



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 3, 2011

CALL TO ORDER:

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

I. ROLL CALL

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

Commissioner Charmaine Jacobs arrived at 1:01 P.M.

STAFF PRESENT:

Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Steve Foley, Supervising Transportation Planner
Melissa Hetrick, Environmental Analyst/Project Planner
Andrew Bermond, Project Planner
Peter Lawson, Associate Planner
Stacey Wilson, Associate Transportation Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

1. Draft Minutes of October 6, 2011
2. Resolution 020-11
457 N. Hope Avenue
3. Resolution 021-11
125 State Street
4. Draft Minutes of October 13, 2011
5. Resolution 022-11
1550 and 1600 W. Mountain Drive

MOTION: Barlett/Lodge

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: As noted. Absent: 0

Commissioner Jacobs abstained from the Minutes and Resolutions of October 6, 2011.

Commissioners Jacobs and Larson abstained from the Minutes and Resolutions of October 13, 2011.

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

None.

- C. Announcements and appeals.

Mr. Kato made the following announcements:

1. The appeal of the Planning Commission's denial of the General Plan Amendment and Tentative Subdivision Map for 415 Alan Road will be heard by the City Council on November 15, 2011
2. City Council approved the Final Community Priority Designation for the Children's Museum at 125 State Street.

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

Chair Jostes opened the public hearing at 1:11 P.M. and, with no one wishing to speak, closed the hearing.

III. CONCEPT REVIEW: CONTINUED FROM SEPTEMBER 22, 2011.

ACTUAL TIME: 1:12 P.M.

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)

This is a concept review. No action will be taken on the project at this hearing. 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 Act Guidelines Section 15303(c).

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

Phone: 805-692-6032

Andrew Bermond, Project Planner, gave the Staff presentation.

Paul Zink, Architectural Board of Review (ABR), summarized ABR's earlier suggestion that the temporary buildings be located in some other location on the Airport property and was pleased with the current proposal.

Mr. Kato read the comment letter of Christopher Manson-Hing, ABR Chair, into the record.

Roger Rondepierre, Atlantic Aviation, gave the applicant presentation.

Chair Jostes opened the public hearing at 1:35 P.M., and with no one wishing to speak, closed the public hearing.

The Commission made the following comments:

1. The Planning Commission expressed appreciation of the Applicant's flexibility in locating an alternative site and balancing aesthetics, location, appearance, and economics. Most Commissioners could not support the prior proposal felt that this was an improved proposal and significantly further from the Terminal.
2. Commissioners Jacobs and Jordan asked that the ABR spend time to create more architectural variety that breaks up the design and include landscaping. Commissioner Schwartz asked for consideration of a façade on the structures.
3. Many Commissioners appreciated preserving the view of aircraft on the apron and ocean views.
4. Commissioner Schwartz requested that use of plug-in electric power carts be required instead of portable gas generators to power airplane equipment when stationary.

IV. ENVIRONMENTAL HEARINGS:

ACTUAL TIME: 1:46 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Jostes recused himself due to owning property nearby.

Chair Jostes left the dais at 1:48 P.M. and the meeting was continued by Chair Lodge.

APPLICATION OF LISA PLOWMAN, PEIKERT GROUP ARCHITECTS (AGENT) FOR HILLSIDE HOUSE, 1235 VERONICA SPRINGS ROAD, APN 047-010-039, DR4.6 (SANTA BARBARA COUNTY) ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL 4.6 UNITS/ACRE (COUNTY) (MST2003-00793)

This was a hearing to take comments on the Draft Environmental Impact Report. No action was taken on the project at this hearing. The proposed project consists of the annexation the 23.7-acre project site to the City of Santa Barbara, the removal of all existing structures on the site, except the structure known as Harmony House (a single family residence), and the phased development of 120 new residential units in 33 buildings. With the conversion of the Harmony House to a triplex, there would be a total of 121 residential units. The buildings would be two to three stories tall, and include one- and two-car garages. Two non-residential buildings are included: a three-car garage and a 6,700-square foot administration building for Hillside House clients. The proposed residential units include 70 market-rate condominiums, 12 very-low income rental units (Hillside House units), 11 inclusionary ownership units, and 28 low-income rental units. Hillside House would continue to operate its intermediate care assisted living in the 12 units. The project includes restoration of the portion of Arroyo Burro Creek within the boundaries of the project site, located along the south-west property line. A total of 222 covered and uncovered parking spaces would be provided on site.

