

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 7, 2011

CALL TO ORDER:

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

I. ROLL CALL

Chair John Jostes, Vice Chair Sheila Lodge, Commissioners Bruce Bartlett, Mike Jordan, Stella Larson, and Deborah L. Schwartz.

Absent: Commissioner Jacobs

STAFF PRESENT:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Chris Hanson, Plan Check Supervisor

Barbara Shelton, Project Planner/Environmental Analyst

Kelly Brodison, Assistant Planner

Marisol Smith, Long Range Planning Intern

Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of June 16, 2011
2. Resolution 012-11
720 Laguna Street

MOTION: Jordan/Schwartz

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As noted. Absent: 1 (Jacobs)

Commissioner Lodge abstained from the Minutes and Resolution.

Commissioner Bartlett abstained from Resolution 012-11 and related Minutes

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

None.

C. Announcements and appeals.

None.

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

Chair Jostes opened the public hearing at 1:02 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEM:

ACTUAL TIME: 1:02 P.M.

**APPLICATION OF MARK MORANDO, AGENT FOR DANNY DUNCAN,
1547 SHORELINE DRIVE, APN 045-173-041, E-3/SD-3 ZONES, GENERAL PLAN
DESIGNATION: RESIDENTIAL 5 UNITS/ACRE (MST2009-00234,
CDP-2009-00016)**

The project consists of a proposal to remove a portion of an existing concrete patio that has been undermined by erosion on the coastal bluff, removal of a potting shed; and installation of a new curb, railing and gate at the edge of the remaining concrete patio. The project includes the "as-built" removal of five eucalyptus trees within the 75-year geologic setback (two on the subject lot and three on the adjacent vacant lot to the north), installation of new landscaping with associated irrigation; and redirecting drainage away from the top of bluff and rebuilding access stairs to the lower deck. There is an existing 5,312 square foot two-story single-family residence, a 520 square foot attached two-car garage, a 350 square foot bath house with a 480 square foot covered patio with a deck above on a 20,300 square foot lot located in the Appealable Jurisdiction of the Coastal Zone and the Hillside Design District. The removal of the potting shed and undermined portion of the deck and installation of the curb, rail, and gate were previously done under Emergency Permit BLD2009-02399.

The discretionary application required for this project is a Coastal Development Permit (CDP2009-00016) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §8.45.009);

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (l) (4) Existing Facilities.

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Mark Morando, Applicant, gave the applicant presentation joined by Danny Duncan, Owner, and Bob Cunningham, Arcadia Landscape Design.

Chair Jostes opened the public hearing at 1:23 P.M.

Michael Baugus, neighbor, could support the project but expressed concern with the obstruction of views that would be caused by the planted palm trees.

With no one else wishing to speak, the public hearing was closed at 1:25 P.M.

MOTION: Lodge/Schwartz

Assigned Resolution No. 013-11

Approved the project, making the findings for the Coastal Development Permit as outlined in the Staff Report dated , subject to the Conditions of Approval in Exhibit A of the Staff Report with a revision to G.1. to change "supersede" to "in addition".

Commissioner Jordan expressed concern for

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jacobs)

Chair Jostes announced the ten calendar day appeal period.

IV. DISCUSSION ITEM

ACTUAL TIME: 1:33 P.M.

WORK PROGRAM FOR GENERAL PLAN SAFETY ELEMENT UPDATE

The City has received grant funding to update the 1979 Safety Element of the General Plan. The Safety Element provides information and policies pertaining to physical hazards, including earthquake faults, geological and soil conditions (landslides, erosion, etc.), wildland fire, and flooding.

Staff will present the scope of work and schedule for updating the General Plan Safety Element for Planning Commission discussion.

This is a discussion item only, and no Safety Element approval decisions will be considered or made at this meeting.

Case Planner: Barbara Shelton, Project Planner/Environmental Analyst

Email: BShelton@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4467

Barbara Shelton, Project Planner/Environmental Analyst, gave the Staff presentation and introduced Marisol Smith, Long Range Planning Intern.

Chair Jostes opened the public hearing at 1:55 P.M.

Judy Orias submitted a written letter with five concerns that she reviewed with the Commission: adequacy of evacuation routes; construction in areas of soil instability; accuracy of floodplain mapping; undersized flood capacity of some public facilities; and speeding in residential neighborhoods.

With no one else wishing to speak, the public hearing was closed at 2:01 P.M.

Ms. Shelton provided some additional information in response to Ms. Orias' concerns regarding current evacuation planning and development review for adequate access; development review in areas of soil instability; FEMA floodplain mapping issues and current FEMA efforts to redo the Sycamore and Mission Creek flood maps; Public Works Department work with federal agencies on flood capacity of public facilities; and speeding issues addressed in the current Circulation Element and proposed *Plan Santa Barbara* policy C3.

