City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 002-15
2559 PUESTA DEL SOL
ANNEXATION, CONDITIONAL USE PERMIT, PARKING MODIFICATION
JANUARY 8, 2015

APPLICATION OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES FOR THE SANTA BARBARA MUSEUM OF NATURAL HISTORY, 2559 PUESTA DEL SOL, APNS 023-271-003 & -004; 023-250-039, -056, -066 & -068, COUNTY ZONING: 20-R-1 (SINGLE FAMILY RESIDENTIAL, 20,000 SF MIN. LOT SIZE), CITY ZONING: E-1 (ONE FAMILY RESIDENCE), COUNTY GENERAL PLAN DESIGNATION: RES 1.8 (RESIDENTIAL, 1.8 DWELLING UNITS/ACRE) CITY GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. DENSITY 3 DWELLING UNITS/ACRE) (MST2014-00116)

The proposed Master Plan for the Santa Barbara Museum of Natural History (Museum) anticipates the following improvements over the next 10-15 years: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new screening wall along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22).

The proposal includes Annexation of three Museum-owned parcels to the City: APNs 023-250-039; -066; and -068, totaling approximately five acres (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The Museum proposes to maintain the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation, and Museum educational activities. New improvements in the largely undeveloped Western Parcels include an enhanced bioswale with an associated boardwalk and overlook, and restoration of the woodland area including replacement of non-native plants with native plants.

In addition to Annexation of the three Museum-owned parcels, staff requests that the Planning Commission recommend annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road (APNs 023-271-005 and -006) and the Mission Canyon Road right-of-way between the current City boundary up to and including the intersection of Mission Canyon Road and Puesta del Sol. Staff recommends a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) for all parcels considered for annexation.

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

A. Reorganization of the properties known as APNs 023-250-039; -066; and -068, and APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way including Annexation to the City of Santa Barbara and Detachment from the Santa Barbara County Fire Protection District, County Service Area 12, and the Mission Canyon Lighting District.

B. A General Plan Amendment to designate the properties to be annexed as Low Density Residential (Maximum Density: Three Dwelling Units per Acre) upon annexation.

C. A Zoning Map Amendment to zone the properties to be annexed as E-1 (One-Family Residence Zone) upon annexation.

Actions by the Planning Commission:

D. A Conditional Use Permit Amendment to allow for the proposed changes to the Museum (SBMC §28.94.030).

E. A Parking Modification to provide less than the required number of onsite parking spaces (SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and 15319 (Annexations of Existing Facilities and Lots or Exempt Facilities).

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

WHEREAS, 23 people appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 23, 2014.
2. Site Plans
3. Correspondence received in support of the project:
    a. David Cash, Santa Barbara Unified School District, via email
    b. Virginia and Robert Guess, via email
    c. Virginia Sloan, via email
    d. Sandra Russell, via email
    e. Larry Feinberg, Santa Barbara Museum of Art, via email
    f. Dennis Power, Santa Barbara, CA
    g. Nancy Martz, Santa Barbara, CA
    h. Talli Larrick, via email
    i. Karl Hutterer, Santa Barbara, CA
    j. Janet Sands, via email

k. Maureen Masson, via emal
l. Anabel Ford, UCSB Meso American Research Center, via email
m. Michael Towbes, via email
n. Steve Windhager, Santa Barbara Botanic Garden, via email
o. Alastair Winn, via email
p. Christopher Knowlton, Santa Barbara Museum of Natural History, via email
q. Peter Schulyer, via email
r. Lois Mitchell, Orfalea Foundation, via email
s. Greg Gorga, Santa Barbara Maritime Museum, via email
t. Gwen Stauffer, Ganna Walska Lotusland, via email
u. Steven Hicks, Santa Barbara Museum of Natural History, via email
v. Barbara Lindemann, Mission Canyon Association, via email
w. Kellam de Forest, via email
x. John Markham, via email
y. Melinda Greene, via email
z. Hebe Bartz, neighbor, at hearing

4. Correspondence received in opposition to the project or with concerns:

a. Richard Solomon and Jana Zimmer, via email
b. Mark and Lauren Carey, via email

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

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

A. **CONDITIONAL USE PERMIT**

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The Museum's use of the property is desirable to public welfare, as it contributes to the community's appreciation and understanding of the City's history and its natural environment. The use is in harmony with the various elements or objectives of the General Plan as discussed in Sections V and VII of the Staff Report dated December 23, 2014.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