As part of the annexation to the City of Santa Barbara the entire lot would receive a General Plan designation of Residential (5 units/acre) and a Zoning Map Amendment to SP-9 (Specific Plan). Two development restricted areas are proposed on the project site, which would be recorded as part of the final tract map. The first restricted area would encompass the entire segment of Arroyo Burro Creek, located within the project site boundaries, and include an area of approximately 100 feet on either side of the creek for its entire length on the project site. The second restricted area would encompass the hillside on the north-east side of the project site.

The project would include a 36-foot wide public road that would be located along the south-western side of the lot. On the project site, near the intersection of the proposed public road and Veronica Springs Road, there would be a turnout for a Metropolitan Transit District (MTD) bus stop. Offsite, a 20-foot wide emergency access road that is within the City's 60-foot wide public right-of-way easement would be improved. The emergency access road crosses four privately owned parcels and would serve as a pedestrian and bike path through to Palermo Road. A new 42-inch storm water pipe line would be trenched under the Veronica Springs Road right-of-way and terminate at an existing headwall in Arroyo Burro Creek, located approximately 420 feet south of the project site on the west side of Veronica Springs Road..

ENVIRONMENTAL HEARING: The purpose of the environmental hearing was to receive comments from the Planning Commission, interested agencies and the public on the adequacy and completeness of the Draft Environmental Impact Report (EIR) for the Hillside House project located at 1235 Veronica Springs Road, consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines. The public review period began on Tuesday, September 27, 2011. **Comments on the Draft EIR must be received by Monday, November 14, 2011 at 4:30.** If you do not submit written comments at the hearing, please send your comments to: City of Santa Barbara, Planning Division, Attn: Peter Lawson, Associate Planner, P.O. Box 1990, Santa Barbara, CA 93102-1990 or by email to: PLawson@SantaBarbaraCA.gov on or before November 14, 2011 at 4:30.

Case Planner: Peter Lawson, Associate Planner
Email: PLawson@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4565

Peter Lawson, Associate Planner, gave the Staff presentation. Melissa Hetrick, Environmental Analyst and Project Planner; and Steve Foley, Supervising Transportation Planner; and Stacy Wilson, Associate Transportation Planner, were available to respond to the Planning Commission's questions.

Lisa Plowman, Peikert Group Architects gave the applicant presentation, along with Scott Schell, Associated Transportation Engineers (ATE). Mr. Schell raised concerns about the traffic study, by stating that "free right hand turns" were not considered in the traffic study and that the project contribution of traffic trips were not calculated correctly. The share of traffic trips being sent to the intersections should have been rounded to three decimal places instead of two, which would have eliminated some of the Class I impacts.

Chair Lodge opened the public hearing at 2:25 P.M.

The following people commented on the project:

1. David Lane submitted pictures and written comments expressing concerns regarding fire evacuation and preservation of the Eucalyptus forest along Arroyo Burro Creek and the associated impacts to wildlife by removing the Eucalyptus.
2. Brian Burd opposes the dense development of Hillside House and felt the proposed development was not in keeping with the neighborhood. Did not agree with the traffic consultant's analysis and felt that it did not address impacts to Veronica Springs Road.
3. Frances Malinof felt that the proposed development was too dense and incompatible with the neighborhood. EIR is deficient in addressing the aesthetics of the area.
4. Ronald Doctors was concerned with the project's density and impact on fire evacuation.
5. Barry Lang submitted written comments and echoed the traffic problems on Veronica Springs Road. Would support a retirement community for Hillside House and referenced the EIR's significant unavoidable impact on the neighborhood.
6. Shannon O'Bryan commented on the traffic impact to Veronica Place, not considered by the traffic analysis, and used as a cut-through to get to Elings Park and

