, and the Zoning Map Amendment, outlined in the Staff Report dated September 29, 2011.

This motion carried by the following vote:

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

MOTION: Lodge/Larson

Assigned Resolution No. 020-11

Certified the Final Negative Declaration, making the findings outlined in the Staff Report dated September 29, 2011.

This motion carried by the following vote:

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

MOTION: Lodge/Schwartz

Assigned Resolution No. 020-11

Approved the project, making the findings for the Street Frontage Modification outlined in the Staff Report dated September 29, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

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

The motion failed for lack of quorum.

MOTION: Larson/Schwartz

Assigned Resolution No. 020-11

Approved the project, making the findings for the Street Frontage Modification and Tentative Subdivision Map outlined in the Staff Report dated September 29, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report, and based on approval by City Council of the Annexation, General Plan Amendment and Zoning Map Amendment.

This motion carried by the following vote:

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

Jordan remained concerned with the size of the lots in comparison to the neighborhood.

Chair Jostes announced the ten calendar day appeal period.

MOTION: Lodge/Larson

Assigned Resolution No. 020-11

Directed to Public Works that the height of the light poles shall be 14 feet.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

Chair Jostes called a recess at 3:00 P.M. and reconvened the meeting at 3:09 P.M.

ACTUAL TIME: 3:09 P.M.

- B. **APPLICATION OF TRISH ALLEN, AGENT FOR THE CHILDREN'S MUSEUM OF SANTA BARBARA, 125 STATE STREET, 033-075-012, -014; 033-010-012; 033-042-016; HRC-II/SD 3 (HOTEL AND RELATED COMMERCE II AND COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE (MST2009-00119)**

The project consists of the construction of a new three-story 16,691 net square foot building for the Children's Museum of Santa Barbara (CMSB). The first floor would contain 9,083 net square feet, the second floor would contain 7,265 net square feet, and the third floor would contain 343 net square feet. Two parking spaces would be provided on-site, and 29 parking spaces would be supplied in the Railroad Depot parking lot. The project also includes removal and replacement of street trees, and landscape and hardscape improvements, including a rooftop terrace above the second floor.

The discretionary applications required for this project are:

1. A Modification to allow the ADA access ramp and bike parking/posts to encroach into the front setback along State Street(SBMC §28.92.110.A.2);
2. A Modification to allow the ADA access ramp, stairs, bike parking/posts and trash enclosure to encroach into the front setback along Kimberly Avenue (SBMC §28.92.110.A.2);
3. A Modification to provide less than the required number of parking spaces (SBMC §28.92.110.A.1);
4. A Coastal Development Permit (CDP2011-00006) to allow the proposed development in the Appealable and Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
5. A Development Plan to allow the construction of 16,691 square feet of nonresidential development (SBMC §28.87.300).

Additionally, the following application requires a recommendation from the Planning Commission and approval by the City Council:

6. Final Community Priority Designation for 5,106 square feet of nonresidential development (SBMC 28.87.300).

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

Case Planner: Allison DeBusk, Project Planner

Email: ADeBusk@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Suzanne Elledge, Suzanne Elledge Planning and Permitting Services, gave the applicant presentation joined by Berry Berkus, Architect; Susan Van Atta, Landscape Architect; and Trish Allen, Senior Planner, Susan Elledge Planning and Permitting. The presentation was preceded by introductory comments by Alex Bolagg, 13, and his sister Lyla, 5.

Chair Jostes opened the public hearing at 3:36 P.M.

The following people spoke in support of the project:

1. Jill Levinson, President, Children's Museum Board
2. David Cash, Ed.D., Superintendent, Santa Barbara Unified School District
3. Sergio Villa, Secretary, Children's Museum Board
4. Jeremy Tesmer, Sullivan Goss
5. David Tisdale
6. Kay Morter , General Manager of Holiday Inn Express, speaking herself and for Judy Ricker, Courtland-Dane Management
7. David Auston, Ph.D., Executive Director Institute for Energy Efficiency

8. Pedro Paz, First 5 Santa Barbara County
9. Carolyn Brown, Executive Director, Boys and Girls Club of Santa Barbara
10. Casie Killgore, Principal, Franklin Elementary School
11. Holly Carmody, Community Action Commission of Santa Barbara County
12. Michael Vail, Principal, Cleveland Elementary School
13. Jim Fitzpatrick, Head Master, Santa Barbara Montessori School

Emilio Handall, Principal, McKinley Elementary School, submitted a speaker slip indicating support but was unable to stay for the duration of the meeting.

With no one else wishing to speak, the public hearing was closed at 3:59 P.M.

MOTION: Larson/Lodge

Assigned Resolution No. 021-11

Approved the project, making the findings for the Front Setback Modifications, Parking Modification, Coastal Development Permit, and Development Plan outlined in the Staff Report dated September 29, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revision to the Conditions of Approval: condition C.8. replace "within 500 feet of the project." with "in a manner consistent with SBMC §28.90.001.R."; with direction to the Planning Commission Chair to work with Staff on resolution language that would articulate the Planning Commission's recommendation to the City Council and City Administrator for expediting review and approval of the project given the project's priority land use (Community Priority Designation) and LEED compliance, and making a recommendation to the City Council for approval of the Final Community Priority Designation.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:47 P.M.

E. Committee and Liaison Reports.

3. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on October 5, 2011.

4. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Airport Committee meeting of September 21, 2011.

VII. ADJOURNMENT

Chair Jostes adjourned the meeting at 4:51 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 020-11

457 N. HOPE AVENUE

TENTATIVE SUBDIVISION MAP, ANNEXATION, GENERAL PLAN AMENDMENT,
REZONE AND A STREET FRONTAGE MODIFICATION

OCTOBER 6, 2011

APPLICATION OF TRUDI CAREY AGENT FOR GIARDINI DI CIPRIANI, LLC, 457 N HOPE AVENUE, APN 057-170-012, RES 4.6 (COUNTY) ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL (COUNTY) (MST2006-00564)

The project consists of a nine-lot subdivision of a 2.96-acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. As part of the project, the site would be annexed to the City of Santa Barbara. A General Plan designation of Residential (5 units/acre) and Zoning designation of One-Family Residence E-3/S-D-2 (7,500 square feet minimum) is proposed. No development of the individual lots is currently proposed, but construction of infrastructure to serve all of the lots is part of the project. Infrastructure would include a new cul-de-sac road, which would be dedicated as a public road, and all utilities to serve each of the nine lots. Future development of the parcels would be single-family homes. Future development of homes would be reviewed individually through design review and building permit review. Based upon the proposed lot size, it can be assumed that development could be up to 30 feet in height and an approximately 4,000 square feet in size (includes garage, habitable space and hardscape).