With the proposed limitations on use, the limits on the external speaker system, the soundwall/visual screen and additional landscaping along Las Encinas Road, the Museum's continued use of the property will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The project proposes only minimal changes to the Museum-owned site area and setbacks to structures and is formalizing the Museum's use of the Western Parcels, providing a substantial area of open space. Therefore, the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

With implementation of the Museum's parking plan during high attendance events, adequate access and off-street parking are provided in a manner and amount so that the parking demands are adequately met without altering the character of the public streets in the area at any time.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The primary changes to the site result from improved access and habitat restoration. The appearance of the site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Museum proposes to restore habitat in the Western Parcels and will be required to continue to provide public access to the existing trail network.

6. Compliance with any additional specific requirements for a conditional use permit.

There are no additional requirements for a quasi-public facility.

B. **PARKING MODIFICATION**

The proposed parking supply will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space in the immediate area. The submitted parking demand study demonstrates that adequate parking is provided to address the peak needs of the Museum even with the reduction of parking by one space. The Museum will continue to implement its traffic and parking supply management plan for certain special events.

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:

1. Obtain all additional annexation approvals. Refer to Condition B "Approval Contingent upon Annexation."

2. Obtain all required design review approvals.

3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.

4. Record any required documents

   a. Recorded Conditions Agreement (Section C.1.).

   b. Dedications prior to completion of public improvements (Item E.1.b.).

   c. Water Rights Assignment (E.1.c.).

   d. Agreement to Construct (if required).

5. Permits.

   a. Submit applications for, obtain Building Permits (BLD), and construct the soundwall/visual screen along the northeasterly portion of the parking lot and associated landscaping within one year of approval of the amended Conditional Use Permit.

   b. Submit applications for and obtain Building Permits (BLD) to address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.

   c. Submit public improvement plans for all required public improvements, an engineer's estimate of public improvements and application with fees for a Public Works Permit (PBW) and either complete said improvements or enter into an Agreement to Construct and post bonds for public improvements.

   d. Submit applications for and obtain a Building Permits (BLD) for construction of the remainder of the approved development and complete said development.

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

B. **Approval Contingent upon Annexation.** Approval of the project elements related to the Western Parcels is contingent upon approval of the General Plan Map and Zoning Map Amendments by the City Council and approval of the Annexation of the Western Parcels by the Local Agency Formation Commission and completion of that annexation.

C. **Recorded Conditions Agreement**. 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, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The additional development of the Real Property approved by the Planning Commission on January 8, 2015, in addition to the existing development shown on the site plan submitted by the Applicant in Sheet A1.11 is limited to the following improvements: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of

trash and recycling; new fencing; new soundwall/visual screen along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22). The following Assessor Parcel Numbers are subject to the terms of the Conditional Use Permit: APNs 023-272-003 and -004. Upon the completion of the proposed annexation, the following Assessor Parcel Numbers shall also be subject to the Conditional Use Permit: APNs 023-250-039; -056; -066; and -068 (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The project includes maintenance of the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation including public use of the trail network (referenced as footpaths on plan sheet L1.0), and Museum educational activities. The project includes 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. **Operational Conditions.** The following conditions apply to the overall operations of the Museum and the use of the site.

   a. **Allowed Uses.** The following non-residential uses are allowed on the subject property:

      (1) **General Museum & Educational Use.** Research; collections maintenance; adult classes; children's camps; docent trainings; attendance by visitors and museum members to exhibits; Board of Trustees, Committee and volunteer meetings; appointments with staff by vendors and members of the public; attendance by school groups, children's classes, children's camps, evening films and lectures; special planetarium shows and evening star parties, SBCC and UCSB classes; and visitation by researchers and persons by appointment, including professional symposia or similar gatherings.

      (2) **Community Uses.** Meetings; town hall discussions; memorials; wedding ceremonies; weddings with receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum.

      (3) **High-Attendance Events.** Museum-sponsored gatherings often held on weekends, which are not part of regularly scheduled or routine operations. Currently these include the Wine Festival (June), The Museum League Art Walk (September), the Tribal and Folk Art Marketplace (December), and an additional event associated with a specific exhibition or program offering (e.g. the Tinkertoy Family Festival held in summer 2013).

b. **Annual Attendance and Maximum Capacity.**

(1) The maximum annual attendance including general admissions, members, volunteers, education programs, research programs, outside group use, special events, and weddings and memorials shall be monitored by the Museum and shall not exceed 165,147 people.

