



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

May 3, 2007

CALL TO ORDER:

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

ROLL CALL:

Present:

Chair Charmaine Jacobs
Vice-Chair George C. Myers
Commissioners Bruce Bartlett, John Jostes, Stella Larson, George C. Myers, Addison S. Thompson
and Harwood A. White, Jr.

STAFF PRESENT:

Paul Casey, Community Development Director
Bettie Weiss, City Planner
Jan Hubbell, Senior Planner
N. Scott Vincent, Assistant City Attorney
Michael Berman, Environmental Analyst
Laurie Owens, Project Planner
Peter Lawson, Associate Planner
Suzanne Johnston, Assistant Planner
Andrew Bermond, Assistant Planner
Steve Foley, Supervising Transportation Planner
Stacey Wilson, Associate Transportation Planner
Chris Short, Flood Plain Coordinator
Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The Neighborhood Preservation Ordinance Update was introduced at City Council and approved on May 1, 2007. The Neighborhood Preservation Board was changed to the Single Family Design Board. Adoption of the Neighborhood Preservation Ordinance will be on the consent calendar on May 8, 2007.
 2. 561 W. Mountain Drive has been appealed to the City Council and will be heard on June 12, 2007. Commissioner Bartlett will represent the Commission.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Jacobs opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

II. **CONSENT ITEM:**

ACTUAL TIME: 1:06 P.M.

APPLICATION OF JIM LECRON ARCHITECT FOR BRUCE AND JANICE HARTOCH TAYLOR, 1936 EL CAMINO DE LA LUZ, 045-100-010, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2004-00727)

The proposed project involves a 976 square foot, first floor addition, a 667 square foot, second floor addition and the expansion of an existing raised porch to an existing 1,079 square foot one-story residence on a raised foundation, the construction of a attached 474 square foot two-car garage, and the removal of a 13-inch Olive tree. The project additions include the legalization of the as-built construction including the conversion of the 399 square foot, garage conversion to habitable space, a 240 square foot as-built addition to the rear of converted garage; and a 105 square foot as-built raised deck and spa. These items were approved under a previous permit, which expired before final inspections were completed. The project will result in a two-story 2,722 square foot, two-story, single-family residence with a detached 441 square foot, two-car garage on a 14,503 square foot lot. The discretionary application required for this project is: A Coastal Development Permit (CDP2006-00017) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

Case Planner: Suzanne Johnston, Associate Planner
Email: sjohnston@SantaBarbaraCA.gov

Ms. Hubbell requested that the Planning Commission waive the Staff Report.

MOTION: Thompson/Jostes

Waive the Staff Report

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jacobs opened the public hearing at 1:07 P.M.

Leslie Wiscomb, neighbor, spoke in support of the project.

With no one else wishing to speak, the public hearing was closed at 1:08 P.M.

MOTION: Thompson/Myers

Assigned Resolution No. 019-07

Approve the Coastal Development Permit making the findings as stated in Section VII of the Staff Report and subject to the conditions as outlined in Exhibit A.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jacobs announced the ten calendar day appeal period.

III. DISCUSSION ITEM:

ACTUAL TIME: 1:09 P.M.

PRESENTATION AND DISCUSSION OF THE PROPOSED PLANNING DIVISION TWO-YEAR FINANCIAL PLAN FOR FISCAL YEARS 2008 - 2009 AND THE RECOMMENDED OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2008.

Case Planners: Bettie Weiss, City Planner
Email: bweiss@SantaBarbaraCA.gov

Bettie Weiss, City Planner, gave the Staff Presentation and introduced Paul Casey, Community Development Director, and Michele DeCant, Administrative Analyst, who were available for answering questions.

Chair Jacobs opened the public hearing at 1:28 P.M. and, with no one wishing to speak, closed the hearing.