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Local Agency Formation Commission (LAFCO):

1. General Plan Amendment to change the land use designation of project site from the Santa Barbara County Land Use Designation of Residential, Res 4.6 units per acre to City General Plan Designation of Residential, 5 units per acre, (SBMC §28.07);
2. Zoning Map Amendment to rezone the site from the Santa Barbara County zoning designation of Single-Family Residential 8-R-1 to the City Zoning designation of One-Family Residence/Special District E-3/S-D-2 (7,500 s.f. minimum) (SBMC, §28.92.020);
3. Detachment from County Service Area (CSA) No. 32 (Unincorporated Law Enforcement), Santa Barbara County Fire District, and Goleta Water District;
4. Annexation of the property from Santa Barbara County to the City of Santa Barbara;

Actions by the Planning Commission, contingent upon approval of the actions listed above:

5. A Modification to reduce the required street frontage of proposed Lot number 8 from 60 feet to 38 feet (SBMC §28.92.026.A);
6. A Tentative Subdivision Map to allow the division of one parcel (1) into nine (9) lots (SBMC 27.07);

The Planning Commission will consider approval of the 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, 3 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, September 29, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Lauren Saltman, via email
 - b. Jeff Devine, via email
 - c. Dan Dawson, via email
 - d. Ross Harris, via email
 - e. Dave Scott, via email
 - f. Judy Rattray, via email
 - g. Susan Rodriguez, via email
 - h. Diane Johnson, via email
 - i. Connie Townsend, via email
 - j. John and Ruth Rowe, via email
4. Correspondence received in opposition to the project or with concerns:
 - a. Laurie Shea, via email
 - b. Paula Westbury, Santa Barbara, CA
 - c. Chris and Marilee Bell, via email

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

- I. Recommended to City Council the Detachments, Annexation, General Plan Amendment and the Zoning Map amendment as outlined in the Staff Report of September 29, 2011.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs); and

- II. Directed to Public Works that the height of the light poles shall be 14 feet.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs); and

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

A. **Final Negative Declaration Adoption**

1. The Planning Commission has considered the proposed Final Negative Declaration, dated September 27, 2011, for the 457 North Hope Project (MST2006-00564), and comments received during the public review process prior to making a recommendation on the project.
2. The Final 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 Negative Declaration, dated September 27, 2011, is hereby adopted.
4. Recommended mitigation measures identified in the Negative Declaration that would further reduce all less than significant impacts have been included in the project or made a condition of approval.
5. 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.
6. 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.

This motion to certify the Final Negative Declaration was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

B. **Modification**

The proposed project includes a Modification request to reduce the required street frontage of proposed Lot 8 from 60 feet to 38 feet. Because of its location at the curve of the cul-de-sac, Lot 8's street frontage would be shortened, and the lot would be shaped similar to a flag lot. The interior of the lot is rectangular (99' X 98') and the overall size is over 11,000 square feet, which would provide adequate room for development without need for any further Modifications. Therefore, due to the location of this lot, and because there is adequate room on the lot to provide access and development consistent with the Municipal Code, this Modification is consistent with the purpose and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement.

C. The Tentative Map (SBMC §27.07.100)

With the approval of the requested Street Frontage Modification for Lot 8, the Tentative Subdivision map is consistent with the General Plan, as described in Section V.C. Development of the houses is not proposed at this time; however, the layout of the proposed subdivision is consistent with the applicable General Plan and Zoning requirements. The site is physically suitable for the proposed development, as there are no physical constraints, such as steep slopes, extensive vegetation or watercourses, that would prevent future development or require exceptions from the Municipal Code. The site is physically suitable for the proposed density of development, because it is relatively flat (except for Lot 8), and the proposed density of development of 3.8 units per acre is less than the density allowable under the proposed General Plan designation (5 units per acre). The design of the project will not cause substantial environmental damage because a grading plan was provided that demonstrates drainage being conveyed in a manner consistent with adopted regulations and guidelines. The design of the development is not likely to cause public health problems, as the future development would be single-family residences, consistent with the surrounding neighborhood. Finally, the design of the development will not conflict with any public easements; the existing sewer easement at the northern property line will be relocated to the centerline of the new public street. The project includes the development and dedication of a new public street and improvements to the sidewalk along Hope Avenue.

IV. Said approval is subject to the following conditions:

- A. Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
 2. Obtain all additional land use approvals. Refer to condition B "Approval Contingent upon Annexation, Adoption of General Plan Amendment and Rezone." After all City approvals are obtained, submit Annexation Map to LAFCO, provide City staff with a copy of *Certificate of Completion & LAFCO Resolution*, pay Annexation Buy-In fees to City Public Works for public infrastructure prior to recordation of Final Map.
 3. Obtain all required design review approvals.
 4. Pay Land Development Team Recovery Fee.
 5. Make application and obtain City Council approval of the Final Map and Agreements and record said documents.
 6. Permits following recordation of Final Map.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements, and an Encroachment Permit for private drainage system in the public Right of Way.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Approval Contingent Upon Annexation, Adoption of General Plan, and Rezone.** Planning Commission approval of the proposed subdivision is contingent upon approval of the Annexation, Zoning Ordinance and General Plan Amendment by the City Council and completion of that annexation by the Local Agency Formation Commission.
- 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 an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Final Map, and shall include the following:
1. **Approved Development.** A nine lot subdivision of a 2.92 acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. The site would be annexed to the City of Santa Barbara and would be given a General Plan designation of Residential (5units/acre) and Zoning designation of Residential (E-3 - 7,500 square feet/lot). No structural development of the individual lots is proposed, but infrastructure serving all of the lots would be either constructed or bonded. The infrastructure includes, but is not limited to, new water lines, sewer lines, a public road and drainage improvements, which are shown on the Tentative Subdivision Map and signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Future Residential Development.** All future development on the property shall be subject to the following conditions:
 - a. All future construction shall comply with the applicable conditions of approval contained in Sections F. "Requirements Prior To Permit Issuance," G. "Construction Implementation Requirements," and H. "Prior to Certificate of Occupancy" of the Planning Commission resolution.
 3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 4. **Private Drainage.** The Owner shall also provide drainage easements across the newly created lots to facilitate drainage.
 5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
 6. **Landscape Plan Compliance.** The Homeowner(s) shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the Homeowner(s) are responsible for its immediate replacement.
 7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Homeowner(s) shall maintain the common drainage system and storm water pollution control devices as shown on the approved Tentative Map intended to intercept siltation and other potential

pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state as outlined in the private CC&R's (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual).