- other parts of the neighborhood. Also had concerns over Class II impact on air quality which would not be temporary and the noise caused by the density. EIR does not mention hillside stability or impact to high transmission gas line.
7. Adam Pirozzi, Realtor, was concerned with the property values that would decline with traffic impact of the proposed project.
 8. Gail Kennedy was concerned with traffic impact criteria that will be used in EIR. Also noted that alternative #4 stated that 124 units would be senior units, but in reality it would be 28 units; would like correction made.
 9. William Kennedy felt that the neighborhood compatibility was not considered from the extension of Veronica Place to the west property line and based upon that area, the project would be incompatible. An all-Senior project was not considered and should be part of the project analysis. The gas transmission line is proposed for relocation and for safety reasons should include an automatic shut-off valve at the west property line.
 10. John Beck was concerned with increase to existing traffic and further impact by the proposed project, especially for cyclists.
 11. Pauline Beck feels the project has significant impact on Veronica Place and wants the traffic report to consider impacts to Veronica Place and Veronica Springs.
 12. Jim Childress, Santa Barbara Sierra Club Chair, was concerned with increase in on-street parking and traffic, destruction of full grown Eucalyptus trees and animal habitats that rely on the trees.
 13. Daniel McCarter, Friends of Arroyo Burro Creek Chair, was concerned with not seeing a habitat restoration plan that specifically address steel head trout and the western pond turtle. Written comments were also submitted.
 14. Paul Hernadi supports the project.
 15. Dennis Peterson submitted written comments on behalf of Judy Orias. Project is huge and very dense going from 5 units/acre to 18 units/acre. It will surely have an impact on the neighborhood from construction to traffic.
 16. Marc Belforti, Tri-Counties Community Housing Association, asked that traffic be considered from the viewpoint of the access (wheel-chair) community.
 17. Gordon Forbes was concerned with traffic impacts, lack of bus transportation, and preservation of natural habitat.
 18. Daniel Higgins was concerned with the density and impact on character of the neighborhood. Supports Hillside House sustainability but not at the expense of neighborhood.
 19. JoAnn Shelton was concerned with neighborhood incompatibility and the loss of rural characteristics and impact to neighborhood with reduction of Eucalyptus trees. There are no retail amenities in close walking distance. The traffic impact report does not address Veronica Springs Road or impact by Cottage Hospital development.
 20. Mickey Flacks, Santa Barbara County Housing Authority Commissioner, and SBCAN, said that the traffic study did not deduct trips from Hillside House employees. Recalls that Hillside House was there before 'neighborhood' was developed. The project is within the county and could remain under their jurisdiction and be built consistent with the County zoning requirements.

21. Frank Arredondo, Chumash Native American Heritage, spoke on the Cultural Resources section, and stated that the bike path was not described in the archeological report and therefore it is unknown if constructing the bike path will impact a cultural resource. The archeological reports for the project were not forwarded to UCSB. Burials were found years ago on a parcel adjacent to the project site, which may indicate that a village is nearby. Requested that the archeological report be updated to include this information.
22. Curt Lauber, Hillside House Development Director, supports the project and asked that opinions be expressed with fact rather than emotion.
23. Philip Salzwedel, has a son living at Hillside House, and says that the buildings were built in the 1950's and that the access community should be entitled to residency in the neighborhood, too.
24. Laurie Constable, Avalon Farms, supports the project but is concerned that the proposed emergency access road connecting to Palermo Road would remove part of their agricultural area and would impact the livelihood of their farm.
25. Lindsay Whitworth was concerned with the safety issues related to traffic concerns that have been expressed. Las Positas and Modoc have 45-55 mph speed limits which are dangerous for the neighborhood. There are no sidewalks. Veronica Springs Road is used as a cut through and drivers use it with the same speed as Las Positas/Modoc. Concerned with speed limits and lack of sidewalks.
26. Bret Whitworth was concerned with traffic, lack of sidewalks, and inability to have two-way traffic at Hillside House. The addition of 300-500 cars does not seem feasible.
27. Cynthia Peterson said that neighbors understand the need for improvements for the Hillside House residents and are compassionate; the objection is to the project size. Concerned with the impact to parking on Veronica Springs Road.

With no one else wishing to speak, the public hearing was closed at 3:28 P.M.

Chair Lodge called for a recess at 3:28 P.M. and resumed the meeting at 3:39 P.M.

Commissioners Jacobs and Jordan returned to the dais at 3:43 P.M.

The Commissioners made the following comments:

1. Commissioner Larson suggested that park be more clearly identified and asked that wildlife be documented and entered into the EIR. Suggested that this project be analyzed with other current institutions such as Valle Verde Retirement Community and Vista Del Monte Community. Would like to see Cultural Resources section review the potential for a Native American village.
2. Commissioner Jordan would like to see some assurance of future use as the project is presented or acknowledgement if unable to be provided. Would like to see some information on the surrounding neighborhoods, not just zoning allowed, but what is actually on neighboring lots, including units per acre to show neighborhood compatibility. Would like supporting data on why integrating living structures are