(2) The maximum number of people allowed on-site at any one time shall not exceed 1,400 and shall be monitored by the Museum staff at Museum entrance and exit.

c. **Special Event Limitations.**

(1) High Attendance events shall not exceed four (4) events or 11,588 attendees per year, whichever is more restrictive.

(2) The Museum shall continue to coordinate scheduling of high attendance events with the Santa Barbara Women's Club and the Santa Barbara Botanic Gardens to minimize traffic, parking, and fire evacuation issues.

(3) If a High Attendance Event is anticipated to potentially exceed the on-site parking supply, the procedures for addressing parking and transportation during special events in the Museum's Traffic and Parking Procedures shall be implemented as appropriate.

(4) Wedding receptions shall be scheduled for Saturdays only and shall not exceed 15 per calendar year.

(5) Wedding reception attendance shall not exceed 175 guests per wedding.

(6) Amplified music shall be limited to the Fleishman Auditorium for wedding receptions and shall commence no earlier than 4:30 p.m.

(7) The only outdoor amplified sound permitted associated with events is amplification of voices of wedding ceremony participants so wedding guests can hear the ceremony.

(8) An additional non-Museum staff security officer shall be present for the duration of all wedding receptions to help ensure that event guests comply with Museum policies and requirements.

(9) Town hall discussions; memorials; wedding ceremonies; wedding receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum shall end no later than 9:30 p.m. and guests shall vacate the site by 10:00 p.m. All other evening events shall end no later than10:00 p.m. and all guests shall vacate the site by 10:30 p.m.

(10) Outdoor post-event clean-up activities south of the creek are limited to the period between 8:30 a.m. and 7:00 p.m.; post-event clean-up activities outside Fleischmann Auditorium are limited to the period between 8:30 a.m. and 10:00 p.m.

(11) Event guests shall not loiter in the parking lot or in front of the Museum.

d. **General Operations.**

(1) Amplified music is prohibited outdoors.

(2) All music must be stopped by 9:30 p.m. each day.

(3) The use of external public address speakers is limited to the hours between 8:00 a.m. and 8:30 p.m. except for announcements necessary for public safety.

(4) The external public address system must be maintained such that noise from the public address system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary with a residential use, except for emergency announcements. The Museum shall comply with any City Planning Division staff request that public address system be tested to ensure compliance with this condition.

(5) Public gatherings and picnicking are prohibited in the parking lot.

(6) Regular Museum admission hours are between 10:00 a.m. and 5:00 p.m., seven days a week. Special activities and programs may occur outside these hours.

(7) The parking lot shall be locked and access to the parking lot shall be limited after 11:00 p.m. and before 6:45 a.m., seven days a week.

(8) The use of chainsaws, skip loaders, leaf blowers and other noisy equipment is prohibited before 9:00 a.m., seven days a week.

(9) No recreational vehicles, boats, or trailers shall be stored on the Real Property.

(10) The Museum shall implement the following:

a. *Procedures and Requirements for Emergency Response* as approved by the Museum President June 22, 2014 and on file at the City.

b. *Procedures and Requirement for Traffic and Parking Management* approved by the Museum President on November 25, 2014 and on file at the City.

c. *Procedures and Requirements for Events* approved by the Museum President on December 1, 2014 and on file at the City.

Any proposed changes to these documents shall be reviewed by City Staff for consideration of substantial conformance.

e. **Reporting.**

(1) Submit to City staff an annual report of monthly attendance data of the three categories of use allowed and defined under this CUP:

a. General Museum and Educational Uses

b. Community Uses, including the number of weddings with receptions and the number of attendees at weddings with receptions.

c. High Attendance Events, identifying the number of these events, attendance at each, and statistics on use of off-site parking.

(2) Maintain and submit to City staff upon request all complaints submitted to the Museum and the Museum's responses to complaints.

3. **Public Access.** The Museum shall continue to provide free public access to the existing and proposed trail network on the western portion of the Museum property (referenced as footpaths on Sheet L1.0), excluding the paths within the new fenced area identified as Detail 13 (on the Museum campus side) on Sheet L1. 0.