- a. 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 Home Owner(s) shall be responsible for any necessary repairs to the system and restoration of the eroded area.
- b. 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.
- c. The Homeowner(s) are 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.
- d. Drainage from individual detention basins on each lot, as depicted on the Tentative Map, shall not be impeded by neighboring parcels.

8. **Required Private Covenants (CC&R's).** The Owner shall record in the official records of Santa Barbara County private covenants or a similar agreement which, among other things, shall provide for all of the following:

- a. **Common Landscape Area Maintenance.** The Homeowners shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for the areas located between the northern property line and the new public right-of-way road easement, the detention basin within the center of the cul-de-sac and the detention basin located on Lot No. 1.
- b. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

9. **Pesticide or Fertilizer Usage Near Drainage Facilities.** The use of pesticides or fertilizer shall be prohibited within the detention basin area located in the cul-de-sac, which drains directly into an offsite concrete V-ditch that leads to a natural water course as outlined in Municipal Code §16.15.

D. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City *Survey Control Ordinance*.

2. **Dedications.** Public Easements, as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department:
 - a. A 23-foot wide easement for all street purposes along Hope Avenue in order to establish a 60-foot wide public right-of-way.
 - b. Dedicate a new public road to the City of Santa Barbara shown on the Tentative Map as *Whiterose Lane* with a 40-foot wide public right-of-way, abutting to the existing City sewer easement along the northerly property line. The 40-foot wide easement shall accommodate a sidewalk and parkway along the southern side of Whiterose Lane, curbs, gutter, travel lanes and an area along the northern side of Whiterose Lane to accommodate "no parking" signs.
 - c. The existing sewer easement along the northern property line shall be reduced from ten (10) feet to eight (8) feet in width.
3. **Private Agreement to Extend Private Sewer Laterals from Individual Properties Located to the North of the Subject Subdivision** Developer shall advise the owners of the seven (7) existing homes to the north of the project site (counting from east to west, starting at Hope Avenue) of the opportunity to connect to the proposed sewer main on the project site at the owners' cost. During construction of the proposed sewer main, Developer shall accommodate the connection of private sewer laterals from any interested owners. Developer shall execute and record any documentation necessary to enable the connection and future use and maintenance of such private laterals. Developer's obligation to facilitate such connections shall cease upon construction of the proposed public road on the project site.
4. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
5. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Final Map.
6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations, and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

- a. The Homeowner(s) shall maintain the private drainage system and storm water pollution control methods in a functioning state.
7. **New Public Road (“Whiterose Lane”) Improvements.** The Owner shall submit separate C-1 public improvement plans to the Public Works counter for construction of public improvements along the interior property frontage for the proposed new public road identified as *Whiterose Lane* on the Tentative Map. Public Works C-1 plans shall be submitted separately from plans submitted for Building Permits, and shall be prepared by a civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the following according to City standard details, ADAAG (*ADA Guidelines for the public R/W*), the 1975 *Interim Design and Improvements Standards*, the most current publication of the *Greenbook*, and current Municipal Codes:
- a. *Construct to Greenbook standards:* (N) asphalt concrete pavement on aggregate base for a 28-foot paved roadway measured from curb to curb. *Construct to City standards:* 6-inch high curb and gutter on both sides of the new road, 5-foot wide sidewalk and 4-foot wide parkway on the southerly side only of *Whiterose Lane*, supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the *Street Tree Advisory Committee*. Construct nine (9) residential driveway aprons to new lots modified to meet Title 24 requirements, construct 2 single-directional access ramps at entrance to *Whiterose Lane*, supply and install (N) street name sign, supply & install (N) stop sign at southerly exit lane, a stop bar, and a minimum of three (3) No Parking signs on the northerly side of the new road behind curb.
 - b. Construct (N) 8-inch sewer main at centerline of *Whiterose Lane* and connect (N) main to (E) sewer main along northerly property line through an easement on proposed lot 9 as shown on the Tentative Map. Construct three (3) (N) sewer manholes, and construct nine (9) (N) sewer laterals to proposed lots behind the sidewalk as a part of construction of the (N) sewer main.
 - c. Construct (N) 8-inch Ductile Iron water main & appurtenances including installation of two (2) new residential fire hydrants, nine (9) new 2-inch water service lines, one to each new lot, and connect (N) water main to City water main in Hope Avenue.
 - d. Submit a Final hydrology report for installation of public & private drainage pipe. Construct three (3) (N) drop inlets with gutter depressions, and provide storm drain stenciling on (N) drop inlets. In addition, each lot shall submit separate hydrology calculations depicting how the 100-year storm event will be retained as recommended in the Preliminary Hydrology Report prepared by MAC Designs dated 10-12-10. The public improvement plans shall indicate the 100-year overland escape routes.
 - e. Supply and install three (3) - Type B residential Dome Style City standard street lights (*one 70 watt at mid-block, one 70 watt at end of cu-de-sac & one 200 watt at the intersection of new road & Hope Ave*), with final location to be determined by the Public Works Department. Show underground conduit and point of

connection for new street lights on civil plans. Contractor shall coordinate with Edison and the Public Works Inspector to energize new lights.

- f. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.
8. **Hope Avenue Public Improvements.** The Owner shall submit C-1 public improvement plans to the Public Works counter for construction of public improvements along the property frontage along Hope Avenue. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall be combined on same plans as the separate C-1's for *Whiterose Lane*. As determined by the Public Works Department, the improvements shall include the following to City standards:
- a. Construct (N): Concrete cross gutter across entrance of *Whiterose Lane* in Hope Avenue right-of-way, 6-foot wide sidewalk and 4-foot parkway along entire property frontage, +/- 20 LF curb and gutter, a minimum of two (2) Alhambra A470 curb drain outlets, slurry seal to the centerline of the Hope Avenue along entire subject property frontage, *and* slurry seal a minimum of 20 feet beyond the limits of all trenching. Submit a Final hydrology report with determination of sizes for new curb drain outlets.
 - b. Supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the *Street Tree Advisory Committee*.
 - c. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.
9. **Land Development Agreement (to Secure Public Improvements).** The Owner shall submit an executed *Land Development Agreements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
10. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements requires an Encroachment Permit. The Owner shall obtain a separate Encroachment Permit for private drainage improvements located in the cul-de-sac of the (N) public right-of-way and all private drainage facilities shall be maintained by the private Home Owner's Association.
11. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$15,500/lot to the Community Development Department.