- the best way to accomplish goals with this project. Would like to see financial viability analysis and financial reassurance: does low income housing needs to be included, etc. Would like to see staff and employee parking on site and not impacting neighborhood streets.
3. Commissioner Jacobs asked that the rezoning request be reviewed referencing the St. Francis project and stating that rezoning does not help a flawed business plan. Feels that this is a private venture disguised as a non-profit. Appreciates alternative #2 which is the alternatively superior project and should be more easily identified for EIR readers. If this project moves forward, neighborhood compatibility happens at Architectural Board of Review level and when the Planning Commission considers the tentative map subdivision. Encouraged continued public participation.
 4. Commissioner Schwartz was not comfortable with balance of types of housing being proposed and would rather see a shift from allocation of market rate units to more affordable housing. Concerned with potential view-shed aspects. Landscape along Veronica Springs is critical to pedestrian, horse-back riding experience. Would like to see project move forward and address neighborhood concerns, perhaps smaller scaled.
 5. Commissioner Larson asked that Staff look at prior proposals for this site and neighboring areas to see what was studied, what were concerns, and what worked. Annexation and relinquishment of Las Positas are needed for this project and we are still a long ways off. Needs to see a larger benefit for the neighborhood than what is being offered for overriding considerations, such as a reduced size of project, etc. A Conditional Use Permit could follow for future use of the land.
 6. Commissioner Bartlett felt that input regarding traffic from the public needs to be taken into consideration. Many of the traffic issues are pre-existing and should be addressed separately. Native American Cultural Resources need to be included. Alternatives in the EIR need more specificity and more elaboration on how a project of smaller scale would appear. Concerned with sustainability and the green built checklist, noting that the buildings are not sited in a way that would be beneficial for solar attributes and hoped that as the project moves forward the site planning attributes provide a natural planning approach to being sustainable.
 7. Commissioner Lodge: concurs with Commissioner Jacobs comments. Recalled that the initial study had suggested that Eucalyptus grove be moved gradually over a period of years and replanted so that there would still be vegetation. Suggested a roundabout could make a difference at the intersection. Remained concerned with neighborhood compatibility and the size of the proposed project.

Scott Vincent stated that approval of the project with any significant unavoidable environmental impacts will require the Commission to make findings for an overriding consideration. The applicant has proposed a project with a use that the applicant suggests provides benefits to the public justifying the necessary finding of overriding consideration. When the Commission considers making the finding of overriding consideration, the Commission may ask the applicant for assurances that the beneficial use will continue along with the rest of the project.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:48 P.M.

Commissioner Schwartz left the dais at 4:48 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on November 2, 2011.

2. Other Committee and Liaison Reports

- a. Commissioner Larson reported being contacted by members of the public asking that the city review the St. Anthony's Seminary project for compliance with conditions of approval/building permits.
- b. Commissioner Jacobs reported on the Parks and Recreation Commission meeting of October 26, 2011.
- c. Commissioner Lodge asked that Staff relay to the Airport Staff the public's concerns over the aesthetic appearance of the new generator and the possibility of reviewing options for having it blend in more with the new airport.
- d. Commissioner Larson reported on the Historic Resources Element Committee.
- e. Commissioner Lodge announced that it was First Thursday and invited the public to the art events were taking place in the Downtown corridor.

VI. ADJOURNMENT

Chair Lodge adjourned the meeting at 4:53 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 10, 2011

CALL TO ORDER:

Chair Jostes called the meeting to order at 1:03 P.M.

I. ROLL CALL

Chair John Jostes, Commissioners Bruce Bartlett, Mike Jordan, Stella Larson, and Deborah L. Schwartz.

Absent: Commissioner Lodge was absent. Commissioner Charmaine Jacobs arrived at 1:08 P.M.

STAFF PRESENT:

Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Allison De Busk, Project Planner
Jan Hubbell, Parks Project Planner
Kathy Frye, Natural Areas Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

None.

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

Chair Jostes opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. **NEW ITEM:**

ACTUAL TIME: 1:04 P.M.

APPLICATION OF CITY OF SANTA BARBARA PARKS AND RECREATION DEPARTMENT FOR ANDREE CLARK BIRD REFUGE VEGETATION MAINTENANCE AND HABITAT RESTORATION PROJECT, 1400-1700 BLOCKS EAST CABRILLO BLVD (ANDREE CLARK BIRD REFUGE) AND 1414 PARK PLACE (CULVERT), APN 017-382-001; 017-381-001, PR/SD3 ZONES, GENERAL PLAN DESIGNATION: PARK (MST2011-00315)

The project would remove 0.86 acres of marsh vegetation from Andree Clark Bird Refuge and restore 0.86 acres of wetland habitat at the Refuge, and remove silt and vegetation from a grouted sandstone culvert along Old Coast Highway and from a concrete culvert entering the Bird Refuge from the north, for a total of 0.07 acres from the culverts. Maintenance activities would occur over a five-year period to keep the affected locations free of marsh vegetation. The purpose of the project is to restore water flow and conveyance in the lake and culverts to reduce mosquito production and flooding, improve water quality, and limit eutrophication and resulting odors. The proposal would also protect the diversity of habitats at the Bird Refuge.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2011-00014) to allow the proposed development for the culvert portion of the project in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.060); and
2. Planning Commission recommendation to the California Coastal Commission for the portion of the project in its permanent jurisdiction for the maintenance and restoration of the Andree Clark Bird Refuge within the submerged portion of the lake.