The Commission appreciated the update and the grant received. Commissioners commented that the existing element be reviewed to include addressing terrorism issues; city-wide evacuation routes; emergency planning for disaster and local resiliency; and gradual improvements to the infrastructure flood capacity.

Scott Vincent, Assistant City Attorney noted that law enforcement agencies and the military have contingency plans for terrorism, but they would not be included in the City Safety Element.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:57 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on June 29, 2011.

2. Other Committee and Liaison Reports

a. Commissioner Larson reported on the Historic Landmarks Commission meeting of July 6, 2011.

b. Commissioner Schwartz reported on the Transportation and Circulation Committee Meeting of May 12, 2011.

- B. Appointment of a Planning Commissioner to the Historic Resources Element Task Force

MOTION: Schwartz/Lodge

Nominate Chair Larson for Historic Resource Element Task Force.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jacobs)

VII. ADJOURNMENT

Chair Jostes adjourned the meeting at 3:03 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 013-11
1547 SHORELINE DRIVE
COASTAL DEVELOPMENT PERMIT
JULY 7, 2011

APPLICATION OF MARK MORANDO, AGENT FOR DANNY DUNCAN, 1547 SHORELINE DRIVE, APN 045-173-041, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE (MST2009-00234, CDP-2009-00016)

The project consists of a proposal to remove a portion of an existing concrete patio that has been undermined by erosion on the coastal bluff, removal of a potting shed; and installation of a new curb, railing and gate at the edge of the remaining concrete patio. The project includes the "as-built" removal of five eucalyptus trees within the 75-year geologic setback (two on the subject lot and three on the adjacent vacant lot to the north), installation of new landscaping with associated irrigation; and redirecting drainage away from the top of bluff and rebuilding access stairs to the lower deck. There is an existing 5,312 square foot two-story single-family residence, a 520 square foot attached two-car garage, a 350 square foot bath house with a 480 square foot covered patio with a deck above on a 20,300 square foot lot located in the Appealable Jurisdiction of the Coastal Zone and the Hillside Design District. The removal of the potting shed and undermined portion of the deck and installation of the curb, rail, and gate were previously done under Emergency Permit BLD2009-02399.

The discretionary application required for this project is a Coastal Development Permit (CDP2009-00016) 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 Act Guidelines Section 15301 (l) (4) Existing Facilities.

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

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

1. Staff Report with Attachments, June 30, 2011
2. Site Plans

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

- I. Approved the subject application making the following finding and determination:

Coastal Development Permit (SBMC §28.44.150)

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 it consists of the demolition of a portion of a deck and removal of a potting shed that overhangs the bluff edge, therefore eliminating a safety hazard, along with landscaping and irrigation improvements. The project does not result in an increase in density, and it would be compatible with the existing neighborhood. The project will not have an impact on views from public view corridors the project site is not currently or proposed to be a

public access point; and the project is not located on an archaeologically sensitive site. The demolition that was allowed under the Emergency Permit occurred within areas that were previously disturbed for the original construction in the early 1970s. The proposed landscaping and irrigation would not exacerbate geologic instability in the area, and the project would mitigate existing structural hazards due to bluff erosion on the property.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee. The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application
3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

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

B. **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 development of the Real Property approved by the Planning Commission on July 14, 2011 is limited to the removal of a portion of an existing concrete patio that has been undermined by erosion on the coastal bluff, removal of a potting shed; and installation of a new curb, railing and gate at the edge of the remaining concrete patio. The project also includes the "as-built" removal of five eucalyptus trees within the 75-year geologic setback (two on the subject lot and three on the adjacent vacant lot to the north), installation of new landscaping with associated irrigation; and redirecting drainage away from the top of bluff and rebuilding access stairs to the lower deck. There is an existing 4,319 square foot 364 square foot bath house with a 480 square foot covered patio with a deck above 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.

2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **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 Family Design Board (SFDB).
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
7. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned

or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
 2. **Drainage.** The proposed improvements will ensure positive drainage to the City's storm drain or to the existing drain and prevent water from running down the face of the bluff.
 3. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in conditions D.1.d "shoreline Drive Public Improvements" shall be submitted to the Public Works Department for review and approval as a part of the Building Permit.
 - b. **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.
 - c. **Drainage and Water Quality.** The Owner shall comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
 - d. **Shoreline Drive Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Shoreline Drive.

