



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 017-14 500 NIÑOS DRIVE COASTAL DEVELOPMENT PERMIT JULY 17, 2014

APPLICATION OF CAMERON CAREY, AGENT FOR SANTA BARBARA ZOOLOGICAL GARDENS (TENANT); 500 NIÑOS DRIVE, (APN 017-382-002); PR/SD-3 PARK AND RECREATION, AND COASTAL OVERLAY ZONES; LOCAL COASTAL PLAN DESIGNATION: OPEN SPACE/REGIONAL PARK, (MST2013-00465)

The project consists of a new 1,300 square foot giraffe barn at the Santa Barbara Zoo. The structural steel and plaster enclosure will be 24'-8" tall with two sliding entry doors and sliding panels at the top of two walls for ventilation. The structure will be heated with gas-powered space heaters and illuminated by low impact security lighting. No grading will be required and the existing concrete pad adjacent to the existing giraffe barn will be reused in its current location. The project also includes an approximately 8,000 square foot bio-infiltration/filtration system to address on-site storm water management.

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

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

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

1. Staff Report with Attachments, July 10, 2014.
2. Site Plans
3. Correspondence received in opposition to the project or with concerns:
 - a. Stephen Dunn, via email

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

- I. Approved the subject application making the following findings and determinations:
 - A. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**
 1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to water and marine environments, hazards and visual quality, as described in Section VI.B of the Staff Report.
 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 the project will not degrade nearby water and marine environments, will not increase

hazards or have a significant negative impact on views along Cabrillo Boulevard or to, from, and along the ocean and scenic coastal areas, as described in Section VI.B of the Staff Report.

B. PARK AND RECREATION FINDINGS (SBMC §28.37.010.B and §28.37.010.C)

1. The proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors. The proposed giraffe barn is appropriate for the benefit of the community and visitors, since the project would result in improved facilities for the Zoo animals and visitors;
2. The proposed park and recreation facilities, including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood. *The existing zoo facility and the proposed giraffe barn will be compatible with the character of the neighborhood. The project was reviewed by the HLC for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting;*
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. *The total area of the site and the setbacks of all existing facilities would not change and the new giraffe barn will be sufficiently set back from the property lines and the street, 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. *The intensity of the existing facility and its continued use as a zoo is appropriate and compatible with the character of the neighborhood. The proposed project is a minor improvement to the existing facility;*
5. That the proposed park and recreation facilities are compatible with the scenic character of the City. *The existing zoo facility will remain compatible with the scenic character of the City. Photographic studies submitted to the HLC demonstrate that the project would not change existing skyline views as seen from Highway 101, nor would it significantly obstruct or change scenic views of the mountains, ocean and hillside areas 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. *The proposed giraffe barn is compatible with the neighborhood in terms of size, bulk, and scale or location. The new structure was reviewed by the HLC and found consistent with surrounding area and the existing zoo facility.*

Therefore, the proposed project is consistent with the requirements of the Park and Recreation Zone.

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 required design review approvals.

2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with Section E "Construction Implementation Requirements."
4. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

- B. **Written Agreement.** The Applicant, Santa Barbara Zoological Gardens (also referred to as "the Zoo"), shall execute a written instrument, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, indicating the following:
1. **Approved Development.** The development approved by the Planning Commission on July 17, 2014 is limited to an approximately 1,300 square-foot giraffe barn at the Santa Barbara Zoo and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Landscape Plan Compliance.** The Zoo 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 Zoo is responsible for its immediate replacement.
 3. **Oak Tree Protection.** The Zoo shall comply with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 1, 2014, regarding preservation of the existing coast live oak tree shown on the site plan. If, after employing all recommendations, the tree does not survive, it shall be replaced onsite at a three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County stock, as recommended by the arborist.
 4. **Solids Disposal.** All solid excrement generated from inhabitants of the Giraffe exhibit shall be manually removed and disposed of off-site by Zoo staff.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** The Zoo shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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 Zoo 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 Zoo 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 Zoo 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. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted California Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground and away from the Andree Clarke Bird Refuge adjacent to the project site.

