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City of Santa Barbara
Planning Division

PLANNING COMMISSION MINUTES

April 7, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:02 P.M.

I. ROLL CALL

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

STAFF PRESENT:

Beatriz Gularte, Senior Planner
N. Scott Vincent, Assistant City Attorney
Dan Gullett, Supervising Transportation Planner
Andrew Bermond, AICP, Project 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.

Ms. Gularte made the following announcements:

1. The Planning Commission's decision on 1427 San Miguel Avenue has been appealed to the City Council.
2. The Planning Commission's decision on 118 N. Milpas Street has been appealed to the City Council.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. March 3, 2016
2. PC Resolution No. 006-16
941 Medio Road

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3. PC Resolution No. 007-16
520 E. Yanonali Street

MOTION: Schwartz/Pujo
Approve the minutes and resolutions.

This motion carried by the following vote:

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

4. March 10, 2016

5. PC Resolution No 008-16
1427 San Miguel Avenue

6. PC Resolution No. 009-16
433 E. Cabrillo Boulevard

MOTION: Schwartz/Pujo
Approve the minutes and resolutions.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: As noted. Absent: 0

Commissioners Jordan and Thompson abstained from the Minutes and Reso 009-16 related to 433 E. Cabrillo Boulevard.

7. March 17, 2016

8. PC Resolution No. 010-16
118 N. Milpas Street

9. PC Resolution No. 011-16
6100 Hollister Avenue

MOTION: Lodge/Schwartz
Approve the minutes and resolutions.

This motion carried by the following vote:

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

10. March 18, 2016 Special Meeting

MOTION: Higgins/Schwartz
Approve the minutes.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Pujo, Jordan, Thompson)

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

Chair Campanella opened the public hearing at 1:08 P.M. and, with no one wishing to speak, closed the hearing.

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III. NEW ITEM:

ACTUAL TIME: 1:09 P.M.

350-352 HITCHCOCK WAY, APN 051-240-003, E-3/P-D/S-D-2 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST 2014-00015 AND MST2015-00090)

The proposed project would subdivide an existing 5.08 acre lot at 350 Hitchcock Way into two lots; a 2.68 acre lot on the south (existing DCH Lexus of Santa Barbara) and a 2.80 acre lot on the north (proposed project site). The two lots would include a shared access easement for an existing automobile entrance at the proposed boundary between the two parcels. The proposed project lot includes a bicycle and pedestrian easement to the City of Santa Barbara granted on December 17, 2015.

The proposed project would also demolish a one-story automobile car dealership showroom and service center and construct a new 36,752-square foot two-story automobile dealership showroom and service center. On June 2, 2015 the City Council allocated 39,000 square feet of Community Benefit floor area for construction at the project site.

The proposed development includes an automobile showroom, office space, parts inventory storage, indoor vehicle storage and light maintenance area, and service bays. The project would provide 16 bicycle parking spaces and 99 automobile parking spaces; 58 standard, 29 valet indoor storage, 4 accessible, 6 clean air/vanpool, and 2 electric vehicle. The proposed project would employ a pager system to communicate with staff on site in order to avoid off-site noise impacts associated with a public address system. The project would also employ downward directional shielded light emitting diode (LED) outdoor lighting which would not introduce new off-site lighting in residential areas, but would expose Hitchcock Way and the adjacent auto dealership to minor increase in light pollution. This lighting system would be dimmed outside of operating hours (8:30 A.M.-8:00 P.M. for weekdays, 9:00 A.M.-7:00 P.M. for Saturdays, and 10:00 A.M.-6:00 P.M. for Sundays).

The discretionary applications required for this project are:

A. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC Chapters 27.07);

B. A Development Plan to develop 36,752 square feet of Community Benefit non-residential floor area (SBMC Chapter 28.85);

C. A Development Plan for a new automobile dealership in the Planned Development Zone (P-D) (SBMC Chapter 28.39).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15183.

Contact: Andrew Bermond, AICP, Project Planner
Email: ABermond@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4549

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Andrew Bermond, AICP, Project Planner, gave the Staff presentation.

Maruja Clensay, Suzanne Elledge Planning & Permitting Services, Inc., gave the Applicant presentation.

Chair Campanella opened the public hearing at 1:30 P.M.