As determined by the Public Works Department, the improvements shall include a Sewer Line Inspection if existing lateral will be re-used or provide a new private sewer lateral, a larger potable water meter if determined additional supply is needed, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

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 B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan

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

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

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

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

d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., 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.

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

1. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays: (look at longer or shorter hours, no Saturday construction, depending on project location; also consider special hours for non-noisy construction; e.g., 7:00-8:00 a.m.)

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 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.

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
3. **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 Transportation Manager.
4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of Best Management Practices (BMPs), as approved by the Building and Safety Division.
5. **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.

6. **Construction Responsibilities and Debris Removal.** The applicant shall, by accepting this permit, agree and ensure that the project contractor shall comply with the following construction-related requirements:

- a. Applicant shall coordinate with Parks Department for any access to the beach during low tide to remove any fallen debris. Prior to construction, the contractor shall identify any limitation of public access to the beach that may be needed to protect public safety and shall coordinate with the Parks Department to develop a plan to protect the public while minimizing the time period of any limitations in public access.
- b. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- c. Any and all debris resulting from construction activities shall be removed from the beach prior to the end of each work day;
- d. No machinery or mechanized equipment shall be allowed at any time within the active surf zone, except for that necessary to remove any demolition debris from the beach.
- e. Construction equipment shall not be cleaned on the beach or in any area where runoff from cleaning could drain to the beach;
- f. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Any and all debris resulting from construction activities shall be removed from the bluff top within 24 hours. Should any portion of the beach be impacted by debris removal, The City's Community Development Department and California Coastal Commission shall be notified and the area shall be restored to natural conditions as soon as possible including the redeposition of any sand back on the beach.

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

G. **General Conditions.**

1. **Prior Conditions.** These conditions shall ~~supersede~~ be in addition to the conditions identified in Planning Commission Resolution 022-93.
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.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

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

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 7th day of July, 2011 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.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 14, 2011

CALL TO ORDER:

Chair Jostes called the meeting to order at 1:01 P.M.

I. ROLL CALL

Chair John Jostes, Vice Chair Sheila Lodge, Commissioners Bruce Bartlett, Charmaine Jacobs, Mike Jordan, Stella Larson, and Deborah L. Schwartz.

Commissioner Jordan arrived at 1:03 P.M. Commissioners Jacobs and Larson arrived at 1:04 P.M.

STAFF PRESENT:

Danny Kato, Senior Planner
 Susan Reardon, Senior Planner and Staff Hearing Officer
 Renee Brooke, Zoning Supervisor
 N. Scott Vincent, Assistant City Attorney
 Stacey Wilson, Associate Transportation Planner
 Kelly Brodison, Assistant Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
 None.

- B. Announcements and appeals.

Mr. Kato made the following announcements:

1. The Planning Commission meeting of July 21, 2011 has been cancelled.
2. The Planning Commission will meet jointly with the Historic Landmarks Commission on Wednesday, July 20, 2011, in the David Gebhard Public Meeting Room, to review the second concept review for the Santa Barbara Natural History Museum.

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

Chair Jostes opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:04 P.M.

APPEAL OF NEIL DIPAOLA ON THE ACTION OF THE STAFF HEARING OFFICER FOR 917 PASEO FERRELO ROAD, APN: 029-261-006, E-1 SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2011-00049)

This was an appeal of the May 18, 2011 Staff Hearing Officer's denial of a Modification request to allow a new garage and accessory space within the required 30-foot front setback (SBMC §28.15.060 & §28.87.160). The Staff Hearing Officer approved the second requested Modification to allow new habitable space and alterations within the required ten-foot interior setback (SBMC §28.15.060).

The 10,500 square foot project site is currently developed with a two-story single-family residence and attached two-car garage. The proposed project involves converting the existing 650 square foot garage to habitable space, construction of a new 410 square foot two-car garage and associated accessory space, and 202 square feet of new residential additions.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Case Planner: JoAnne La Conte, Assistant Planner
Email: JLaConte@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 3320

Renee Brooke, Zoning Supervisor, gave the Staff presentation.

Neil Depaola, Applicant, gave the applicant presentation.

Chair Jostes opened the public hearing at 2:09 P.M.

The following people spoke in support of the Appeal:

1. Chloe Kirk
2. John Gnagy
3. Russell McGlothlin
4. Elizabeth Wagner could not stay but was in support of the appeal.

With no one else wishing to speak, the public hearing was closed at 2:12 P.M.

The Planning Commission could not make the findings to support the requested front setback modification, but agreed with the Staff Hearing Officer's approval of the interior setback Modification.

MOTION: Jacobs/Jordan

Assigned Resolution No. 014-11

Upheld the decision of the Staff Hearing Officer's denial of the front setback modification, and the approval of the interior setback modification.