Commissioner's comments and questions:

1. Noted that many performance measures are not in the scope of departmental control, and asked if it is the intent to measure department performance in meeting job requirements or to track statistics of the number of applications received. Inquired on the philosophy of performance program measures.
2. Noted the proposed budget varied from year to year and wondered about the rationale for significant variances. Cited intergovernmental staffing revenues and projected revenues as an example.
3. Would like to revisit the 30% recovery fee goal for the Land Development Team. Noted the goal had been at 22-25% two years ago with a goal of getting to 27% and asked for an update. Wondered if the new 30% fee will exceed the 30% recovery.
4. Suggested one measurable goal might be to reduce the number of appearances before a Board or Commission. Suggested incentives and disincentives be offered to reduce the redundancy of review.
5. Asked if consideration could be given to an inverted pay scale to deter applicants from multiple review meetings; would help meet the 30% goal.
6. Asked for clarification of where new training fees are covered in budget. Would like to see training offered for the public to understand the review process.
7. Asked if the budget will provide for any compensation for the committee time that will be required by Planning Commissioners to participate in the General Plan Update.
8. Asked how the database for the Neighborhood Preservation Ordinance is being funded.
9. Would like to see the City budget temporarily increased to send the entire Planning Commission, a Staff Person, and a Council Liaison to a League of California Cities Conference that would better prepare the Commission for the General Plan Update. Estimated cost would be approximately \$1,000.00 -1,400.00/per person.
10. Noted Staff Support for the Architectural Board of Review is more limited. Suggests more Staff support so that Staff Reports can be written.
11. Asked for description of LEED Certification and would like to see a goal set for more Staff to have this training. Also, recommended that the educational materials obtained through training be shared with the Commission.

Ms. Weiss stated that the P3 performance measurement tracking method is a new concept for the City. It is a combination of tracking statistics and numbers and setting goals. Ms. Hubbell added that this is an attempt to provide good customer service and also manage the workload. It is acknowledged that a lot is not in Staff control.

Ms. Weiss recapped the history of funding Planning Commission training activity and how it has led to the present budget of \$1,200.00. Money could be reallocated to increase this amount, but would mean taking it from the Staff training budget.

Paul Casey, Community Development Director, explained the budget complexities that lead to yearly fluctuations depending on when funds are received, such as community development block grants that do not always line up in a fiscal year.

Ms. Weiss informed the Commission about the quarter percent of the original application fee that is charged for each return to a design review board after the fourth review. Ms. Hubbell stated that applicants that submit more than three Development Application Review Team (DART) reviews are given an additional fee for a fourth review. Mr. Casey stated that looking at an inverted pay scale could be considered next fiscal year.

Ms. Weiss stated that in-house training has been absorbed into basic staff costs. It is labor intensive and needed. The implementation of the Neighborhood Preservation Ordinance was funded for supplies, but training has been conducted by Staff in-house and one of the reasons for justification of an in-house trainer. The Planning Commission agendas have been lightened with the introduction of projects being heard by the Staff Hearing Officer, allowing the Commission more time for major project review and policy issues, such as Plan Santa Barbara.

Ms. Weiss explained the sources of revenue budgeted for the General Plan Update in a fund that includes a percentage of 11-13% surcharge of building fees. Mr. Casey added that the budget for the General Plan Update that was previously allocated, but not used, rolls over into use this next year.

Ms. Weiss stated that more than one Staff person in Community Development will be trained and Leadership, Environment, Energy, and Design (LEED) Certified, and described the many ways that one can become certified.

III. NEW ITEMS:

ACTUAL TIME: 2:12: P.M.

A. APPLICATION OF JEFF SPEARS, AGENT FOR FEDERAL EXPRESS CORP., 495 SOUTH FAIRVIEW AVENUE, 073-045-003, A-F, S-D-3, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2006-00131, CDP2006-00131)

The proposed project involves a remodel of approximately 22,000 square feet of existing office space and approximately 40,000 square feet of existing aircraft hangar space at the Santa Barbara Airport for a parcel sort facility including van staging, storing, and maintenance by the Federal Express Corporation. The project would be located in Hangar 3 of the Ampersand Building accessed from South Fairview Avenue via Edward Verhelle Road. External work would include the removal of 19 parking spaces and the addition of signage and landscaping features in the parking area. The discretionary application required for this project is a Coastal Development Permit to remodel an aircraft hangar in the Appealable Jurisdiction 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 Sections 15301 and 15304.

Case Planner: Andrew Bermond, Assistant Planner
Email: abermond@SantaBarbaraCA.gov

Andrew Bermond, Assistant Planner, gave the Staff presentation.

Jeff Spears, Architect, did not give an applicant presentation, but remained available for answering questions.

