

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

August 13, 2015

CALL TO ORDER:

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

I. ROLL CALL

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Mike Jordan, Sheila Lodge, June Pujo, and Deborah L. Schwartz.

Absent: Commissioner Jay D. Higgins

STAFF PRESENT:

Beatriz Gularte, Senior Planner
N. Scott Vincent, Assistant City Attorney
Kathleen Kennedy, Associate Planner
Julie Rodriguez, Planning Commission Secretary

Before starting the meeting, Chair Thompson called for a moment of silence at 1:04 P.M. in memory of past Planning Commissioner Bruce Bartlett who passed away last week.

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.
- B. Announcements and appeals.
None.
- C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:
 - 1. July 16, 2015

MOTION: Schwartz/Jordan

Approve the minutes as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Lodge). Absent: 1 (Higgins)

2. July 23, 2015

3. Resolution No. 013-15

2015 Allocation of Unused Small Addition Floor Area

MOTION: Lodge/Schwartz

Approve the minutes and resolution.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Campanella, Jordan) Absent: 1 (Higgins)

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

Chair Thompson opened the public hearing at 1:07 P.M. and, with no one wishing to speak, closed the hearing.

III. DISCUSSION ITEM

ACTUAL TIME: 1:07 P.M.

APPLICATION OF CEARNAL ANDRULAITIS LLP, AGENT FOR THE CANCER CENTER OF SANTA BARBARA, 540 W. PUEBLO STREET, 025-090-005, -008, -022, -023, -024, -031, -039, -040, -046, -047, C-O, MEDICAL OFFICE ZONE, GENERAL PLAN DESIGNATION: OFFICE/ MEDIUM DENSITY RESIDENTIAL (MST2007-00092)

The purpose of this discussion item was to inform the Planning Commission of proposed changes to the Cancer Center of Santa Barbara Project, approved by the Planning Commission on June 10, 2010, within the context of a request to the City for a Substantial Conformance Determination (SCD). The Cancer Center of Santa Barbara Project consists of a new comprehensive outpatient cancer treatment facility, four-tier parking structure, two commercial structures and six rental housing units. The discretionary applications included a Development Plan to allocate 30,000 square feet of non-residential square footage from the Minor Addition and Small Addition categories and a Recommendation to City Council for Final Community Priority Designation for 5,845 square feet of floor area.

The approval included a change of use from residential to commercial for the building at 525 W. Junipero Street, which at the time was occupied by the Breast Cancer Resource Center. The adjacent vacant lot at 529 W. Junipero Street was approved for a new residential duplex.

Proposed changes include:

- Change the use of the building at 525 W. Junipero Street from commercial back to residential in order to create a residential duplex.
- Change the approved residential duplex at 529 W. Junipero Street to a commercial use consisting of a Learning Center for staff from the Cancer Center of Santa Barbara and Sansum Clinic. The Learning Center would be a 2,343 square foot, one-story building with a 110 seat auditorium, a 237 square foot conference room, restrooms, audio-visual room and lobby.

Environmental review was conducted for the project in compliance with the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration was adopted for the original project, finding that project environmental impacts would be less than significant with application of identified mitigation measures as conditions of project approval to reduce short-term construction effects (air quality, biological resources, hazardous materials, noise, and waste disposal) and long-term effects (biological resources, historic resources, and noise). The current revised project remains within the scope of the adopted Mitigated Negative Declaration; all previously identified mitigation measures would continue to be applied to the project; and the current project would not result in significant impacts. Pursuant to CEQA Guidelines §15162, no further environmental review document is required.

The purpose of the discussion was to allow the Planning Commission an opportunity to review the proposed changes to the Project and provide input to the Community Development Department with regard to the SCD request. The Community Development Director will ultimately make a determination as to whether the proposed changes are in substantial conformance with the approved Project.

If the permit approval or environmental document is challenged in court, the challenger may be limited to raising only those issues raised in written correspondence delivered to the City, or in a public hearing on the project

Contact: Kathleen Kennedy, Associate Planner

Email: KKennedy@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Brian Cearnal, Cearnal Andrulaitis LLP, gave the Applicant presentation.

Chair Thompson opened the public hearing at 1:42 P.M.

John Denver, retired physician and owner of adjacent office building, submitted written comments regarding drainage. He was supportive of the Cancer Center project, but was concerned with the increase in traffic that the new parking lot will bring. He would like to have traffic minimized so as not to impact his immediate property which is two feet from the property line.

With no one else wishing to speak, the public hearing was closed at 1:46 P.M.

Planning Commission Comments:

Commissioner Jordan:

- Supports the Substantial Conformance Determination (SCD).
- Reflects a change in the tenant and the growing need in the community.
- Would support a CUP application. , Is in favor of a liberal definition of intended uses for the Learning Center. Cited the Museum of Natural History as an example. Sees Cancer Center sponsored uses that are not necessarily cancer related, but not from third parties.