- E. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to any landform alterations, public improvements, private/common improvements, and landscaping, shall be subject to the review and approval of the SFDB prior to recordation of the Map.
- F. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.6 “(Whiterose Lane) Public Improvements” and D.7 “Hope Avenue Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has submitted securities for the public improvements and executed the *Land Development Agreement*.
 - b. **Haul Routes Require Separat Permit.** Apply for a Public Works Permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager. (T-1)
 - c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways. (T-2)
 - d. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager. (T-3)
 2. **Community Development Department.**
 - a. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.
 - b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section E “Design Review,” and all elements/specifications shall be implemented on-site.
 - c. **Geotechnical Studies.** All recommendations contained in the foundation report prepared by Coast Valley Testing, Inc (August 21, 2009) shall be implemented.

These recommendations shall include, but are not limited to requirements for inspections of excavated areas during vegetation clearing, grubbing prior to grading, grading, and review of design of foundations. Scarification and wetting of recompacted areas to receive fill. Also, requirements for asphalt concrete flatwork, and concrete hardscape shall be followed. Grading and foundation plans shall be reviewed by a Geotechnical Engineer and Engineering Geologist to ensure compliance with the recommendations in the Coast Valley Testing, Inc. studies and comply with the findings of any additional subsurface exploration. Compliance shall be demonstrated on plans submitted for grading and building permits and subject to City Building and Safety Division review and approval.

- d. **Conditions on Plans/Signatures.** The final Planning Commission or City Council Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the 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, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor name, contractor telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
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 Contractor, 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. (N-1).

3. **Temporary Traffic Control Plan.** A Temporary Traffic Control (TTC) plan shall be submitted to the Public Works counter, as specified in the DRAFT *City of Santa Barbara Traffic Control Guidelines*, and the 2006 California MUTCD. Traffic Control Plans are subject to approval by the Public Works Director and the City's Traffic Engineer.
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.(N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit. (T-4)
7. **Construction Dust Control** – Throughout grading and other ground disturbance, the following conditions shall be followed:
 - a. **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)

- b. **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)
- c. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-3)
- d. **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)
- e. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by: (AQ-5)
 - (1) Seeding and watering until grass cover is grown;
 - (2) Spreading soil binders;
 - (3) 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;
 - (4) Other methods approved in advance by the Air Pollution Control District.
- f. **Construction Dust Control – Surfacing.** All surfaces for roadways, driveways, sidewalks, etc. shall be laid 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)
- g. **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)
- h. **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)
- i. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-9)
 - j. **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-10)
 - k. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-11)
 - l. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-12)
 - m. **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-13)
 - n. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-14)
 - o. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-15)
 - p. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-16)
 - q. **Asbestos & Lead-Containing Materials.** 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. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained for the Air Pollution Control District prior commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be sent to appropriate land fills that are certified to accept this material. (AQ-17)
 - r. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)
 - s. **Mobile construction equipment** - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-

fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm. (AQ-19)

8. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- 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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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.** Complete public improvements, as shown in the separate public improvement plans, including utility service undergrounding required by Municipal Code 27.028.025, .

3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if irrigation meters, pools, spas or solar panels are installed on any of the individual lots.
4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section C "Recorded Conditions Agreement" have been recorded.
6. **Evidence of Detention Basins and Northerly Landscape Strip Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that maintenance of the detention basins and the landscape strip are recorded in an *Agreement for Shared Maintenance* or private CC&R's required in Section F.2 "Requirements Prior to Permit Issuance"

I. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **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 fees required are \$2,044.00 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. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.

4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.
5. **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 being notified of a lawsuit regarding 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 TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Bartlett, Jordan) ABSTAIN: 0 ABSENT: 1 (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

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.

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 021-11

125 STATE STREETS

PARKING MODIFICATION, FRONT SETBACK MODIFICATIONS,
COASTAL DEVELOPMENT PERMIT, DEVELOPMENT PLAN

OCTOBER 6, 2011

APPLICATION OF TRISH ALLEN, AGENT FOR THE CHILDREN'S MUSEUM OF SANTA BARBARA, 125 STATE STREET, 033-075-012, -014; 033-010-012; 033-042-016; HRC-II/SD 3 (HOTEL AND RELATED COMMERCE II AND COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE (MST2009-00119)

The project consists of the construction of a new three-story 16,691 net square foot building for the Children's Museum of Santa Barbara (CMSB). The first floor would contain 9,083 net square feet, the second floor would contain 7,265 net square feet, and the third floor would contain 343 net square feet. Two parking spaces would be provided on-site, and 29 parking spaces would be supplied in the Railroad Depot parking lot. The project also includes removal and replacement of street trees, and landscape and hardscape improvements, including a rooftop terrace above the second floor.

The discretionary applications required for this project are:

1. A Modification to allow the ADA access ramp and bike parking/posts to encroach into the front setback along State Street (SBMC §28.92.110.A.2);
2. A Modification to allow the ADA access ramp, stairs, bike parking/posts and trash enclosure to encroach into the front setback along Kimberly Avenue (SBMC §28.92.110.A.2);
3. A Modification to provide less than the required number of parking spaces (SBMC §28.92.110.A.1);
4. A Coastal Development Permit (CDP2011-00006) to allow the proposed development in the Appealable and Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
5. A Development Plan to allow the construction of 16,691 square feet of nonresidential development (SBMC §28.87.300).

Additionally, the following application requires a recommendation from the Planning Commission and approval by the City Council:

6. Final Community Priority Designation for 5,106 square feet of nonresidential development (SBMC 28.87.300).

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

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

WHEREAS, the Planning Commission believes the project's proposed Community Priority designation and its exemplary design as a LEED Silver building warrant expedited processing.

WHEREAS, 13 people appeared to speak in favor of the application, 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 29, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Setsuko Furuike, Summerland, CA
 - b. Janet and Steve Lew, via email
 - c. Salud Carbajal, 1st District Supervisor, Santa Barbara County
 - d. Jim Westby, via email
 - e. Tony Romansanta, Owner, Harbor View Inn
 - f. Richard A. Berti, Santa Barbara, CA
 - g. Janet Wolf, 2nd District Supervisor, Santa Barbara County
 - h. Jim Fitzpatrick, Headmaster, Santa Barbara Montessori School
 - i. Michael Banks, Owner, Enterprise Fish Company
 - j. Ann Towbes, CMSB Advisory Board
 - k. Joyce Dudley, District Attorney, Santa Barbara County
 - l. Lois Mitchell, President, Orfalea Foundation
 - m. Pat Wheatley, Executive Director of First 5 Santa Barbara County
 - n. Ron Gallo, President, Santa Barbara Foundation
 - o. Bruce Corwin, Chairman, Metropolitan Theaters
 - p. Peter MacDougall, Ed.D., SBCC Presidente Emeritus
 - q. Kelly Lake, Ed.D., Faculty, SBCC Early Childhood Education
 - r. Bill Cirone, Superintendent of S.B. County Education Office
 - s. David Cash, Ed.D., Superintendent of SBUSD
 - t. Kathy Boomer, Ed.D., Superintendent of Goleta Union School District
 - u. Tammy Murphy, Ed.D., Superintendent of Montecito USD
 - v. Mike Vail, Principal of Cleveland Elementary School
 - w. Steve Gaines, Ph.D., Dean of UCSB Bren School,
 - x. Dave Auston, Ph.D., Executive Director, Institute for Energy Efficiency
 - y. Matthew Turk, Ph.D., UCSB Professor of Media Arts & Technology
 - z. Wendy Ibsen, Assoc. Dir. Of UCSB Center for Science/Eng. Partnerships
 - aa. Eric Swain, Headmaster of Montessori Center School