Mr. Bermond and Mr. Spears answered Planning Commission questions on potential fire code issues with aircraft in adjacent hangars; if modifications to the hangar were reversible and who would bear the cost of a change in use; implications of Measure E with regard to potential increase or reduction with commercial space; any increase in the number of Federal Express vans; and drainage of water from maintenance bays. Also addressed was a clarification of the definition of appropriate hangar use and flood plain impacts.

Chair Jacobs opened the public hearing at 2:34 P.M. and, with no one wishing to speak, closed the hearing.

MOTION: Thompson/Myers

Assigned Resolution No. 020-07

Approved the project making the findings in the Staff Report and the Conditional Use Permit with the added condition of including a fire sprinkler system.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jacobs announced the ten calendar day appeal period.

ACTUAL TIME: 2:36 P.M.

B. APPLICATION OF MARK WIENKE FOR STEVE JOHNSON, PROPERTY OWNER, 517 W FIGUEROA STREET, APN 039-250-020, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2005-00143)

The proposed project is for conceptual review and consists of three requests:

- 1) Amend an approved Parcel Map (Resolution No. 009-005) to expand a designated building envelope an additional twenty-three feet to the west and modify conditions related to the building envelope.

- 2) A request to modify the applicable conditions of approval related to the drainage swale by installing a below grade bio filter and developing a portion of the swale instead of replanting with native vegetation.
- 3) A request to clarify the use of a bike path easement that was recorded as part of a condition of approval of the parcel map. As proposed, a 16 foot wide driveway would share a portion of the bike path easement and a dual use driveway/bike path would be created.

The project site is vacant with a drainage swale located on the southern property line and the Old Mission Creek Drainage on the south-eastern property line.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

Upon review and formal action on the application for the development proposal, the proposed project will require the following discretionary applications:

The discretionary applications required for this project are:

1. Map Amendment (SBMC § 27.07.110);
2. Condominium Subdivision (SBMC § 27.13.070)

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

Peter Lawson, Associate Planner, gave the Staff presentation.

Steve Johnson, Owner, gave the applicant presentation, joined by Mark Wienke, Project Architect.

Chair Jacobs opened the public hearing at 3:12 P.M. and, with no one wishing to speak, closed the hearing.

Staff answered Planning Commission's questions on changes in the size of the development envelope, biological and calculated top-of-bank setback determination, and environmental review necessary for a changed project`.

Mr. Johnson answered Planning Commission questions on ownership of the small parcel to the east, and the railroad setback history.

Steve Foley, Supervising Transportation Planner, answered the Commission's questions on the benefits and liabilities of the bike path, Circulation Element policy, shared usage of driveway, and maintenance of adjacent easements.

Chris Short, Building and Safety Flood Plain Coordinator, answered questions on the 100-year floods, Base Flood Elevation (BFE) and the inundation area.

Commissioner's Comments:

Development Envelope Change

1. Two commissioners were fine with redrawing the building envelope. One suggestion was to take the tip off the south-west portion of the development envelope and trade it for the applicant's request. One Commissioner was uncertain, wanted water and swale maintained. Two Commissioners were against redrawing the envelope.
2. Likes the shift in the development envelope to the west and supports an expanded development envelope.
3. Does not favor expanding the development envelope to overtake the swale. Favors keeping the conditions as they are now. The change is inconsistent with the Conservation Element.

Drainage Swale

4. Majority of Commissioners were in favor of keeping the swale and conditions of approval as is. Commissioners felt that this project defies the Conservation Element. A project can be built here, but not to the scale desired. Conservation of resources need to be considered in its development. Suggested an Environmental Impact Report if the development envelope is expanded and the swale reduced.
5. Suggested open drainage that offers a biological benefit.
6. Would like to see the drainage swale that comes in from Figueroa Street maintained as a surface swale that maintains vegetation and not put underground.
7. Feels the preservation of the swale is a community benefit and would like to see it day-lighted and kept natural.
8. One Commissioner finds building development envelope OK, but wants volume of water protected. Would like to see a compromise; perhaps moving the swale.

Bike Path

9. All of the Commissioners would like to see the public easement of the bike path maintained. One commissioner did not like the steep drop in the adjacent parcel. Three commissioners felt that the path could be shared with cars along the driveway.
10. Some Commissioners could not support shared use of the bike path and driveway due to safety concerns.