Commissioner Pujo:

- Supports the SCD.
- The current design is an improvement over prior design and designation of uses.
- Many conditions in the original approval are not changing and are important conditions that will carry on:
 - One is the landscaping condition and requirement for street trees does not change.
 - Regarding traffic, the Transportation Management Plan requirement in D.12 and Transportation Demand Management condition E.11 require a program to minimize traffic. The auditorium should be included in this.
 - Under Drainage and Flood Control, the Storm Water Management Plan in condition C.6. is found to be satisfactory. Drainage in condition D.3. is very firm.
 - The Monitoring and Reporting Plan under E.1. includes construction noticing is required. This should be of comfort to the neighbors.

Commissioner Schwartz:

- Supports the SCD.
- Supporting documentation of C-O Medical Office Zone allows both the change from commercial back to residential and the change from residential duplex to commercial.
- Commercial change from office space to learning center speaks to looking at Community Priority Designation. The Auditorium is a community priority.
- Agrees with Staff's comment in the Staff Report that while an auditorium is not found in the C-O Medical Office Zone, it is found under the SP-8 Hospital Zone, A.3.q. and can be considered ancillary to the Outpatient Cancer Facility.
- Can see a time when the parking facility can be of interest to other organizations and uses outside, but related to the Cancer Center, Cottage Hospital, and Sansum. There is nothing else like it in the neighborhood and can see it becoming a popular facility. Asked Scott Vincent to determine how the Cancer Center could allow use of the parking facilities without triggering a Conditional Use Permit.

- Believes that Mr. Cearnal will continue to provide a mutually acceptable solution that will consider the neighbor's concerns with regard to water flow and water drainage.

Commissioner Lodge:

- Supports the SCD Believes that this proposal is better than what was previously approved. Instead of a medical office building, we will have a facility that will be of considerable use to the entire medical community and that will keep the six residential units and revert the Breast Cancer Resource Center to residential.

Commissioner Campanella:

- Supports the SCD and switching uses on 525 W. Junipero Street and 529 W. Junipero Street along with the learning center.
- If flexibility is considered in the future, parking should not be a constraint.

Commissioner Thompson:

- Supports the SCD. Believes that this is an improvement over the original plan.
- There are three residential uses adjacent rather than having a commercial building interspersed between two commercial buildings.
- Does not see any issue with the use of the commercial building for the Learning Center.

Brian Cearnal added that parking could be a community benefit at night after the Cancer Center is closed.

Scott Vincent, Assistant City Attorney, stated that the Applicant's materials do describe the intended uses for the Learning Center. If the Commissioner wanted to consider uses beyond what is in the Applicant's letter, then he recommended that the Commission make clear comments to the Community Development Director. He wants to make sure that the record reflects the intent of the Planning Commission. If it is the intent of the Planning Commission to broaden the uses of the Learning Center then they must stipulate that.

Commissioner Pujo cited the Justification section on page two of the Applicant's letter and suggested altering the first sentence to include the word 'primarily'. After some deliberation on wording, a majority of the Commission agreed upon changing the wording to "The Learning Center is primarily intended for the use of the property owner and other members of the medical community. When not in use for its primary purpose, the auditorium may be used for other community uses".

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:22 P.M.

E. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported on the Staff Hearing Officer meeting of August 5, 2015.

2. Other Committee and Liaison Reports

a. Commissioner Campanella reported on the Architectural Board of Review meetings of July 20, 2015 and August 3, 2015.

b. Commissioner Lodge reported on the Historic Landmarks Commission meetings of July 29, 2015 and August 12, 2015.

c. Commissioner Schwartz reported that the Water Commission meeting was cancelled and will report next week.

d. Commissioner Thompson reported on the Single Family Design Board meeting of August 10, 2015.

V. ADJOURNMENT

Chair Thompson adjourned the meeting at 2:31 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

August 20, 2015

CALL TO ORDER:

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

I. ROLL CALL

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Sheila Lodge, and June Pujo.

Absent: Commissioners Mike Jordan and Deborah L. Schwartz

STAFF PRESENT:

Beatriz Gularte, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Jill Zachary, Acting Parks and Recreation Director
 Steven Greer, Project Planner/Environmental Analyst
 Brian D'Amour, Principal Engineer
 Allison De Busk, Project Planner
 Rich Hanna, Recreation Supervisor
 Mike Wiltshire, Supervising Engineer
 Justin Van Mullem, Parks and Recreation Associate 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 Thompson opened the public hearing at 1:01 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEMS:

ACTUAL TIME: 1:01 P.M.