C. **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. **Lighting.** Lighting design shall conform with City Lighting Ordinance requirements, including shielding and directing to the ground and away from the Andree Clark Bird Refuge to avoid off-site lighting and glare effects.
2. **Oak Tree Protection Measures.** The following provisions, as described in the Arborist Report prepared by Bill Spiewak, dated March 1, 2014, shall be incorporated into the plans submitted to the Building & Safety Department for a building permit and shall be implemented during construction to preserve the existing oak tree closest to the proposed construction area:
 - a. Prior to wall removal, install a deadman in the ground on the north side of the tree opposite the lean.
 - b. Place the deadman as far as possible from tree (as reasonable) for the greatest mechanical advantage.
 - c. Attach a sling around the trunk of the oak. Be sure to place the sling as high as possible for the greatest mechanical advantage, but use a sound portion of the upper trunk.
 - d. Attach a steel cable of appropriate thickness between the deadman and the sling. Make sure the sling is firm but without tension.
 - e. Slowly chip away at wall monitoring any tension increase in cable. The cable may need a slight release if tension builds. If determined to be necessary, lighten limbs to the south to reduce weight.
 - f. Annually inspect and adjust sling up or down the trunk a few inches, to avoid girdling.
 - g. The project arborist should be involved in the design of the support system and direct all procedures with this tree.
3. **Tree Protection During Construction.** The following provisions shall be incorporated into the plans submitted to the Building & Safety Department for a building permit and shall be implemented during construction:

- a. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- b. No grading shall occur within three feet of the dripline(s) of the existing tree(s).
- c. A qualified Arborist shall be present during any excavation beneath the dripline of the coast live oak tree which is required to be protected. All excavation within the dripline of the tree shall be minimized and shall be done with hand tools.
- d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
- e. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- f. No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within five (5) feet of the dripline of any oak tree.

D. **Requirements Prior to Permit Issuance.** The Zoo 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. **Community Development Department.**

- a. **Recordation of Agreements.** The Zoo shall submit an executed written instrument, identified in condition B, to the Community Development Department prior to issuance of any building permits.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The project shall comply with the drainage and water quality report prepared by Michael Viettone Civil Engineering, dated February 2014. The project includes an 8,000 square foot area which is proposed to be cleared of existing vegetation (not trees) and excavated, and the construction of a bio-infiltration/filtration System consisting of a gravel area located beneath a vegetated area.

In addition, prior to building permit final approval being granted by the Building & Safety Division, the applicant is required to submit a drainage plan demonstrating that storm water from all animal enclosures is either being discharged to the sewer system or treated/retained on site to prevent all animal waste from entering the storm drain system and the Bird Refuge. The drainage plan must also demonstrate that storm water flowing into the drop inlet located in the southwest section of the Zoo will be diverted to the existing vegetated swale along Cabrillo Blvd.

- c. **Contractor and Subcontractor Notification.** The Zoo shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.

- d. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist and Chumash observer from the most current City Qualified Lists for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal and ground clearance in the project area as identified in the Comprehensive Archaeological Resources Assessment (Assessment) prepared by SAIC in July 2003. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Zoo shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Zoo shall retain 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, the Zoo shall retain 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.

- e. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and outlined in Condition C "Design Review," and all elements/specifications shall be implemented on-site.
- f. **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:

Lessee (Zoo)	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- g. **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.

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

1. **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 Public Works Director with a Public Works permit.

2. **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 Public Works Director.
3. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).
4. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - f. 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 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 of the structure.
 - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 - h. 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, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. 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. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

F. **Prior to Final Inspection.** Prior to obtaining approval of the Final Inspection, the Zoo 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 Chapter 22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Drainage Plan.** The Zoo shall complete the following:
 - a. Submit a complete drainage plan demonstrating that storm water from all animal enclosures is discharged to the sewer or treated/retained on site and prevented from entering the storm drain system and the Bird Refuge.
 - b. Demonstrate that storm water flowing into the drop inlet located in the southwest section of the Zoo will be diverted to the existing vegetated swale along Cabrillo Boulevard.

3. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
4. **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 Final Inspection, whichever is earlier.
5. **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.

G. General Conditions.

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 054-06.
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. **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.

III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

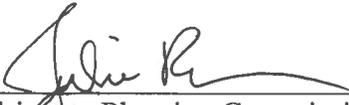
The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

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.

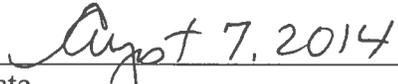
This motion was passed and adopted on the 17th day of July, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jordan, 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.