- bb. Ned Schoenwetter, Principal of Mountain View School
- cc. Demian Barnett, Principal of Washington School
- dd. R. Jeannine Morgan, Director of El Montecito School
- ee. Joel Weiss, Head of School, Crane Country Day School
- ff. Lisa vance, Science Teacher, Mountain View School
- gg. Michael Holliday, Chairman, SB Chamber of Commerce
- hh. Bill Collyer, Executive Director, Downtown Organization
- ii. Janet Garufis, President, Montecito Bank and Trust
- jj. Joanne Funari, President, Business First Bank
- kk. Debbie Denault, Executive Assistant, Business First Bank
- ll. Jillian Davis, Client Relationship Manager, Business First Bank
- mm. Eloy Ortega, CEO, The Bank of Santa Barbara
- nn. Kim Cowles, Director of Human Resources, Bartlett, Pringle & Wolf
- oo. Elizabeth Gabler, President, Fox 2000 Pictures
- pp. Morrie Jurkowitz,, hand delivered
- qq. Mike Sheldon, President & CEO, Network Hardware Resale
- rr. Jim Dehlsen, CEO, Ecomerit Technologies
- ss. Sergio Villa, President, Alliance Wealth Strategies
- tt. Earl Armstrong, President, Armstrong Associates
- uu. Tami Sherman, President/Founder, Elements
- vv. Fran Forman, Executive Director, Community Action Commission
- ww. Carolyn Brown, Executive Director, Eastside Boys & Girls Club
- xx. Gina Carbajal, Dir. Of Health Promotions, SB Neighborhood Clinics
- yy. Perrin Pellegrin, Innovative Workshop
- zz. Jeffrey Jacobs, hand delivered
- aaa. Jill Levinson, Santa Barbara, CA
- bbb. Gordon Auchincloss, Santa Barbara, CA
- ccc. Lynda Fairly, CMSB Board Member, Past VP of Adult Ed, SBCC
- ddd. Fiona and Doug Stone, Santa Barbara, CA
- eee. David Tisdale, Santa Barbara, CA
- fff. Sheldon Family, Santa Barbara, CA
- ggg. Chris Kroes, Santa Barbara, CA

- hhh. Deborah Fuss, Santa Barbara, CA
- iii. Dagny Dehlsen, Santa Barbara, CA
- jjj. Laura Ragan, Ojai, CA
- kkk. Larry Ragan, Ojai, CA
- lll. Walker Ragan, Ojai, CA
- mmm. Robert Mislant, hand delivered
- nnn. Laura Wyatt, Santa Barbara, CA
- ooo. Yumi and Daniel Bollag, Santa Barbara, CA
- ppp. Laurie and Christopher Stone, hand delivered
- qqq. Susan Tarlow, Santa Barbara, CA
- rrr. Cara Chiarappa, hand delivered
- sss. Connie Connally and Hal Michel, Santa Barbara, CA
- ttt. Mona and Rick Lehman, hand delivered
- uuu. Tom Bream, Santa Barbara, CA
- vvv. Jill Hurd, Santa Barbara, CA
- www. Joni and Rod Kelly, Santa Barbara, CA
- xxx. Bess Scribner, hand delivered
- yyy. Alyson Bostwick, hand delivered
- zzz. Michaela and Kai Bostwick, hand delivered
- aaaa. John Bostwick, CPA, hand delivered
- bbbb. Sara Farrar, hand delivered
- cccc. Julie Ladner, hand delivered
- dddd. Natalie Rowe, hand delivered
- eeee. Diane Sheldon, Goleta, CA
- ffff. Laura Carlos Pomerantz, hand delivered
- gggg. Jillian Muller, Santa Barbara, CA
- hhhh. James McKechnie, Goleta, CA
- iiii. Caroline Harrah, Santa Barbara, CA
- jjjj. Ginny Miller and Family, hand delivered
- kkkk. Betsy Heafitz, Santa Barbara, CA
- llll. Louise Gainey
- mmmm. John Kamps, Santa Barbara, CA

- nnnn. Veronica Caballo, hand delivered
- oooo. Dannell Stuart, hand delivered
- pppp. Bobette Tryon, hand delivered
- qqqq. Bridget Foreman, hand delivered
- rrrr. Lnda Viles, hand delivered
- ssss. Rick Olds, hand delivered
- tttt. M.D. King, hand delivered
- uuuu. John Britton, hand delivered
- vvvv. Brad Blue, hand delivered
- wwwv. Camey Barber Olds, hand delivered
- xxxx. Mark Gunther, hand delivered
- yyyy. Janell Goodrow Tiches, Santa Barbara, CA
- zzzz. Linda Vannier, Santa Barbara, CA
- aaaa. Diana Gengo, , Santa Barbara, CA
- bbbb. Erin Khodabandehlou/Dr. Nina Madavi, hand delivered
- cccc. Kay Morter, General Manger, Holiday Inn Express
- dddd. Judith C. Ricker, Owner, State House Hotel
- eeee. Katie Hay, Central Coast Real Estate

- 4. Correspondence received in opposition to the project or with concerns:
 - a. Joyce Parsons, submitted to Historic Landmarks Commission, May 2011
 - b. Erik and Alex Funke, via email
 - c. Paula Westbury, Santa Barbara, CA
 - d. Gerard Sullivan, Senior General Attorney, Union Pacific Railroad

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

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

A. Front Setback Modification (State Street) (SBMC §28.92.110)

The proposed Modification along State Street to allow the encroachments of handicap ramps and bike parking spaces into the required 20 foot front setback is consistent with the purposes and intent of the Zoning Ordinance to provide appropriate building and structural relief along the street frontage, and is necessary to secure an appropriate improvement on a lot and prevent unreasonable hardship because of the site's constraints related to having two street frontages and associated setbacks, being located in the flood zone and the need to provide separation from the historic Signalman's building, as discussed in Section V.A.1 of the Staff Report.