A. APPLICATION OF JUSTIN VAN MULLEM, APPLICANT FOR CITY OF SANTA BARBARA, 1118 E. CABRILLO BLVD. (CABRILLO BATHHOUSE AND PAVILION), APNS 017-353-001 AND 017-383-001, PR/SD-3 (PARK AND RECREATION / COASTAL OVERLAY) ZONES, LOCAL COASTAL PLAN DESIGNATION: OPEN SPACE (MST2014-00248)

The project consists of improvements to the existing Cabrillo Bathhouse and Pavilion building, and surrounding area, to enhance public access and community use, address failing building systems, and meet current ADA requirements. The purpose of the project is to restore the historic Cabrillo Bathhouse and Pavilion building to a viable community recreation center that serves Santa Barbara residents and visitor and returns the building to its status as “the crown jewel of East Cabrillo Boulevard.”

The project includes, but is not limited to: exterior repairs; new entry stairs; new site ramps and retaining walls; a new interior elevator; changes to the enclosed terrace; structural improvements; window and door changes; an interior remodel; new lighting; reconfiguration of the portico/promenade for improved accessibility; changes to the stoa (covered walkway); grading; landscaping, including the removal of 20 trees, the relocation of 33 trees, and the planting of 24 trees; a new equipment enclosure; an expanded trash enclosure; replacement of outdoor showers; parking lot improvements; and a new portable boardwalk connecting the promenade to the beach.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow improvements within the required ten-foot front setback (SBMC § 28.92.110); and
2. A Coastal Development Permit (CDP2015-00004) 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 15301.

Contact: Allison DeBusk, Project Planner

Email: ADeBusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Jill Zachary, Acting Parks & Recreation Director, gave the Applicant presentation. Joe Wilcox and Dawn Ziemer, KBZ Architects, were available to answer any

questions. Also available to answer questions were Rich Hanna, Recreation Supervisor; Justin Van Mullem, Associate Planner; and Mike Wiltshire, Supervising Engineer.

Chair Thompson opened the public hearing at 1:29 P.M.

The following people spoke in support of the project:

1. Joe Howell, Attorney for Francisco Aguilera, Owner of East Beach Grill, spoke in support of the project. Mr. Aguilera is eager to work with staff and the architects to make a great project. He is committed to the continued success of East Beach Grill.
2. Leo De Amicis, local resident since 1945, is supportive of the project and would like to see that the East Beach Grill is kept as a tenant. He has enjoyed the restaurant with his family for many generations.
3. Leslie Wiscomb, Parks & Recreation Commission Chair, spoke in support of the project and the return of the Cabrillo Bathhouse and Pavilion back into a viable recreation facility and make it once again the crown jewel of East Cabrillo Boulevard. The proposed renovation will improve public safety and accessibility, enhance recreational opportunities for residents and visitors, benefit ocean-dependent uses, and bring the historic structure and landscape back to crown jewel status. Asked that the Planning Commission approve the modification and Coastal Development Permit.

With no one else wishing to speak, the public hearing was closed at 1:39 P.M.

The Commission was very supportive of the project.

MOTION: Pujo/Campanella **Assigned Resolution No. 014-15**
Approved the project, making the findings for the Front Setback Modification and the Coastal Development Permit, as outlined in the Staff Report dated August 13, 2015, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval, B.1, Approved Development:

1. Include in the project description "and maintain lower cost public amenities, services, and experiences".
2. Include in the description "electric vehicle charging stations".
3. Include in the description the construction timing and scheduling information provided in the Applicant Letter.

This motion carried by the following vote:

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jordan, Schwartz)

Chair Thompson announced the ten calendar day appeal period.

ACTUAL TIME: 1:48 P.M.

B. APPLICATION OF BRIAN D'AMOUR AND JESSICA GRANT, APPLICANTS FOR CITY OF SANTA BARBARA, 236 E. CABRILLO BOULEVARD, APNS 017-191-004 AND 033-120-016, P&R / SD-3 (PARKS & RECREATION / COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: PARKS / OPEN SPACE, LOCAL COASTAL PLAN DESIGNATION: PARKS / OPEN SPACE (MST2014-00596)

The Laguna Pump Station Facility (Facility) is located between Cabrillo Boulevard and the tide gate structure on Laguna Channel. The overall project consists of limited repairs and maintenance of the existing Facility and tide gate structure, and a restoration plan. The project is proposed in four phases. Phase 1 includes removal of sedimentation and vegetation in the channel, repairs to channel wall, installation of an additional debris rack, repairs to the existing wet well inlet screen, improved lighting, and cameras for monitoring of conditions. Phase 2 includes the repair of the internal mechanics of Tide Gate No. 3, sedimentation removal between the Cabrillo Beachway and tide gates, and replacement of the outflow cover for the storm drain outlet. Phase 3 includes planting native vegetation to replace what is removed from the channel. This will extend the area of restoration for the Cabrillo Bridge Replacement and Lower Mission Creek Flood Control Lagoon Restoration projects scheduled for 2016. Phases 2 and 3 of the project are within Coastal Commission original permit jurisdiction. Phase 4 includes on-going repair and maintenance of the tide gate structure to assure proper function, and on-going maintenance of the channel, which entails the removal of excess sedimentation prior to anticipated major storm events. Phase 4 of the project is within both Coastal Commission original permit jurisdiction and the Appealable Jurisdiction of the City's Coastal Zone.