4. **Development Rights Restrictions.** Other than the improvements shown on the approved plans and improvements within the building envelope, the Owner shall not develop the portion of the Real Property labeled "Native Woodland Garden" on Sheet L0.1. Tree protection and replacement shall be consistent with the Watershed Environmental, Inc. report dated March 6, 2014. The Museum shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

Other than elements of the subject project and proposals within the building envelope shown on Sheet L0.1, future development proposals within the restricted area shall be subject to following Mission Canyon Community Plan Development Standards as they existed at the time of the Planning Commission approval of the Conditional Use Permit, in addition to applicable City policies:

DevStd BIO-MC-3.3 Development shall be required to include the following Environmentally Sensitive Habitat (ESH) buffer areas:

- Creeks and streams, including steelhead critical habitat streams–50 feet as measured from the geologic top of creek bank.
- Central and Southern Coast Live Oak Riparian Forest and Woodland, Coast Live Oak/Olive Riparian Woodland, California Sycamore Riparian Forest, and Central Coast Arroyo Willow Riparian Forest–50 feet from edge of canopy.
- Coast Live Oak Woodland and Forest–25 feet from edge of canopy.
- Habitats containing Nuttall's scrub oak or other special status animal or plant species or rare natural communities–25 feet minimum, full extent to be determined on a case-by-case basis.
- Wetland Habitats–50 feet from edge of wetland habitat.
- Buffer areas from other types of ESH shall be determined on a case-by- case basis.

These buffers areas may be adjusted upward or downward on a case-by-case basis given site-specific conditions, such as slopes, biological resources, and erosion potential, as evaluated and determined by the City.

DevStd BIO-MC-3.4: Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that protects the sensitive habitat areas to the maximum extent feasible.

DevStd BIO-MC-8.2: The stream or creek buffer area shall be indicated on all site and grading plans. All ground disturbance and native vegetation removal shall be minimized in the buffer area to the maximum extent feasible.

5. **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.

6. **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.

7. **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 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.

8. **Pesticide or Fertilizer Usage.** The use of pesticides or fertilizer shall be prohibited within any area that drains directly into Mission Creek.

9. **Transportation Demand Management.** The following alternative transportation incentives shall be implemented reduce parking demand and traffic impacts.

   a. **Bus Passes.** The Museum shall provide MTD bus passes free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired.

   b. **Housing Priority**. The Museum shall provide rental preference of the onsite residential units in the following order: (1) Museum employees, (2) persons who currently live on the South Coast or households with a member employed on the South Coast; and (3) the general public.

   c. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal alternative transportation arrangements of any employee, the Museum shall guarantee a free ride home.

d. **Flexible Work Hours.** The Museum shall encourage staggered or flexible work hours that allow staff to arrive and depart at times which are outside the morning and afternoon peak traffic hours as established by the City of Santa Barbara (currently Monday through Friday 7-9 a.m. and 4-6 p.m.).

e. **Bicycle Parking.** A total of 22 bicycle parking spaces are to be provided on-site, including at least four covered bicycle parking spaces for employees only. Final rack locations and types of racks shall be approved by City Transportation staff and Historic Landmarks Commission.

D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Historic Structures Report.** All project features described in the Historic Structures and Sites Report(s) accepted by Historic Landmarks Commission shall be implemented to the satisfaction of the City Urban Historian.

2. **Tree Protection and Replacement.** Include a note on the plans that the tree protection and replacement project components included in the Watershed Environmental, Inc. report dated March 6, 2014, shall be implemented. All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained.

3. **Landscape Plan.** Identify on the Landscape Plan the portion of the Real Property outside of the Las Encinas Road easement designated as "Proposed Restoration/Enhancement Area" on the Exhibit labeled "Revised Figure 7" in the Biological Assessment prepared by Watershed Environmental, Inc., dated July 10, 2014, so that those portions of the Real Property remain in their natural state.

4. **Public Improvements.** General Plan Implementation Actions HR6.1, HR6.2, and HR6.3 shall be considered in the review of proposed public improvements on Puesta del Sol.

5. **Exterior Lighting.** All new exterior lighting shall conform with Municipal Code Chapter 22.75 and shall be shielded and directed away from the tree canopy, the creek bed, creek banks, and undisturbed woodland habitat.

6. **Parking Lot Screening.** A soundwall/visual screen shall be provided to buffer the adjacent residences along Las Encinas Road at the location shown on Sheet L3.0.

7. **Screened Backflow Device.** All new backflow devices for fire sprinklers 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.

8. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

   Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project other than building permits for the soundwall/visual screen and required alterations to the Western Residence. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.d "Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

b. **Dedication.** Owner shall submit an application and fees to the City Public Works Department for the following dedications and shall complete dedication prior to acceptance of public improvements.