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

Case Planners: Jan Hubbell, Parks Project Planner; Kathy Frye, Natural Areas Planner
Email: JHubbell@SantaBarbaraCA.gov Phone: 805-564-544
KFrye@SantaBarbaraCA.gov Phone: 805-897-1976

Kathy Frye, Natural Areas Planner, gave the Staff presentation, joined by Jan Hubbell, Parks Project Planner

Jill Zachary, Assistant Parks and Recreation Director, gave the applicant presentation.

Chair Jostes opened the public hearing at 1:47 P.M., and with no one else wishing to speak, the public hearing was closed.

MOTION: Jacobs/Larson

Assigned Resolution No. 023-11

Approved the Final Mitigated Negative Declaration; and the Coastal Development Permit, making the findings as outlined in the Staff Report of November 3, 2011, and subject to the Conditions of Approval in Exhibit A of the Staff Report; and recommend to the California Coastal Commission for the portion of the project in its permanent jurisdiction for the maintenance and restoration of the Andree Clark Bird Refuge within the submerged portion of the lake.

This motion carried by the following vote:

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

The Commission asked Staff to include in its recommendation to the Coastal Commission that maintenance be made by Union Pacific Railroad on their portion of the area. Mr. Kato responded that the recommendation would be included in a transmittal letter to the Coastal Commission.

Chair Jostes announced the ten calendar day appeal period.

IV. DISCUSSION ITEM

ACTUAL TIME: 2:00 P.M.

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

Commissioner Larson recused herself from attending the discussion due to her husband being employed by Cottage Hospital.

Commissioner Bartlett recused himself from making any comments during discussion on this project due to his architectural firm working with Cottage Hospital in Goleta.

CONSTRUCTION UPDATE FOR VILLA RIVIERA REAL ESTATE COMPANY, 601 E. MICHELPORENA ST, 027-270-030, C-O (MEDICAL OFFICE) AND R-2 (TWO FAMILY RESIDENTIAL) ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL-MEDICAL CENTER AND RESIDENTIAL-12 DWELLING UNITS PER ACRE (MST2003-00827)

Six-month construction update on the demolition of the former St. Francis Hospital complex and construction of 115 residential condominiums on approximately 5.94 acres of the 7.39 acre site (previously referred to as the "Cottage Workforce Housing Project"). The project was approved by the Planning Commission on September 21, 2006 (Resolution No. 039-06), and by the City Council on December 19, 2006 (Resolution No. 06-103). The City Council certified the Final Environmental Impact Report (FEIR) for the project on December 19, 2006 pursuant to the California Environmental Quality Act Guidelines

Sections 15090 and 15091. An addendum to the certified FEIR was prepared pursuant to California Environmental Quality Act Guidelines Section 15164.

DISCUSSION ITEM - Staff will present a six-month update on the status and effectiveness of construction related mitigations and monitoring for the Cottage Workforce Housing Project. **No formal action on the project will be taken during this discussion item.**

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

Phone: 805-564-5470, ext. 4552

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

Ron Biscaro, President, Villa Riviera Real Estate Company/Cottage Hospital Vice President of Housing and Real Estate Development gave the Applicant presentation.

Chair Jostes opened the public hearing at 2:09 P.M.

The following neighbors provided public comment:

1. Janice Herndon was concerned with the permanent location of the telephone pole which could have been put in a less visible location. Submitted pictures and requested that consideration be given to movement of the pole.
2. David Boire shared the same concern and commented on the lack of communication that the pole was being placed in its location obstructing the neighborhood views. Complimented the construction being done.
3. Gary Hoffman submitted pictures showing the obstruction made by the telephone pole.
4. Bob Cybull was concerned with the 65 foot pole and asked that it be removed.

With no one else wishing to speak, the public hearing was closed at 2:20 P.M.