This motion carried by the following vote:

Ayes: 6 Noes: 1 (Schwartz) Abstain: 0 Absent: 0

Commissioner Bartlett offered some suggestions for the Applicant:

Chair Jostes announced the ten calendar day appeal period.

IV. NEW ITEM:

ACTUAL TIME: 2:40 P.M.

APPLICATION OF STEVE WELTON OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, INC., AGENT FOR ED AND JOAN TOMEO, 2547 MEDCLIFF ROAD, APN 045-173-041, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE (MST2011-00151, CDP2011-00004)

The project consists of a proposal to construct a 1,285 square foot addition, including a 264 square foot loft and an attached 65 square foot pool equipment storage area, to an existing 2,302 square foot one-story single-family residence with a detached 489 square foot two-car garage. The residence is located on a 1.11 acre lot located in the Hillside Design District and in the Appealable Jurisdiction of the Coastal Zone. The project includes the removal of the existing pool, and construction of a new pool and spa, solar panels, new stone and permeable patio areas, a new 436 square foot wood deck, new site walls, fences, and landscaping, including a new six foot tall stucco wall and entry gate. A total of 335 cubic yards of grading is proposed.

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Steve Welton, Suzanne Elledge Planning and Permitting, Inc., gave the Applicant presentation joined by Craig Stewart, Penfield & Smith Engineers.

Chair Jostes opened the public hearing at 2:48 P.M. and with no one wishing to speak closed the public hearing.

MOTION: Jordan/Jacobs

Assigned Resolution No. 015-11

Approved the project, making the findings for the Coastal Development Permit as outlined in the Staff Report dated July 7, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) Condition E.1 to include that construction signage is prominently placed on the front lot line facing Medcliff Road; 2) Condition E.2 is changed to read no noisy construction weekdays between 7-8 a.m.; general construction between 8 a.m. – 5 p.m.; no noisy construction on Saturdays, and no construction on Sundays.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:05 P.M.

D. Committee and Liaison Reports.

1. Staff Hearing Office Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on July 13, 2011.

2. Other Committee and Liaison Reports

a. Commissioner Larson reported on the Historic Element Task Force meeting held on July 13, 2011.

b. Commissioner Lodge reported on the Airport Commission and the recent Open House held on June 19, 2011.

c. Commissioner Lodge reported on the Water Commission meeting of July 11, 2011.

VI. ADJOURNMENT

Chair Jostes adjourned the meeting at 3:12 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 014-11
917 PASEO FERRELO ROAD
MODIFICATION
JULY 14, 2011

APPEAL OF NEIL DIPAOLA ON THE ACTION OF THE STAFF HEARING OFFICER FOR 917 PASEO FERRELO ROAD, APN: 029-261-006, E-1 SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2011-00049)

This was an appeal of the May 18, 2011 Staff Hearing Officer's denial of a Modification request to allow a new garage and accessory space within the required 30-foot front setback (SBMC §28.15.060 & §28.87.160). The Staff Hearing Officer approved the second requested Modification to allow new habitable space and alterations within the required ten-foot interior setback (SBMC §28.15.060).

The 10,500 square foot project site is currently developed with a two-story single-family residence and attached two-car garage. The proposed project involves converting the existing 650 square foot garage to habitable space, construction of a new 410 square foot two-car garage and associated accessory space, and 202 square feet of new residential additions.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

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

WHEREAS, 4 people appeared to speak in favor of the appeal, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 7, 2011.
2. Site Plans
3. Correspondence received in support of the appeal:
 - a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission upheld the decision of the Staff Hearing Officer and denied the appeal of the front setback modification. The Staff Hearing Officer's approval of the interior setback modification was upheld.

This motion was passed and adopted on the 14th day of July, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 (Schwartz) 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

PLEASE BE ADVISED:

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

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-11
2547 MEDCLIFF ROAD
COASTAL DEVELOPMENT PERMIT
JULY 14, 2011

APPLICATION OF STEVE WELTON OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, INC., AGENT FOR ED AND JOAN TOMEO, 2547 MEDCLIFF ROAD, APN 045-173-041, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE (MST2011-00151, CDP2011-00004)

The project consists of a proposal to construct a 1,285 square foot addition, including a 264 square foot loft and an attached 65 square foot pool equipment storage area, to an existing 2,302 square foot one-story single-family residence with a detached 489 square foot two-car garage. The residence is located on a 1.11 acre lot located in the Hillside Design District and in the Appealable Jurisdiction of the Coastal Zone. The project includes the removal of the existing pool, and construction of a new pool and spa, solar panels, new stone and permeable patio areas, a new 436 square foot wood deck, new site walls, fences, and landscaping, including a new six foot tall stucco wall and entry gate. A total of 335 cubic yards of grading is proposed.