The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2015-00015) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).
2. Recommendation to the California Coastal Commission for approval of the interior mechanical repairs to Tide Gate #3, replacement of the storm drain outlet outflow cover, and for implementation of the restoration plan. All of these project components are located within the Original Permit Jurisdiction of the Coastal Zone.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (b), Existing Facilities.

Contact: Steven Greer, Project Planner

Email: SGreer@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4558

Steven Greer, Project Planner, gave the Staff presentation.

Brian D'Amour, Principal Engineer gave the Applicant presentation.

Chair Thompson opened the public hearing at 2:01 P.M. and with no one wishing to speak, closed the public hearing.

A majority of the Commissioners asked that Tide Gates #1 and #2 be added to the project description to inspect and repair, as necessary, for maintenance of the existing infrastructure and included in the motion.

Scott Vincent did not see that amending the project description to include maintenance of Tide Gates #1 and #2 would change the scope of the project or mitigations since the structure would not change.

MOTION: Lodge/Higgins **Assigned Resolution No. 015-15**
Approved the project, making the findings for the Coastal Development Permit and recommendation to the California Coastal Commission for approval of the interior mechanical repairs to Tide Gate #3, replacement of the storm drain outlet outflow cover, and for implementation of the restoration plan as outlined in the Staff Report, dated August 13, 2015, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revision to the project description in the Conditions of Approval and Recommendation to the California Coastal Commission for approval:

1. Include ongoing repair and maintenance of Tide Gate Structure, including, but not limited to Tide Gates #1, #2, and #3, as found necessary.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jordan, Schwartz)

Chair Thompson announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:21 P.M.

D. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report
None was given.

2. Other Committee and Liaison Reports

Commissioner Higgins reported on the Joint Creeks Advisory Committee and Parks and Recreation Commission site visit to Veronica Meadows on August 19, 2015.

V. **ADJOURNMENT**

Chair Thompson adjourned the meeting at 2:23 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 014-15

1118 E. CABRILLO BOULEVARD

COASTAL DEVELOPMENT PERMIT AND FRONT SETBACK MODIFICATION

AUGUST 20, 2015

APPLICATION OF JUSTIN VAN MULLEM, APPLICANT FOR CITY OF SANTA BARBARA, 1118 E. CABRILLO BLVD. (CABRILLO BATHHOUSE AND PAVILION), APNS 017-353-001 AND 017-383-001, PR/SD-3 (PARK AND RECREATION / COASTAL OVERLAY) ZONES, LOCAL COASTAL PLAN DESIGNATION: OPEN SPACE (MST2014-00248)

The project consists of improvements to the existing Cabrillo Bathhouse and Pavilion building, and surrounding area, to enhance public access and community use, address failing building systems, and meet current ADA requirements. The purpose of the project is to restore the historic Cabrillo Bathhouse and Pavilion building to a viable community recreation center that serves Santa Barbara residents and visitor and returns the building to its status as “the crown jewel of East Cabrillo Boulevard.”

The project includes, but is not limited to: exterior repairs; new entry stairs; new site ramps and retaining walls; a new interior elevator; changes to the enclosed terrace; structural improvements; window and door changes; an interior remodel; new lighting; reconfiguration of the portico/promenade for improved accessibility; changes to the stoa (covered walkway); grading; landscaping, including the removal of 20 trees, the relocation of 33 trees, and the planting of 24 trees; a new equipment enclosure; an expanded trash enclosure; replacement of outdoor showers; parking lot improvements; and a new portable boardwalk connecting the promenade to the beach.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow improvements within the required ten-foot front setback (SBMC § 28.92.110); and
2. A Coastal Development Permit (CDP2015-00004) 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 15301.

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

WHEREAS, 3 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 13, 2015.
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. FRONT SETBACK MODIFICATION (SBMC §28.92.110.A.2)

The Modification to allow the trash enclosure and building entrance features to encroach up to 10 feet into the required 10-foot front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot and prevent unreasonable hardship because the site's existing development encroaches into the required setback and the proposed improvements would not substantially change the nature of the existing encroachments as discussed in Section VI.A.1 of the Staff Report.