B. Front Setback Modification (Kimberly Avenue) (SBMC §28.92.110)

The proposed Modification along Kimberly Avenue to allow the encroachments of handicap ramps, trash enclosure and bike parking spaces into the required 20 foot front setback is consistent with the purposes and intent of the Zoning Ordinance to provide appropriate building and structural relief along the street frontage, and is necessary to secure an appropriate improvement on a lot and prevent unreasonable hardship because of the site's constraints related to having two street frontages and associated setbacks, being located in the flood zone and the need to provide separation from the historic Signalman's building, as discussed in Section V.A.1 of the Staff Report.

C. Parking modification (SBMC §28.92.110)

The proposed parking Modification is consistent with the purposes and intent of the Zoning Ordinance to provide sufficient parking for the uses on the project site. As discussed in Section V.A.2 of the Staff Report, the parking modification will not cause an increase in the demand for parking or loading space in the immediate area, because the project's parking demand will be met on- and off-site.

D. Coastal Development Permit (SBMC §28.44.150)

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

As shown in Section VII of the Staff Report, the project, as conditioned, is consistent with the policies of the California Coastal Act, including those policies related to hazards, Locating New Development, Visual Quality, and Circulation/Parking.

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.

As shown in Section VII of the Staff Report, the project, as conditioned, is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and, with the requested modifications, all applicable provisions of the of the Municipal Code.

E. Development Plan (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.

With approval of the requested modifications, the proposed project is in compliance with the HRC-2/SD-2 Zone standards, as identified 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 developing an infill site in the coastal zone with a visitor-serving use that will also serve the general community. The project is consistent with the General Plan, as described in Section VI of the Staff Report.

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.

The project requires review and approval by the Historic Landmarks Commission (HLC). The HLC has conceptually reviewed the project and has found it to be compatible with surrounding development. In addition, photo simulations were prepared to illustrate how the project will look relative to adjacent development. Refer also to Section VII.B and IX of the Staff Report.

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The project would not result in a significant impact to City and South Coast affordable housing stock as it will establish a visitor-serving use on a property that is not zoned for residential development. No existing housing will be eliminated as a result of the project. The project will result in a nominal increase in area employees; however, not enough to impact the City's existing housing supply.

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 the increase in water demand will be negligible and can be accommodated by City water services.

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 Sections VII.C and VIII.4 of the staff report.

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.

F. Community Priority Designation

The project is necessary to meet a present or projected need directly related to public health, safety or general welfare.

The proposed project qualifies as a Community Priority project because it is a local, non-profit organization that will provide a use that is necessary to meet present and projected needs for a children's museum in order to provide an educational opportunity that does not currently exist in the Santa Barbara area.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all additional land use approvals. Refer to condition B "Approval Contingent upon Final Community Priority Designation."
2. Obtain all required design review approvals.

3. Pay Land Development Team Recovery Fee at time of Building Permit application.
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Approval Contingent Upon Final Community Priority Designation.** Approval of the subject project is contingent upon approval of the Final Community Priority Designation by the City Council.
- C. **Written Instrument.** Prior to issuance of any permits, the Children's Museum of Santa Barbara ("Applicant") shall execute and submit a written instrument prepared by the Planning Division staff and reviewed as to form and content by the City Attorney, the Community Development Director, and the Public Works Director in which Applicant agrees to comply with the following:
 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 6, 2011 is limited to approximately 16,691 square feet of building area, two on-site parking spaces, 29 off-site parking spaces, 18 bicycle parking spaces 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 Applicant shall provide for the continuation of any historic 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 Applicant shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the Applicant is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Applicant shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 Applicant shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is

required to authorize such work. The Applicant 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.

6. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce parking demand generated by the project. Applicant shall be responsible for ensuring compliance with the provisions of the approved Transportation Demand Management (TDM) Plan.
- a. **TDM Administrator.** The Applicant shall appoint a TDM Administrator responsible for the alternative mode incentives. The TDM Administrator shall contract with Traffic Solutions or successor agency for training and assistance in administrating their program. The TDM Administrator shall provide an annual report to the Community Development Director and the Transportation Manager illustrating the number of users, describing the marketing techniques and program results, including successes and failures.
 - b. **Bus Passes.** The Applicant shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to new employees/volunteers when they are hired. A copy of any agreements/correspondence with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project.
 - c. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - d. **Ride-Sharing Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by Traffic Solutions or successor agency. The Applicant and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
 - e. **Employee Lunch Room.** An employee lunchroom shall be provided in the building and shall include the following amenities: refrigerator, microwave oven, sink, tables and chairs.
 - f. **Bicycle Parking.** Eighteen bicycle parking spaces shall be provided, and bicycle lockers are encouraged to serve the employees of the Children's Museum.
 - g. **Alternative Transportation Incentives.** Incentives, including, but not limited to the following, shall be provided to employees and/or visitors to encourage carpooling, public transportation, or alternative means of transportation to and from the site:
 - Discount admission with proof of alternative transportation (bike, bus, trolley, train).
 - Travel packages with Amtrak that include discounted admission.

- Subsidies for staff to purchase bicycles.
- Subsidies for employees who carpool.

Substitute incentives may be approved at the discretion of the Transportation Division.

7. **Visitor Information Program.** A Visitor Information Program shall be prepared and implemented, subject to review and approval by the Transportation Manager. The program shall include, but not be limited to:
 - a. Provide links to alternative transportation sites on the company website.
 - b. Provide mail information to visitors (prior to them coming) regarding alternative transportation available in Santa Barbara.
 - c. A means of providing train, bus and airline schedules and maps to prospective visitors.
 - d. A means of providing visitors with information on alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest.
 - e. If feasible, establish partnerships with the Sea Center, Maritime Museum and Santa Barbara Zoo to jointly market their facilities and to promote alternative transportation and linked trips between the facilities.
 8. **Off-Site Parking Agreement.** Twenty-nine off-site parking spaces shall be provided for the project ~~within 500 feet of the project site~~ in a manner consistent with SBMC §28.90.001.R. The Applicant shall enter into an off-site parking agreement with the City to provide the required parking, as determined by the Transportation Manager and Community Development Director. The agreement shall comply with the provisions outlined in Santa Barbara Municipal Code Subsection 28.90.001.18, and is subject to review and approval by the City Attorney.
 9. **Areas Available for Parking.** All on-site parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
 10. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of the two street trees along State Street, one street tree along Kimberly Avenue, and two trees in the front setback.
 2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:

a. **Tree Protection.** All trees not indicated for removal on the approved Site Plan / Tree Removal & Protection Plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan and/or any related Conditions of Approval.

b. **During Construction.**

(1) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline or at the critical root zone, whichever is greater, for protection.