Commissioner's Comments:

1. Most Commissioners were concerned with the 52 violations that have been issued in the past year without any financial penalties applied and would like to see contractors and subcontractors held more accountable. Accountability for enforcement should take place early on so that it is understood that the City and the public do mean business.
2. Commissioners respected the comments made by the public regarding the 65-foot public utility pole, but stated that it is not in the Planning Commission's jurisdiction to direct placement of the pole. Southern California Edison follows the PUC building code standards and any movement of the pole would be between SCE and Cottage Hospital.
3. Commissioner Jostes said the Mitigation Monitoring Process is working well and has come a long way from when it did not exist.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:43 P.M.

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

a. Danny Kato sought two Commissioners to serve on the Airport Master Plan Advisory Committee. Commissioners Michael Jordan and Deborah Schwartz will serve.

b. Commissioner Schwartz reported on the Downtown Parking Committee meeting of November 10, 2011.

VI. ADJOURNMENT

Chair Jostes adjourned the meeting at 2:48 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 023-11

1400-1700 BLOCKS EAST CABRILLO BOULEVARD

COASTAL DEVELOPMENT PERMIT

NOVEMBER 10, 2011

APPLICATION OF CITY OF SANTA BARBARA PARKS AND RECREATION DEPARTMENT FOR ANDREE CLARK BIRD REFUGE VEGETATION MAINTENANCE AND HABITAT RESTORATION PROJECT, 1400-1700 BLOCKS EAST CABRILLO BLVD (ANDREE CLARK BIRD REFUGE) AND 1414 PARK PLACE (CULVERT), APN 017-382-001; 017-381-001, PR/SD3 ZONES, GENERAL PLAN DESIGNATION: PARK (MST2011-00315)

The project would remove 0.86 acres of marsh vegetation from Andree Clark Bird Refuge and restore 0.86 acres of wetland habitat at the Refuge, and remove silt and vegetation from a grouted sandstone culvert along Old Coast Highway and from a concrete culvert entering the Bird Refuge from the north, for a total of 0.07 acres from the culverts. Maintenance activities would occur over a five-year period to keep the affected locations free of marsh vegetation. The purpose of the project is to restore water flow and conveyance in the lake and culverts to reduce mosquito production and flooding, improve water quality, and limit eutrophication and resulting odors. The proposal would also protect the diversity of habitats at the Bird Refuge.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2011-00014) to allow the proposed development for the culvert portion of the project in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.060); and
2. Planning Commission recommendation to the California Coastal Commission for the portion of the project in its permanent jurisdiction for the maintenance and restoration of the Andree Clark Bird Refuge within the submerged portion of the lake.

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

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

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

1. Staff Report with Attachments, November 3, 2011.
2. Site Plans

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

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

A. Park and Recreation Zone Findings:

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;
2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

B. Final Mitigated Negative Declaration Adoption

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated November 3, 2011 for the Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project (MST2011-00315), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated November 3, 2011, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval and have been approved by the applicant. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition

of approval has been included, which requires the applicant to pay the fee within five days of project approval.

C. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because:
 - a. The project protects and enhances the natural qualities of Santa Barbara's environment and preserves the ecological balance of the Bird Refuge.
 - b. The project does not aggravate existing or expose people to geological hazards and protects people and the environment from the effects of flooding.
 - c. The project is designed to avoid and minimize effects on cultural and sensitive biological resources and will help maintain a productive biotic community. Visual resources will be protected from erosion.
 - d. The project is designed to avoid and minimize effects on circulation.
 - e. The project is designed to avoid and minimize effects on noise to that it is compatible with the variety of human activities and recreational uses in and around the Bird Refuge.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because it preserves, protects and enhances the existing Bird Refuge, as described in Section V.C of the 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 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 required design review approvals.
 3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
 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 Coastal Commission Approval.** Approval of the subject project is contingent upon approval of the California Coastal Commission.
- C. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 10, 2011 is limited to approximately 0.86 acres of marsh vegetation removal in the Bird Refuge, 0.86 acres (or a 1:1 ratio excluding culvert/channel) of habitat restoration in the Bird Refuge, removal of approximately 0.07 acres of sediment and vegetation in a culvert and channel in or with a hydrologic connection to the Bird Refuge, and maintenance over the five-year permit period 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.
- D. **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.
- E. **Landscape Plan Compliance.** The Owner 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 owner is responsible for its immediate replacement.
- F. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner 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 Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- G. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Bird Refuge or culvert areas, which drains directly into Bird Refuge.
- H. **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. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations, (*and Regional Water Quality Control Board*). Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-

term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. (W-1)