B. PR ZONE FINDINGS (SBMC §28.37.025)

1. The proposed park and recreation improvements are appropriate and necessary for the benefit of the community and visitors because the project will enhance an existing important public recreational facility at East Beach.
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 because no substantial exterior changes are proposed. The exterior changes are intended to restore some historic elements to the building and improve accessibility, and have been reviewed and supported by the Historic Landmarks Commission. New lighting would be the minimum needed for evening use and safety purposes, would eliminate existing floodlights that currently extends onto the beach, and would be consistent with the City's Outdoor Lighting Ordinance so as to avoid light trespass.
3. 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 because the building is located on large parcels without adjacent structures. Setbacks from the property line and street are existing and are an integral part of the fabric of this portion of Cabrillo Blvd. This building is a City Structure of Merit and represents an established and familiar visual feature of the neighborhood.
4. The intensity of park and recreation facilities are compatible with the scenic character of the City because the building is located on large parcels without adjacent structures and the use is not proposed to be intensified as part of the project. This building has a historic use, which contributes to its listing as a City Structure of Merit.
5. All proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. The building is an established and familiar visual feature of the neighborhood and is compatible with adjacent development across Cabrillo Blvd. The project has been reviewed by the Historic Landmarks Commission to ensure any alterations are also compatible and in keeping with the building's historic designation.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it will improve public access and will not result in adverse impacts associated with visual resources or environmentally sensitive habitat, as described in Sections VI.B and C 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 it will restore an important public recreational facility, thereby improving public access and recreation and benefiting visitor-serving and ocean-dependent uses; and does not result in impacts associated with water or marine environments, hazards, protection of visual quality, as described in Section VI.B 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. 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. Prepare and execute any required documents (see Written Conditions Document section below).
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 Conditions Document.** The Owner 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, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 20, 2015 is limited to improvements to the existing Cabrillo Bathhouse and Pavilion building and surrounding area to enhance public access and community use, address failing building systems, and meet current ADA requirements and maintain lower cost public amenities, services and experiences. The project includes, but is not limited to, exterior repairs, new entry stairs, new site ramps and retaining walls, a new interior elevator, changes to the enclosed terrace, structural improvements, window and door changes, an interior remodel, new lighting, reconfiguration of the portico/promenade for improved accessibility, changes to the stoa (covered walkway), grading, landscaping including tree removal and relocation, a new equipment enclosure, an expanded trash enclosure, replacement of outdoor showers, accessibility-related parking lot improvements, electric vehicle charging stations, new bike parking, a new approximately 125 foot long portable boardwalk to the beach, and the improvements described in the Applicant Letter dated May 6, 2015 and shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara. This approval includes the Applicant's proposed approach to construction timing, scheduling and management as described in the Applicant Letter and shown on the project plans.

2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **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.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner 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 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 Building Permit and/or 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.
5. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
6. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the restaurant management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
7. **Establish Beach Monitoring Program:** The Parks and Recreation Department shall monitor the beach width and gather beach profile data at multiple locations along East Beach in order to establish a database to evaluate changes to the shoreline. This monitoring is intended to assist in validation of numerical modeling results and support the development of a predictive model to understand what may happen during a large storm event. A persistent Mean Sea Level beach width of 150 feet (as measured over multiple seasons) may trigger the need for adaptive measures, as described in more detail in the Coastal Hazards/Sea Level Rise Vulnerability Assessment Report prepared by Moffatt and Nichol and dated January 2015.

8. **Establish a Fund or Funding Mechanism:** The Parks and Recreation Department shall establish funds or a funding mechanism in order to prepare for potential future Sea Level Rise adaptation investments or monitoring activities.
- 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. **Tree Removal and Replacement.** All trees removed shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 2. **Tree Relocation.** The existing palm trees (31) and yuccas (2)i identified for relocation on the Real Property shall be protected during construction. Refer to the Tree Report prepared by Bill Mellett, dated January 21, 2015 for additional details.
 3. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Report and/or any related Conditions of Approval. Include a note on the plans that the recommendations/conditions contained in the Tree Report prepared by Bill Mellett, dated January 21, 2015, shall be implemented and reproduce those recommendations on the plans.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the HLC.
 4. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
 5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Community Development Department 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 Community Development Department. Please note that these conditions are in addition to standard submittal requirements.
1. **Documentation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Written Conditions identified in condition B

“Written Conditions Document” to the Community Development Department prior to issuance of any building permits.

2. **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 Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City’s Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
3. **Avoid California Grunion Habitat.** Consistent with the requirements for beach grooming activities, the temporary boardwalk shall be installed no closer than 10 feet landward of the wrack line or ordinary high tide line, whichever is furthest landward.
4. **Arborist’s Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the critical root zone of all protected trees during construction. The contract shall include a schedule for the arborist’s presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
5. **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.
6. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
7. **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.
8. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
9. **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.