Ms. Hubbell reminded the Commission that the setback required by the railroad only pertains to habitable structures and stated the garage could be in the setback and would help mitigate noise impacts.

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Bartlett reported on the Housing Policy Steering Committee on April 24, 2007. Discussion was held on the Condominium Conversion Ordinance and triggers for structural improvements, as well as the two-step flip process.

B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Commissioner White informed the Commission that all projects heard on the agenda were modifications and approved.

VII. ADJOURNMENT

MOTION: Jostes/Larson

Adjourn the meeting of May 3, 2007

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jacobs adjourned the meeting at 4:12 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 019-07
1936 EL CAMINO DE LA LUZ
COASTAL DEVELOPMENT PERMIT
MAY 3, 2007

APPLICATION OF JIM LECRON ARCHITECT FOR BRUCE AND JANICE HARTOCH TAYLOR, 1936 EL CAMINO DE LA LUZ, 045-100-010, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2004-00727)

The proposed project involves a 976 square foot, first floor addition, a 667 square foot, second floor addition and the expansion of an existing raised porch to an existing 1,079 square foot one-story residence on a raised foundation, the construction of a attached 474 square foot two-car garage, and the removal of a 13-inch Olive tree. The project additions include the legalization of the as-built construction including the conversion of the 399 square foot, garage conversion to habitable space, a 240 square foot as-built addition to the rear of converted garage; and a 105 square foot as-built raised deck and spa. These items were approved under a previous permit, which expired before final inspections were completed. The project will result in a two-story 2,722 square foot, two-story, single-family residence with a detached 441 square foot, two-car garage on a 14,503 square foot lot. The discretionary application required for this project is: A Coastal Development Permit (CDP2006-00017) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

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

WHEREAS, one person 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, April 26, 2007
2. Site Plans

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

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

Coastal Development Permit (SBMC §28.45.009)

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because the residential addition would be compatible with the existing residence and the neighborhood, would not be visible from the beach, would not impact views from

public view corridors, would not impact public access and would not contribute to safety or drainage hazards on the site.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
 2. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 3, 2007 is limited to approximately 3,196 square feet of building area, one dwelling unit, and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 3. **Zoning Compliance Declaration.** A Zoning Compliance Declaration shall be completed and recorded that prohibits the conversion of the property into two units unless the secondary dwelling unit requirements are met.
 4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 7. **Paving.** The paved area which encroaches into the required side yard setback is not be used as a parking space. It is a turnaround for the purpose of ingress and egress from the proposed garage only.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):

1. **Landscape Plan.** The Owner shall submit a Landscape Plan for approval by the Architectural Board of Review (ABR).
 2. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 3. **Permeable Paving.** Incorporate a permeable paving system for the (project driveway and parking area that will allow a portion of the driveway runoff to percolate into the ground.
 4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 5. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
 2. **Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on El Camino de la Luz. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: parkway, curb and gutter, driveway apron modified to meet Title 24 requirements, underground service utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), removal of existing hedge in the right-of-way, preserve and/or reset survey monuments and contractor stamps, a licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.
 3. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.

4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Soils Report.** Submit to the Building and Safety Division a soils report.
 2. **Structural Engineering Report.** Submit to the Building and Safety Division a structural engineering report, prepared by a structural engineer, as required by the Building Official for the two-story residential addition and the roof deck on the detached garage.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.
 2. **Technical Reports.** All recommendations of the structural engineer and soils reports, approved by the Building and Safety Division, shall be incorporated into the construction plans.
 3. **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.

4. **Conditions on Plans/Signatures.** The final Planning Commission 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., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is 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 for the duration of the project construction.

1. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

Following Thanksgiving Day Friday following Thanksgiving Day
Christmas Day December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night 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.

2. **Construction Parking/Storage.** Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
 3. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 4. **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) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
- 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 damaged public improvements caused by construction (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. 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 improvement/building plans, including utility undergrounding.
 3. **Backflow [or] Backwater Device.** Provide an approved backflow [or] backwater device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
 4. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

- H. **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 Santa Barbara Municipal Code §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.

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

This motion was passed and adopted on the 3rd day of May, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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.