- b. **Work in Natural Watercourses and Drainage System Permit.** Apply for a Public Works permit to work in a natural watercourse and drainage system (*SBMC 14.56*)
- c. **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 Transportation Manager.
- d. **Temporary Traffic Control Permit.** Apply for a Public Works permit for temporary traffic control.
- e. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (T-1)
- f. **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 shall be obtained by the Owner.
- g. **Transportation Plan.** A plan for cleaning and sweeping of any debris left on the roadways should be prepared and included with the project.
- h. **Spreading Materials Onsite.** Consider spreading the salvaged materials onsite to dry prior to recycling in order to reduce the costs of hauling and recycling.
- i. **Utility Map.** Clearly show and identify on a site plan the location of the existing sewer main, recycled water main, potable water main, all manholes and any other utilities that could be impacted by the construction equipment.

2. **Community Development Department.**

- a. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - 1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - 2) A method for monitoring the mitigation measures.
 - 3) A list of reporting procedures, including the responsible party, and frequency.
 - 4) A list of other monitors to be hired, if applicable, and their qualifications.

- 5) Submittal of weekly reports during initial site preparation, vegetation removal and excavation, and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - 6) Submittal of a Final Mitigation Monitoring Report.
 - 7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- b. **Archaeological Monitor.** A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor significant ground disturbing activities that occur during construction in portions of the project area designated as "Medium Sensitivity Zone" in the Comprehensive Archaeological Resources Assessment, Santa Barbara Zoological Gardens, prepared by SAIC in July 2003. If intact cultural materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following the procedures set forth in the City's Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites

Prior to the start of work in all portions of the project area, restoration personnel shall be alerted to the possibility of uncovering unanticipated archaeological features or artifacts associated with past human occupation of the project area. In the unlikely event that potentially intact and significant cultural resources are discovered during any project work, the City Environmental Analyst and project's City-approved archaeologist should be notified and activity in the location of the discovery should be temporarily suspended until the project archaeologist can evaluate the potential significance of the find, pursuant to the City's MEA. If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission shall also be contacted. Work in the area shall only proceed after authorization is granted by the Environmental Analyst. (CR-1)

- c. **Requirement for Archaeological Resources.** The following information shall be printed on the 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.

- d. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- e. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition G.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.
- f. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition G.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- g. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration for the project.
- h. **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:

_____		_____
Property Owner		Date

Contractor	Date	License No.

Architect	Date	License No.

Engineer	Date	License No.

- I. **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 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-1)
 2. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes, if needed. (AQ-2)
 3. **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-3)
 4. **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:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District. (AQ-4)
 5. **Stockpiling.** If importation, exportation and stockpiling of soils 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-5)
 6. **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-6)

7. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-7)
8. **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-8)
9. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-9)
10. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-10)
11. **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-11)
12. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-12)
13. **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-13)
14. **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-14)
15. **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-15)
16. **Tidewater Goby Protection Measures.**
 - a. A pre-maintenance survey of culverts shall be performed by a qualified biologist no more than seven days prior to maintenance initiation to verify that no gobies are present. If gobies are determined to be present during the survey, a qualified biologist with applicable permits/approval will conduct tidewater goby rescue and relocation in order to clear the maintenance areas. (BIO-1)
 - b. Biologist(s) with tidewater goby experience shall be designated to monitor onsite compliance. The monitor shall have the authority to halt any action that may result in impacts that exceed levels anticipated by City staff or permitting agencies. (BIO-1)

- c. Complete all pre-construction and construction activities outside of the tidewater goby peak breeding season (April through June), to the extent feasible. (BIO-2)

17. General Wildlife Avoidance and Protection Measures.

- a. Report all dead or injured listed or sensitive animals immediately. (BIO-3)
- b. Do not disturb, capture, handle, or move animals, or their nests. If any wildlife is encountered during the course of project activities, said wildlife shall be allowed to freely leave the area unharmed. (BIO-4)
- c. Institute a litter control program during the course of construction/maintenance activities. Covered trash receptacles shall be placed at each designated work site and the contents properly disposed of at the end of the day at a minimum and more often as necessary. No foodstuffs or associated trash, containers, etc. shall be left overnight. (BIO-5)
- d. Pets shall be prohibited on the job site. (BIO-6)
- e. Complete all work during daylight hours. Night-time work (and use of artificial lighting) shall not occur. (BIO-7)
- f. A biological monitor shall conduct environmental training for all workers. (BIO-8)