No grading shall occur within three feet of the dripline(s) of the existing tree(s), unless approved by a qualified Arborist. Any grading beneath the dripline(s) of the trees that are required to be protected shall be done in the presence of a qualified Arborist. All excavation within the dripline(s) of the tree(s) shall be minimized and shall be done with hand tools.

(2) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

(3) Any root pruning and trimming shall be done under the direction of a qualified Arborist.

(4) No heavy equipment, storage of materials or parking shall take place within the fenced area around any tree(s).

3. **On-site Commemoration of Signalman's Building.** The Applicant shall provide onsite commemoration of the Signalman's Building, its history, function and association with the Santa Barbara Train Depot complex and the Southern Pacific Railroad. This documentation shall be reviewed and approved by the HLC.

4. **Green Building Techniques Required.** Applicant shall design the project to include sustainable elements including Leadership in Energy and Environmental Design (LEED) certification to the maximum extent feasible and to meet Santa Barbara Built Green Two-Star level requirement or equivalent.

5. **Screened Backflow Device.** The backflow devices for fire sprinklers, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.

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.

E. **Requirements Prior to Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for

demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.f “Kimberly Avenue Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Applicant has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Applicant shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City’s Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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.
- c. **Kimberly Avenue Public Improvements.** The Applicant shall submit building plans for construction of improvements along the property frontage on Kimberly Avenue. As determined by the Public Works Department, the improvements shall include the following to City standards: New five-foot sidewalk and four-foot parkway, new driveway apron modified to meet Title 24 requirements with a maximum width of 24 feet, supply and install new street trees as determined by the Parks and Recreation Commission and HLC, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the 2006 MUTCD with CA supplements during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- d. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the City Engineer.
- e. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.
- f. **Agreement to Construct and Install Improvements.** The Applicant shall submit an executed *Agreement to Construct and Install Improvements (not a subdivision)*, 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.

- g. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including hardscape, landscape or any required appurtenances) within their rights of way or easements shall be obtained by the Applicant.

2. **Community Development Department.**

- a. **Submission of Written Instrument.** The Owner shall provide evidence of execution of the written instrument that includes all of the Conditions identified in condition C "Written Instrument" to the Community Development Department prior to issuance of any building permits.
- b. **Photo-documentation of Signalman's Building.** The Applicant shall photo-document the Signalman's Building and its setting prior to construction of the proposed Children's Museum building. Photo-documentation meeting the standards and requirements outlined in the Community Development Department's "Required Documentation Prior to Demolition" standards shall be submitted to the Planning Division for review and approval.
- c. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Applicant shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition F.1 "Neighborhood Notification Prior to Construction" below. 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.
- d. **Evidence of Off-Site Parking Agreement Recordation.** Evidence shall be provided to the Community Development Director that the Off-Site Parking Agreement required in Section C "Written Instrument" has been recorded.
- e. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during initial ground-disturbing activities associated with the project in areas containing previously undisturbed soils, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition E.2.f "Requirement for Archaeological Resources" below.
- f. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans or site plan:

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.

- g. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- h. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Applicant shall notify owners and occupants of structures within 200 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Applicant shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 200 feet of the project site property line and more than 50 years old. Prior to issuance of a certificate of occupancy, Applicant shall meet with the owners and occupants who elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site.
- i. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Applicant and/or Contractor for the duration of the project construction, including demolition and grading.

1. **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 Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone.
3. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said 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.

5. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
6. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or at an off-site location subject to the approval of the Transportation Manager.

G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Applicant shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property *damaged by construction* 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, shall be completed.
3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.

4. **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.

H. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

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. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

III. Said approval is made with the following additional recommendation to the City Council and City Administrator: Due to the project's priority land use as a Community Priority project, its importance in setting a positive precedent for youth-oriented science education in and around the community and the project's goal of designing a LEED Silver building, every effort should be made to expedite project review through the design review and building permit review phases. This should include, but not be limited to, priority on Historic Landmarks Commission agendas, consent calendar status for approval of design plans in substantial conformance with the plans approved by the Planning Commission., and reduced and expedited plan check turn-around times during building permit review, and regular and recurring processing oversight by the Assistant City Administrator.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 13, 2011

CALL TO ORDER:

Chair Jostes called the meeting to order at 1:00 P.M.

ROLL CALL

Chair John Jostes, Vice Chair Sheila Lodge, Commissioners Bruce Bartlett, Mike Jordan, and Deborah L. Schwartz.

Absent: Commissioners Jacobs and Larson

STAFF PRESENT:

Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Suzanne Riegle, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.
- B. Announcements and appeals.
Mr. Kato announced that the deadline for applying for City Boards and Commissions is Monday, October 17th, at 4:30 P.M., and referred the public to the city website, www.SantaBarbaraCA.gov for more information.
- C. Comments from members of the public pertaining to items not on this agenda.
Chair Jostes opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

NEW ITEM:

ACTUAL TIME: 1:03 P.M.

APPLICATION OF ELIZABETH HANNING-YU AGENT FOR THE GARDNER FAMILY TRUST, 1550 & 1600 W. MOUNTAIN DRIVE, 021-050-033, A-1 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT/ACRE (MST2010-00371)

The project consists of a proposal to subdivide an existing 18.26-acre lot into two parcels. Parcel 1, 1600 West Mountain Drive, is proposed to be 14.6 net acres (15.6 gross acres). Parcel 2, 1550 West Mountain Drive, is proposed to be 2.5 net acres (2.7 gross acres). The lot split proposal does not include additional development. However, the project site is actively under construction.

The discretionary application required for this project is a Tentative Subdivision Map to allow the division of one lot into two parcels (SBMC 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315.

Case Planner: Suzanne Riegle, Assistant Planner

Email: SRiegle@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 2687

MOTION: Lodge/Schwartz

Waive the Staff Report.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Larson)

Elizabeth Hanning-Yu declined the opportunity to give a presentation, but remained available to answer any of the Commission's questions.

Chair Jostes opened the public hearing at 1:05 P.M. and with no one wishing to speak, closed the public hearing.

MOTION: Bartlett/Lodge

Assigned Resolution No. 022-11

Approved the project, making the findings for the Tentative Subdivision Map outlined in the Staff Report, dated October 6, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revision to section B.2. of the Conditions of Approval:
1) The Owner has agreed that no new development shall occur south of the 715 contour elevation line on Parcel 2.