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

1. **Construction Contact Sign.** Immediately after Building Permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Vegetation Removal/Grubbing Timing.** Contractors shall comply with the Migratory Bird Treaty Act (MBTA). Due to the presence of habitat for MBTA species within and in the vicinity of the project site, any grubbing, mowing, and/or removal of surface vegetation, shall not be scheduled between February 15th and August 1st to avoid potential impacts on nesting. If work is conducted within nesting season biologists shall clear the site to ensure there are no nesting birds onsite.
3. **Biological Monitoring During Construction.** A qualified Project Biologist will be retained by the City Parks and Recreation Department for the duration of construction activities and will be on site during clearing and grubbing of vegetation or habitats that have the potential to support listed species, specifically the WSP and MBTA species. The Project Biologist will identify work areas, monitor work activity, and provide "tailgate" sessions for the construction contractor, and will oversee and execute the conservation protection measures pertaining to biological resources. The Project Biologist will have experience with threatened WSP and nesting birds.
4. **Avoid, Minimize, and Compensate for Disturbance to Beach Habitat.** The project shall be designed to avoid/minimize impacts by reducing disturbance footprints to beach habitat to the maximum extent practicable. In addition, staging areas and/or other temporary construction-related requirements shall be located within the laydown areas. Temporary perimeter fencing will be put up, especially on the beach side to minimize birds and wildlife access into the project area.

5. **Utilize Designated Areas for Parking, Driving, and General Construction Use.** Parking, driving, stockpiling, and storing vehicles and equipment shall be limited to existing roads and previously compacted and developed area. No off-road traveling is permitted outside the project boundary.
6. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
7. **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.
8. **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.
9. **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 nests(s).
10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño

Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. 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, shall be completed.

G. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 045-94 and 062-97.
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.

III. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

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

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

IV. 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.

V. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (SBMC §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 20th day of August, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-15
236 E. CABRILLO BOULEVARD
COASTAL DEVELOPMENT PERMIT
AUGUST 20, 2015

APPLICATION OF BRIAN D'AMOUR AND JESSICA GRANT, APPLICANTS FOR CITY OF SANTA BARBARA, 236 E. CABRILLO BOULEVARD, APNS 017-191-004 AND 033-120-016, P&R / SD-3 (PARKS & RECREATION / COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: PARKS / OPEN SPACE, LOCAL COASTAL PLAN DESIGNATION: PARKS / OPEN SPACE (MST2014-00596)

The Laguna Pump Station Facility (Facility) is located between Cabrillo Boulevard and the tide gate structure on Laguna Channel. The overall project consists of limited repairs and maintenance of the existing Facility and tide gate structure, and a restoration plan. The project is proposed in four phases. Phase 1 includes removal of sedimentation and vegetation in the channel, repairs to channel wall, installation of an additional debris rack, repairs to the existing wet well inlet screen, improved lighting, and cameras for monitoring of conditions. Phase 2 includes the repair of the internal mechanics of Tide Gate No. 3, inspection and maintenance of all three tide gates, sedimentation removal between the Cabrillo Beachway and tide gates, and replacement of the outflow cover for the storm drain outlet. Phase 3 includes planting native vegetation to replace what is removed from the channel. This will extend the area of restoration for the Cabrillo Bridge Replacement and Lower Mission Creek Flood Control Lagoon Restoration projects scheduled for 2016. Phases 2 and 3 of the project are within Coastal Commission original permit jurisdiction. Phase 4 includes on-going repair and maintenance of the tide gate structure to assure proper function, and the on-going maintenance of the channel, which entails the removal of excess sedimentation prior to anticipated major storm events. Phase 4 of the project is within both Coastal Commission original permit jurisdiction and the Appealable Jurisdiction of the City's Coastal Zone.

The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2015-00015) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).
2. Recommendation to the California Coastal Commission for approval of the interior mechanical repairs to Tide Gate #3, inspection and maintenance of all three tide gates, replacement of the storm drain outlet outflow cover, and for implementation of the restoration plan. Approval of ongoing repair and maintenance of Tide Gate Structure, including, but not limited to Tide Gates No. 1, No. 2, and No. 3, to assure proper function, is also recommended. All of these project components are located within the Original Permit Jurisdiction of the Coastal Zone.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (b), Existing Facilities.

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, August 13, 2015.

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. **ENVIRONMENTAL REVIEW**

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15301 (b), Existing Facilities, based on the City staff analysis.

B. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it protects existing biological resources, does not alter the existing drainage channel, and does not impact visual resources, 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, as described in Section VI.C of the Staff Report. This includes, but is not limited to, consistency with LCP Policies 6.8, 6.9 and 6.10 which serve to protect biological productivity and water quality of the City's riparian resources and LCP Policy 9.1, which protects views to, from, and along the ocean and scenic coastal areas.

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.

B. **Written Agreement.** The Applicant shall submit a letter to the Planning Division indicating the following:

1. **Approved Development.** The development approved by the Planning Commission on August 20, 2015 is limited to repairs and maintenance of the existing Laguna Pump Station Facility (Facility) and tide gate structure. including, removal of sedimentation and vegetation in the channel, repairs to channel wall, installation of an additional debris rack, repairs to the existing wet well inlet screen, improved lighting and cameras for monitoring of conditions (Phase 1); the repair of the internal mechanics of Tide Gate No.3, inspection and maintenance of all three tide gates, sedimentation removal between the Cabrillo Beachway and tide gates, and replacement outflow cover for the storm drain outlet (Phase 2); the planting of native vegetation at a 3:1 ratio to replace what is removed from channel extending the area of restoration for the Cabrillo Bridge Replacement and Lower Mission Creek Flood Control Lagoon Restoration projects (Phase 3), on-going repair and maintenance of the tide gate structure to assure proper function, and the on-going maintenance of the channel, which entails the removal of excess sedimentation prior to anticipated major storm events (Phase 4), and the related improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Use Limitations.** Due to the proximity to biological resources, uses other than those related to pump plant and/or flood control operations and maintenance are not permitted

at this location without further environmental review and/or Planning Commission review and approval. [s1]

3. [b2]**Drainage System Maintenance.** The owner/applicant shall implement and maintain the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures result in increased erosion, the Public Works Department 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 Public Works Department 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.
 4. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee of the Laguna Pump Station facility by the Applicant/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.
- C. **Avoidance and Minimization Measures – CardnoEntrix Biological Resource Study.** The following minimization measures, recommended in the Biological Resource Study (BSR) prepared for the proposed project (CardnoEntrix, August 7, 2015), and included as part of the project description, shall be required:
1. **Environmental Training.** A qualified biologist will provide environmental training for all workers. This includes a description of special-status species that could be present and what to do if any are observed (BIO-1).
 2. **Southwestern Pond Turtle Protection.** A qualified biologist will check the channel immediately prior to sediment removal to verify that no southwestern pond turtles are present (BIO-2).
 3. **Channel Sedimentation Removal Requirements.** Water shall be pumped out of the channel using the existing pumps to discharge to the lagoon prior to sediment removal to minimize turbidity. If continued pumping is required during sediment removal, it shall be discharged to a settling basin/tank. After the sediment is removed, any visible turbidity shall be allowed to settle prior to pumping out the remaining water to the lagoon, or pump it to a settling basin. Turbidity shall be monitored at the discharge point when water is first pumped out after channel clearings (BIO-3).
 4. **Channel Wall Construction Requirements.** During repair of the channel walls, if wet concrete comes in contact with surface water, the pH of that water will be tested. If the pH is greater than 8.5, the water will be pumped into a vacuum truck and disposed off site (BIO-4).

5. **Tide Gate Repair Requirements.** For repair of Tide Gates No. 1, No. 2, and No. 3, qualified biologists will sweep the area adjacent (ocean side) to the gates with a seine (if feasible due to boulders and other obstructions on the bottom) to herd as many tidewater gobies as possible out of the work area. The seine (or a longer one) will then be used as a block net to prevent fish from reentering the work area. After the cofferdam is installed, water between it and the gates will be pumped down to no more than one foot deep using a screened pump (mesh 1/8-inch or less) to allow biologists to capture and relocate any tidewater gobies and other native fish present prior to opening the tide gate. Once the gate is repaired and storm drain outlet cover replaced, water will be allowed to rise within the cofferdam to the same level as in the lagoon prior to removal of the cofferdam (BIO-5).
 6. **Non-Native Herb of Grace Removal Requirements.** The non-native herb of grace will be completely removed from the site (including roots), bagged, and disposed in a landfill to prevent spread to other areas (BIO-6).
 7. **Emergent Vegetation Management Requirements.** Emergent vegetation on natural bottom sediments adjacent to Cabrillo Boulevard should be trimmed to the top of the water surface level in the fall prior to runoff events (BIO-7).
 8. **Ongoing Channel Maintenance Requirements.** Sediment removal from the concrete lined channel as part of ongoing channel maintenance should occur in the fall prior to runoff events and at the end of the rainy season (as needed, depending on amount of deposition) to minimize sediment available for colonization by vegetation (BIO-8).
- D. **Design Review.** The project, is subject to the review and approval of the Historic Landmarks Commission (HLC).
- E. **Requirements Prior to Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Community Development Department.**
 - a. **Written Agreement.** Provide the written instrument that includes all of the conditions identified in Condition B “Written Agreement” to the Community Development Department prior to commencement of work.
 - b. **Contract with Biologist.** Submit a contract with a City approved qualified biologist for monitoring and reporting 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 areas identified in the Biological Resources Survey Report prepared for this site by CardnoEntrix, dated August 7, 2015. The contract shall be subject to the review and approval of the Environmental Analyst.
 - c. **Biologist Scope of Work.** The scope of the biologist’s monitoring and reporting contract shall include both the provisions identified in “Conclusions and Recommendations” from the Biological Resources Survey Report referenced