(1) Owner shall grant an easement for right of way purposes to the City of Santa Barbara northeast of the face of the existing historic wall on APN 023-271-004 at the intersection of Puesta Del Sol and Mission Canyon Road.

(2) Owner shall dedicate to the City of Santa Barbara a new onsite ten-foot-wide sewer easement centered over the actual sewer main with right of access and reservation to the owner to continue use of a butterfly exhibit at the existing location over the sewer main.

c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

d. **Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Puesta del Sol. Plans for public improvements shall be prepared by a licensed civil engineer registered in the State of California and shall be submitted prior to or concurrent with (but separately from) plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following:

(1) Installation of frontage improvements along Puesta del Sol from the western extent of the sandstone wall on Puesta del Sol to the driveway entrance of the Carriage House. An in-lieu fee shall be provided to fund the remaining Puesta del Sol frontage improvements. The improvements shall include a minimum of six-foot wide pathway, and minimum of four-foot wide parkway.

(2) Design of all frontage improvements shall be designed to protect existing trees located at the property frontage in the street as required by the Urban Forest Superintendent.

(3) The frontage improvements shall include the installation of one or two new City Standard Dome Style street lights. The locations shall be as approved and modified by the City Engineer. The lighting changes on Puesta Del Sol will be either to install one 20' Type B City Standard street light or two 14' Type A City Standard pedestrian lights. The existing SCE cobra-head shall be removed.

(4) The entire width of Puesta Del Sol along the Museum frontage shall be slurry sealed and striped.

e. **In-lieu Fee for Sidewalk.** The Owner shall pay $7,000 of in-lieu fees for the future construction of the remaining pathway frontage improvements on the easterly end of Puesta del Sol.

f. **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.

g. **Agreement to Construct and Install Improvements.** Prior to building permit issuance, the Owner shall either complete public improvements or submit preliminary plans for the required public improvement with engineers estimate, securities for construction and execute an *Agreement to Construct*.

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

2. **Community Development Department.**

a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in Condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Unpermitted Work.** The Building Permit scope of work shall address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.

c. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of construction/demolition with ground disturbance in close proximity to existing trees. 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.

d. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of

Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

e. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in Condition E.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

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

g. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of each 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., Final Map submitted to Public Works Department for review). 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.

F. **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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional

information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

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

3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m. (Saturday construction is limited to non-noise-generating activities only, such as interior painting), excluding the following holidays:

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

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

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

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site, but is prohibited in the northernmost section of the Museum parking lot. 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.

5. **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.

6. **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. Tree removal/relocation/trimming activities shall not occur during nesting season (March 1 – July 1). If these activities must occur during this time, a qualified biologist shall conduct surveys to identify, no more than one week prior to the activity, active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius, no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young fledglings have left the nest.

7. **Storm Water Pollution Prevention.** A Storm Water Pollution Prevention Plan with appropriate erosion/sediment control devices will be implemented between the construction area and Mission Creek. An erosion and sediment control plan that satisfies City of Santa Barbara requirements will be prepared and included in the construction drawings of each project component. Prior to the start of any demolition or construction activity within 100 feet of the topographic top of the creek bank, the perimeter of the work area shall be fenced and sediment and erosion control materials shall be installed to prevent demolition debris, soil, sediment, and other contaminates from falling or washing down into Mission Creek.

8. **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.

9. **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.

G. **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.** For the phase of the project that includes public improvements, those improvements as shown in the public improvement plans or building plans, shall be completed.

3. **Noise Measurements.** For the phase of the project that includes the exterior speaker system, submit a final report from a licensed acoustical engineer, verifying that the sound produced by the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary with a residential use. In the event the noise is not within acceptable levels, additional measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC). Such measures may include volume reduction, relocation, reorientation, removal of speaker(s), or limiting the use of the speaker system to emergency announcements only.

4. **Biological Monitoring.** For any phase of the project that includes planting of new native trees, submit a plan and contract with a qualified biologist acceptable to the City for the five-year monitoring period.

H. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolutions 33-1979, 10-1980, 002-89, 025-91, 054-92 and Substantial Conformance Determinations dated April 9, 2007, September 16, 2008, and November 12, 2009.

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/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

III. NOTICE OF CONDITIONAL USE PERMIT AND MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit and 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 project 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 TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

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

Three motions were passed and adopted on the 8th day of January, 2015 by the Planning Commission of the City of Santa Barbara, by the following votes:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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: February 5, 2015

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.