The Commission strongly discouraged the further subdivision of the property in the future, giving the following reasons: 1) location in a High Fire Hazard area; 2) Prevent future development of steeper slopes; 3) Potential loss of physical and environmental buffer of protection to Parma Park; and 4) Difficult location, due to topography and geographical location, to extend public improvements and/or services, specifically including water and sewer services.

Applicant stated that the size of the building envelope was designed to assure the development envelope had an average slope of less than 20%; and therefore, would qualify for a categorical exemption under the California Environmental Quality Act. The Applicant has committed not to develop below the 715 foot contour line.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Larson)

Chair Jostes announced the ten calendar day appeal period.

ADMINISTRATIVE AGENDA

ACTUAL TIME: 1:28 P.M.

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

None given.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the Water Commission meeting of October 10, 2011.

b. Commissioner Lodge reported on the Historic Resources Element Task Force meeting of October 11, 2011.

c. Commissioner Schwartz reported on the Downtown Parking Committee meeting of October 13, 2011.

d. Commissioner Jordan acknowledged the Harbor Commission for a successful Harbor Seafood Festival.

3. Additional Announcements

Mr. Kato made additional announcements regarding scheduling of Planning Commissioners:

a. Airport Site visit for 404 William Moffet Place on November 1, 2011.

- b. Sought confirmation of a quorum for the November 10, 2011 Planning Commission meeting.
- c. Reviewed potential dates for the Cottage Hospital site visit.
- d. Reviewed number of copies needed by the Commission of the Final General Plan document being released November 16, 2011.

VII. ADJOURNMENT

Chair Jostes adjourned the meeting at 1:43 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 022-11
1550 AND 1600 W. MOUNTAIN DRIVE
TENTATIVE SUBDIVISION MAP
OCTOBER 13, 2011

**APPLICATION OF ELIZABETH HANNIN-YU AGENT FOR THE GARDNER FAMILY TRUST,
1550 & 1600 W. MOUNTAIN DRIVE, 021-050-033, A-1 ZONES, GENERAL PLAN DESIGNATION:
RESIDENTIAL 1 UNIT/ACRE (MST2010-00371)**

The project consists of a proposal to subdivide an existing 18.26-acre lot into two parcels. Parcel 1, 1600 West Mountain Drive (Piano House), is proposed to be 14.6 net acres (15.6 gross acres). Parcel 2, 1550 West Mountain Drive (Book House), is proposed to be 2.5 net acres (2.7 gross acres). The lot split proposal does not include additional development. However, the project site is actively under construction.

The discretionary application required for this project is a Tentative Subdivision Map to allow the division of one lot into two parcels (SBMC 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315.

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

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

1. Staff Report with Attachments, October 6, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. List names, address
4. Correspondence received in opposition to the project:
 - a. List names, address

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

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

The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the Subdivision Map Act, and the General Plan and Zoning Ordinance of the City of Santa Barbara as discussed in Sections VI and VII of this staff report. The site is physically suitable for the proposed development due to the development being restricted to the relatively flat topography of the property thereby protecting the steep slopes and natural vegetated areas within the canyon. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII of the staff report, and the proposed use is

consistent with the vision for this neighborhood because the project protects areas designated as major hillside and open space, and does not increase the existing density of the neighborhood. The design of the project and the inclusion of development envelopes will not cause substantial environmental damage because it restricts development within the canyon, public views are preserved by preventing scarring of the hillside and open space areas created by grading or vegetation removal to allow development, and the division of the existing property into two parcels will not cause serious public health problems because the single family residences are consistent with the existing pattern of development, will not increase the existing density, and development has been setback from the existing steep slopes as discussed in Section VII of this staff report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Land Development Team Recovery Fee.
2. Make application to the Public Works counter to obtain City Council approval of the Parcel Map and Agreement(s) and to record said documents.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** Prior to recordation of the Parcel Map for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 13, 2011 is limited to two (lots) and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The project consists of a proposal to subdivide an existing 18.3-acre lot into two lots. Parcel 1, the piano house site, is proposed to be 15.6 gross acres (14.6 net acres); which is developed with a 2,190 sf residence, 782 sf garage, and a 908 sf accessory building. Parcel 2, the book house site, is proposed to be 2.7 gross acres (2.5 net acres); which is developed with a 5,010 sf residence, a 885 sf carport and a 630 sf accessory building. The lot split proposal does not include additional development.
2. **Development Rights Restrictions.** In order to ensure that portions of the Real Property remain in their natural state, Owner shall not make any use of the restricted portion of the Real Property as designated on the approved Tentative Subdivision Map. The restricted portion of the Real Property consists of those areas on each lot that is located outside the Development Envelope for the particular lot, as shown on the tentative map. The Owner shall not conduct any development within the restricted area of each lot including, but not limited to, grading, irrigation, structures, ornamental landscaping, agriculture or utility service lines. The restricted areas shall be shown on the Parcel Map. The Owner shall continue to be responsible for maintenance of the restricted area in compliance with

orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

2.a. The Owner has agreed that no new development shall occur south of the 715 foot elevation (contour) line on Parcel 2.

3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
6. **Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in Mountain Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
7. **City Water Connection Requirement.** Owner agrees to connect to the City water system if at some point in the future a City water main is constructed in Mountain Drive at a point adjacent to Owner's Real Property and such connection is deemed by the Public Works Director to be in the City's interest. Owner shall, at Owner's sole expense, connect to the City water system within one year of being advised in writing that the City water main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a water connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
8. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the restricted development area, which drains directly into Coyote Creek.
9. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from

the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project except a demolition or other appropriate (as determined by City staff) permit for work in anticipation of primary project improvements:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a draft Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Water Rights Assignment Agreement.** At the time that the Owner connects to the City water system pursuant to Condition B.7., 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 prepares said agreement for the Owner's signature.
 3. **Required Private Covenants.** The Owner shall submit a draft copy of the private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Parcel Map.
- D. **Requirements Prior to Recordation of Agreements/Parcel Map.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the **Recordation of Agreements/Parcel Map** for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Community Development Department.**
 - a. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department.
 - b. **Zoning Compliance Declaration.** The Owner shall record a Zoning Compliance Declaration for the property to be known as 1550 W Mountain Drive due to the floor plan configuration of both the residence and the detached accessory space to assure that the use property is restricted to a single family residence.
 - c. **Conditions on Plans/Signatures.** The final Planning Commission & Staff Hearing Officer Resolutions shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

E. **General Conditions.**

1. **Prior Conditions.** These conditions supersede the conditions identified in Staff Hearing Officer Resolution 026-09 and 091-09.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.
5. **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 being notified of a lawsuit regarding 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 TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 13th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.