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

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

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

1. Staff Report with Attachments, July 7, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. List names, address
4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

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

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

A. Coastal Development Permit (SBMC §28.44.150)

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 addition is consistent

with the General Plan and the Zoning Ordinance, is compatible with the existing neighborhood, would not be visible from the beach or impact views from public view corridors, would not impact public access, would not contribute to safety or drainage hazards on the site, including those related to seacliff retreat, and is not located on an archaeologically sensitive site, as discussed in Section VI.C of the staff report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

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

B. **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 development of the Real Property approved by the Planning Commission on July 14, 2011, is limited to a 1,285 square foot addition to an existing 2,645 square foot one-story single-family residence with an attached two-car garage. The project includes removal of the existing pool, and construction of a new pool and spa, solar panels, new stone and permeable patio areas, a new 436 square foot cantilevered wood deck, new site walls, fences, and landscaping, including a new six foot tall stucco wall and entry gate, 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.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **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 Single Family Design Board (SFDB).

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the owner is responsible for its immediate replacement.
5. **Oak Tree Protection.** The existing Oak tree shown on the Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 23, 2011. A copy of this report shall be attached to the recorded conditions as an exhibit.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
7. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
8. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

9. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission / Staff Hearing Officer land use conditions have been satisfied

1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan prepared by Bill Spiewak dated March 23, 2011:
 - b. **Landscaping Under Trees.** Landscaping under the tree shall be compatible with the preservation of the trees, as determined by the SFDB.
 - c. **Oak Tree.** The following additional provisions shall apply to the existing oak tree on site:
 - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree.
 - (2) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
 - (3) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - d. **Tree Protection Plan.** Include a note on the plans that the recommendations/conditions contained in the Tree Protection Plan prepared by Bill Spiewak, dated March 23, 2011, shall be implemented
2. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff. As described in Geologic Evaluation of Coastal Bluff prepared by Campbell Geo, Inc. dated March 25, 2011, existing iceplant and other vegetation on the seacliff face can and should be left in place to minimize shallow soil disturbance and erosion. New plantings at the top of bluff and the adjacent yard should be drought-tolerant, preferably requiring no supplemental irrigation. To minimize the need for irrigation to get plants established, new planting should be conducted in late fall. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
3. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth. As described in Geologic Evaluation of Coastal Bluff prepared by Campbell Geo, Inc. dated March 25, 2011, drainage controls shall be implemented to prevent surface water runoff over the

seacliff face. Landscaped areas should have hard pipe drainage systems. The runoff should be conveyed to an area, such as Medcliff Road, where the seacliff will not be eroded. No stormwater should be captured for onsite infiltration or otherwise retained onsite, except for temporary storage to smooth out discharge spikes, per the City's current policy for new development. The proposed pool is to be located no less than 60 feet from the bluff top setback, north (inland) of the existing residence. Should leakage be noted by anomalous water level drops, the pool should be emptied until the leak is repaired. Should shallow groundwater be found to daylight in the bluff face after development is complete, irrigation practices should be modified to the extent necessary to correct that condition or an investigation of other possible sources (pool leakage, broken pipes, etc.) should be conducted.

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

1. Public Works Department.

- a. **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.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume) with a partial waiver from the requirement to install a 5,000 gallon double walled fiberglass tank. The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- c. **Medcliff Road Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Medcliff Road if any improvements are proposed for the public right of way. Any work in the public right-of-way requires a Public Works Permit.
- d. **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.

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 B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review" and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., 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.

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

- 1. **Construction Contact Sign.** Immediately after Building permit issuance, construction information signage shall be posted prominently at the points of entry to the site on the front lot line facing Medcliff Road. The sign shall list the contractor's name, contractor's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- 2. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted as follows: 1) Monday through Friday between the hours of 8:00 a.m.

~~and 5:00 p.m., with no -noise generating construction between 7:00 a. m. -8:00 -a.m., and general construction between the hours of 7:00 a.m. and 5:00 p.m.; 2) Non-noise generatingy construction only on Saturdays between the hours of 8:00 a.m. and 5:00 p.m.; and; 3) No construction shall be allowed on Sundays and on , excluding the following holidays: (look at longer or shorter hours, no Saturday construction, depending on project location; also consider special hours for non-noisy construction; e.g., 7:00-8:00 a.m.)~~

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 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.

3. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
4. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

G. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution #060-89.
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 / Staff Hearing Officer.

- 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. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
5. **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.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

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

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 14th day of July, 2011 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

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.