



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 050-06

501 NIÑOS DRIVE

COASTAL DEVELOPMENT PERMIT

DECEMBER 7, 2007

**APPLICATION OF MICHAEL SANDECKI AGENT FOR CALTRANS,
501 NIÑOS DRIVE, 017-362-005, PR ZONE, GENERAL PLAN DESIGNATION: OPEN
SPACE/BUFFER STREAM (MST06-00590/CDP06-00019)**

The project would establish a minimum of 1,240 square feet of wetland on the west bank of Sycamore Creek. An area of approximately 4,000 square feet would be graded to widen the creek channel in order to create 1,240 square feet of new wetland. The banks of the creek would also be graded to reduce the bank slope and 400 cubic yards of soil and concrete rubble would be removed and disposed of off-site. Five mature eucalyptus trees and weedy, non-native vegetation would be removed. Two large limbs of a large Eucalyptus tree on the east bank of the creek, overhanging the restoration area, would be removed. An area approximately 6,000 square feet including the new wetland and graded creek banks would be planted with 36 native sycamore, poplar and alder trees and 364 native shrubs. A temporary drip irrigation system would be installed. Temporary fencing would also be installed to keep people out of the area where plants are being established. The fencing will be removed once the plants have been established (5 years). The project site, including the plantings, fencing and irrigation system would be maintained by CALTRANS for a five year period. At that time, the project site would be turned over to the Parks and Recreation Department for maintenance, which is expected to be minimal.

The discretionary application required for this project is Coastal Development Permit (CDP2006-00019), to allow wetlands restoration in the Appealable portion of the Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15333, small wetlands restoration projects.

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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 7, 2006
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. PR Zone (SBMC § 28.37.025)
 1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;
 2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;
 3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
 4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;
 5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and
 6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.
 - B. Coastal Development Permit (SBMC §28.45.009)
 1. The project is consistent with the policies of the California Coastal Act.
 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.
 3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.
- II. Said approval is subject to the following conditions:
 - A. **Required Conditions.** The following conditions shall be imposed on the project:
 1. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR)/Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the ABR/HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. The landscape plan shall include the removal of the two limbs of the large Eucalyptus tree that overhang the project area, located on the east bank of Sycamore Creek.

2. **Allowed Development.** The development of the Real Property approved by the Planning Commission on December 7, 2006 is limited to construction of a minimum of 1,240 square feet of wetland parallel and adjacent to Sycamore Creek. An area of approximately 4000 square feet would be graded to create a depression and 400 cubic yards of soil and concrete rubble would be removed and disposed of off-site. Five mature eucalyptus trees and weedy, non-native vegetation would be removed. Two large limbs of a large Eucalyptus tree on the east bank of the creek, overhanging the restoration area, would be removed. Approximately 6,000 square feet would be planted with 36 native sycamore, poplar and alder trees and various native shrubs. Irrigation would be installed and the plantings would be established and maintained over a five year period. At that time, the project site would be turned over to the Park and Recreation Department for maintenance, which is expected to be minimal. Erosion controls would be utilized, temporary irrigation would be installed and proposed plantings would be established before the project would be turned over to the Park Department for maintenance. The applicable plans are signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
3. **Pesticide and Fertilizer Usage Near Creeks.** The use of pesticides and fertilizer shall be prohibited within the area draining directly into Sycamore Creek.
4. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities, structures, or trees must be performed by the applicant. Removal and relocation must be accomplished at no expense to the City.
5. **Park Commission Tree Removal Approval.** Apply for and receive approval from the Park Commission for the removal of trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) on park property.
6. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

7. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
8. **Construction Parking and Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. Storage of construction materials within the public right-of-way is prohibited.
9. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday between the hours of 5:00 p.m. and 8:00 a.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

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

10. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

11. **Transported Fill.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
12. **Recycle Concrete.** Concrete removed from the project site shall be recycled.
13. **Disturbed Soil Stabilization.** After clearing, grading, earth moving and/or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind; or
 - d. Other methods approved in advance by the Air Pollution Control District.
14. **Construction Contact Sign.** Prior to the commencement of construction, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) and telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
15. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.
16. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

17. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department.
18. **Graffiti Abatement Required.** Applicant and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Applicant's expense, as provided in SBMC Chapter 9.66.
19. **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 the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and

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issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

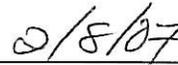
This motion was passed and adopted on the 7th day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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



Kathleen Goo, Acting Planning Commission Secretary



Date

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