PLANNING COMMISSION RESOLUTION No. 019-07
1926 EL CAMINO DE LA LUZ
MAY 3, 2007
PAGE 8

DRAFT

Julie Rodriguez, 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.

DRAFT



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 020-07
495 SOUTH FAIRVIEW AVENUE
COASTAL DEVELOPMENT PERMIT
MAY 3, 2007

APPLICATION OF JEFF SPEARS, AGENT FOR FEDERAL EXPRESS CORP., 495 SOUTH FAIRVIEW AVENUE, 073-045-003, A-F, S-D-3, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2006-00131, CDP2006-00131)

The proposed project involves a remodel of approximately 22,000 square feet of existing office space and approximately 40,000 square feet of existing aircraft hangar space at the Santa Barbara Airport for a parcel sort facility including van staging, storing, and maintenance by the Federal Express Corporation. The project would be located in Hangar 3 of the Ampersand Building accessed from South Fairview Avenue via Edward Verhelle Road. External work would include the removal of 19 parking spaces and the addition of signage and landscaping features in the parking area. The discretionary application required for this project is a Coastal Development Permit to remodel an aircraft hangar in the Appealable Jurisdiction 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 Sections 15301 and 15304.

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, April 26, 2007
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. **Findings for the Coastal Development Permit:**

The project is consistent with the policies with all applicable policies of the California Coastal Act, the City's Local Coastal plan, all applicable implementing guidelines, and all applicable provisions of the Code because:

1. The project would neither introduce nor mitigate existing risks to life and property in an area of high geologic, flood, or fire hazard. The project would be consistent with requirements imposed by the Santa Barbara County Air

Pollution Control District as standard dust control mitigation measures will be applied (Coastal Act Policy 30253).

2. The project is designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure that areas that provide important water quality benefits are protected (Airport Local Coastal Plan Policy C-12).
3. The project is consistent with the visual character of the surrounding area and the Santa Barbara Airport as the project is a reuse of an existing building and the project area will be restored with appropriate landscaping and will not obstruct important public views (SBMC Chapter 29.87, and Airport Local Coastal Plan Policy E-1).
4. The project site has adequate public services, including water, wastewater, traffic circulation, and parking sufficiently available to meet the needs generated by the proposed project (Airport Local Coastal Plan Policy G-1).
5. The project is consistent with the uses in the Airport Facilities (A-F) zone (SBMC Chapter 29.15).

II. Said approval is subject to the following conditions:

- A. **Uninterrupted Water Flow.** The Building Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Building 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.
- B. **Landscape Plan Compliance.** The Applicant shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the (ABR). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
- C. **Maintenance of Drainage System.** Building Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail 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 applicant 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.
- D. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 3, 2007 is limited to approximately 54,000 square feet of building area and the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

- E. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- F. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- G. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the parking area, which drains directly into San Pedro Creek.
- H. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) 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.
- I. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
 - 1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- J. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
 - 1. **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 copy of the notice to the Planning Division.
 - 2. **Letter of Commitment for Pre-Construction Conference.** The Applicant shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Applicant, the Architect, the Arborist, the Landscape Architect, the Project Engineer, the Contractor and each subcontractor.
- K. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section D above.
2. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.
3. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, 34 bicycle parking spaces shall be provided, including covered spaces and bicycle lockers.
4. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
5. **Fire Suppression System.** The fire suppression system shall conform to California Fire Code requirements as required by the Building and Safety Division for issuance of a Building Permit. The density of the fire suppression system shall be addressed by a fire sprinkler contractor employed by the Applicant to ensure system adequacy.
6. **Conditions on Plans/Signatures.** The final Planning Commission 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., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Applicant		Date

Contractor	Date	License No.

Architect	Date	License No.

Engineer	Date	License No.

- L. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container for collection of demolition/construction materials.
2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.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
Following Thanksgiving Day	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.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night 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.

6. **Construction Parking/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 Public Works Director.
 - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
7. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
8. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
9. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
10. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
11. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor name, contractor telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
12. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
13. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
14. **Graffiti Abatement Required.** Applicant and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed in a timely manner may be removed by the City, at the Applicant's expense, as provided in SBMC Chapter 9.66.
15. **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.

- M. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Applicant of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
- N. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Applicant hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Applicant further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

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 Santa Barbara Municipal Code §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 issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 3rd day of May, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.