18. Nesting Bird Protection Measures.

- a. Equipment mobilization and vegetation cutting and removal shall be conducted outside the breeding season (February 15 through August 31, for all birds except raptors (which can nest as early as December 1)). (BIO-9)
- b. If vegetation maintenance must occur during the nesting season (including raptors), a qualified biologist shall conduct nesting bird surveys prior to the work. If nesting is observed within or immediately adjacent to the work area, a buffer of at least 100 feet (500 feet for raptors) shall be established, marked, monitored, and maintained until the nest is abandoned or the young have fledged. (BIO-10)
- c. The consulting ornithologist recommends initial aquatic vegetation removal should be conducted in one year to reduce repeated impacts to nesting birds. (BIO-11)
- d. Equipment shall maintain speeds of less than 5 mph in the water. (BIO-12)
- e. Work shall be monitored by a qualified biologist who can flush birds away, salvage birds that could be harmed by the work, and check for new nesting activity as the work progresses. (BIO-13)

19. Vegetation Avoidance and Protection Measures.

- a. Work crews will be restricted to designated and clearly defined work areas. Construction crews shall be educated regarding staying within work areas for the protections of sensitive wetland and native habitat onsite. (BIO-14)
- b. To prevent the introduction of new invasive animals and weedy plant species, the City shall require the designated contractor to ensure that work boots, vehicles, and equipment have been cleaned prior to starting work on the project. (BIO-15)

- c. Staging of equipment and temporary dump sites shall be restricted to designated areas. Any waste materials produced by removal activities will be temporarily stored away from the lake margin and will be removed for disposal in an approved disposal site. (BIO-16)
- d. All materials, wastes, and equipment will be removed from construction sites as soon as practical after use and at the completion of construction. (BIO-17)
- e. All power equipment and vehicles will be kept in good working order and inspected each day for leaks prior to use. Leaks will be repaired immediately or problem vehicles or equipment will be removed from the Project site. Equipment will be staged in containment or other suitable barriers overnight to prevent accidental leakage of fluids. (BIO-18)
- f. All power equipment will be staged over tarps, or in holding pens with walled sides, to catch any leakage of fuel, oils, and other liquid to prevent these materials from soaking into the soil, or being carried into the lake. (BIO-19)
- g. Refueling will only take place in a designated area away from the lake. Refueling of the cookie cutter and harvester, if not feasible to do on land, will be conducted so that no fuel is spilled into the water. No foreign materials, such as petroleum or other fuels, will be released into the lake. During refueling of equipment, a drip pan shall be used to ensure that no fuel spills onto the ground or in the lake. (BIO-20)
- h. Appropriate firefighting equipment (e.g., extinguishers, shovels) shall be available on site during all phases of the Project, and appropriate fire prevention measures shall be taken to help minimize the chance of human-caused wildfires. (BIO-21)
- i. Drip pans or absorbent pads will be used during vehicle and equipment fueling. Absorbent spill clean-up materials and spill kits will be available in fueling areas, and workers will be trained in their use. Fuels will be stored in containment basins. (BIO-22)
- j. Appropriate spill containment and clean-up materials will be available on site at all times. Any spills will be cleaned up immediately and will not be buried or washed with water. (BIO-23)
- k. Used clean-up materials, contaminated materials, and recovered spilled materials that are no longer suitable for clean-up will be stored and disposed of properly. Hazardous and nonhazardous material will be disposed of in the manner specified by the manufacturer. (BIO-24)
- l. Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake. (BIO-25)
- m. Define and respect clear work area limits. (BIO-26)
- n. Cleared or trimmed vegetation and woody debris shall be disposed of in a legal manner. (BIO-27)

- o. Precautions shall be taken to avoid damage to non-target vegetation by people or equipment. (BIO-28)
20. **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 parcel. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-1)
21. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Landscaper, Biologist, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
22. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), 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 or six square feet if in a single family zone.
23. **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)

24. **Construction Equipment Sound Control:** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
 25. **Source Reduction/Recycling Plan.** A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst prior to building permit issuance. This plan shall include provisions for recycling of all marsh materials that meet the waste disposal facilities standards. (PS-1)
 26. **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.
 27. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
 28. **Sedimentation and Erosion Control.** Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake. (W-2)
- J. **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, roadway, 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 public improvement plans or building plans, including utility service undergrounding and installation of street trees and street lights, 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 / Final Inspection, whichever is earlier and if an archaeological monitor is required.

4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
5. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.

K. 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.
 - d. The permit will last for a term of five years, once work commences. The majority of work will occur during year one, with routine and follow-up maintenance and restoration occurring in years two through five, as described above.
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 at time of building permit application.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission / Staff Hearing Officer 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.

This motion was passed and adopted on the 10th day of November, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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