above, and the provisions identified in “Avoidance and Minimization Measures” included in CDFW SAA, Notification No. 1600-2014-0246-R5.

- d. **No-Rise Certificate.** The Applicant shall provide a Base Flood Elevation and show compliance with applicable flood proofing as required by SBMC §22.24.160. This information shall be included in project plan set.
- e. **Contractor and Subcontractor Notification.** The Applicant 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.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Restoration Plan submitted to CDFW for review and approval). 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.

g. Signed:

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

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

1. **All applicable measures included in both C. Avoidance and Minimization Measures - CardnoEntrix Biological Resource Study and “Avoidance and Minimization Measures”** included in CDFW SAA, Notification No. 1600-2014-0246-R5, shall be implemented prior and/or during construction as described.
2. **Best Management Practices (BMPs).** The Contractor shall install appropriate BMPs to control sediment, coarse particles, concrete, and other materials exposed during demolition and drilling to protect aquatic, wetland, and riparian habitats adjacent to construction site. Erosion control measures should be implemented to prevent runoff of these materials into Laguna Channel. Silt fencing, straw bales, and/or sand bags should

be used in conjunction with other methods to prevent turbid waters from entering stream channels. These practices shall include all applicable measures as

During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing will not be allowed in locations where the tainted water could enter Laguna Channel or the Pacific Ocean.

These practices shall include applicable measures in both C. Avoidance and Minimization Measures – CardnoEntrix Biological Resource Study as listed above and “Avoidance and Minimization Measures” included in CDFW SAA, Notification No. 1600-2014-0246-R5.

3. **Pre-Construction Conference. (BIO-1)** 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 (see condition No. E.4 below), shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering, Community Development Department Building and Planning Divisions, the Creeks Division, the approved Biologist, Contractor and each Subcontractor.
4. **Workers Educational Training. (BIO-1)** Prior to the initiation of any site disturbance and/or construction activities, all personnel associated with the project shall attend a worker education training program (program) conducted by a qualified biologist. In general, it is recommended that the program discuss tidewater goby and Pacific pond turtle habitat preference(s), occupied habitat in the area, life histories, law and regulations, as well as potential construction impacts and protection measures, and project limits. Protections and regulations for the Laguna Channel, the riparian habitat, and nesting birds shall also be included in the program. It is recommended that a species and habitat fact sheet also be developed prior to the training program and distributed at the training program to all contractors, employers and other personnel involved with the construction of the Projects. Specifically, the program should also include:
 - a. Measures to prevent indirect impacts during construction activities should be covered, including delivery, storage, and usage of construction materials and chemicals as they relate to the protection of adjacent aquatic habitat.
 - b. Training materials should include laws and regulations that protect sensitive biological resources, the consequences of non-compliance with those laws and regulations and a contact person (i.e. construction manager, biological monitor, and City’s Project manager) in the event that protected biological resources are affected.

The City shall notify the approved biologist in advance of the kick-off meeting and any subsequent meetings that may take place if additional contractors are employed during additional construction projects of the project. A sign in sheet will be circulated for signatures to all personal that attend the workers educational training to confirm that program materials were received and that they understand information presented.

5. **Construction Storage/Staging.** Construction vehicle/equipment/materials storage and staging shall be done on-site. Parking or storage shall be permitted only within the identified area adjacent to the Laguna Channel in parking lot.
6. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site.
7. **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 is 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.
8. **Asbestos & Lead-Containing Materials.** Pursuant to Air Pollution Control District (APCD) Rule 1001, the applicant is required to complete and submit an Asbestos Demolition / Renovation Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.
9. **Biological Resources Minimization Monitoring Compliance Reports.** The City-approved biologist shall submit monthly reports on all repairs, maintenance or other construction activity regarding required minimization measures compliance to the Community Development Department. A final report shall be submitted to the Community Development Department at time all improvements and applicable minimization measures are completed and deemed by the biologist acceptable.
10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological

features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

G. 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 and any amendments thereto (16 Uq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations. This also includes, but is not limited to, any permit or agreement required by CDFW, ACOE, and CRWQCB.

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. 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 20th day of August, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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