The following people spoke in opposition to the project or with concerns:

1. Joel Orr, Ardilla Drive neighbor, was concerned with the size, massing, and appearance of the project, and urged against any future bike bath by the berm.
2. Michael de Ponce, Ardilla Drive neighbor, was concerned with the 15 foot easement to the project and does not want his neighborhood to become a parking lot for dealership employees. He was also concerned with safety for children in the neighborhood, and the light maintenance on the second floor and the sound that would carry to adjacent neighborhood yards.
3. George Morales, Peach Grove Lane neighbor, shared the same safety concerns as the other speakers. The easement is not a safe passage for a bike path and Hitchcock is not a safe route to send bicycles.

With no one else wishing to speak, the public hearing was closed at 1:37 P.M.

STRAW POLL #1:
Should Lot 1 be required to submit a Landscape Plan to the Architectural Board of Review (ABR) and agree to maintain it as part of the approval of the Tentative Subdivision Map?

Ayes: 3 (Higgins, Lodge, Campanella) Noes: 4 (Thompson, Schwartz, Pujo, Jordan)

STRAW POLL #2:
Should Lot 1 and Lot 2 be conditioned to maintain landscaping according to the landscape plan approved by the ABR?

Ayes: 5 (Higgins, Lodge, Campanella, Schwartz, Pujo) Noes: 2 (Jordan, Thompson)

STRAW POLL #3:
Should a condition be included that states at the time that bike bath goes through the property, either the Applicant or the easement holder (City) mitigates for sound to the standards that exist in the Development Application?

The Commission's discussion surpassed completion of the poll.

MOTION: Thompson/Jordan **Assigned Resolution No. 012-16**
Approved the project, making the findings for the Tentative Subdivision Map, Development Plan and Development Plan, as outlined in the Staff Report, dated March 30, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Revise Condition B.4 Landscape Plan Compliance to include Proposed Lots 1 and 2.

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2. Revise Condition E.3. Paging System. to replace '*avoids*' with '*excludes*'.

This motion carried by the following vote:

Ayes: 5 Noes: 2 (Higgins, Lodge) Abstain: 0 Absent: 0

Commissioner Lodge could not make the finding that the architectural style is compatible with the architectural style of the City.

Commissioner Higgins cannot support the motion if there is no added Condition B.10 that obligates the City or the owner to mitigate for noise that would be lost if the berm is gone.

With regard to community aesthetics and compatibility, Commissioners Schwartz and Pujo requested that Staff ask the Architectural Board of Review to review the glossy sheen exterior appearance of the project and consider softening the appearance to be more compatible with Santa Barbara.

Chair Campanella announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:24 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

   Commissioner Jordan reported on the Staff Hearing Officer meeting of March 30, 2016.

2. Other Committee and Liaison Reports

   a. Commissioner Lodge reported on the Historic Landmark Commission meetings of March 23, 2016, and April 6, 2016.

   b. Commissioner Campanella reported on the Architectural Board of Review meeting of April 28, 2016.

   c. Commissioner Campanella announced that it was First Thursday and encouraged everyone to attend the festivities.

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V. ADJOURNMENT

Chair Campanella adjourned the meeting at 3:26 P.M.

Submitted by,

_____

Julie Rodriguez, Planning Commission Secretary

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 012-16
350-351 HITCHCOCK WAY
DEVELOPMENT PLAN, PD DEVELOPMENT PLAN, AND TENTATIVE SUBDIVISION MAP
APRIL 7, 2016

350-352 HITCHCOCK WAY, APN 051-240-003, E-3/P-D/S-D-2 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST 2014-00015 AND MST2015-00090)

The proposed project would subdivide an existing 5.08 acre lot at 350 Hitchcock Way into two lots; a 2.68 acre lot on the south (existing DCH Lexus of Santa Barbara) and a 2.80 acre lot on the north (proposed project site). The two lots would include a shared access easement for an existing automobile entrance at the proposed boundary between the two parcels. The proposed project lot includes a bicycle and pedestrian easement to the City of Santa Barbara granted on December 17, 2015.

The proposed project would also demolish a one-story automobile car dealership showroom and service center and construct a new 36,752-square foot two-story automobile dealership showroom and service center. On June 2, 2015 the City Council allocated 39,000 square feet of Community Benefit floor area for construction at the project site.

The proposed development includes an automobile showroom, office space, parts inventory storage, indoor vehicle storage and light maintenance area, and service bays. The project would provide 16 bicycle parking spaces and 99 automobile parking spaces; 58 standard, 29 valet indoor storage, 4 accessible, 6 clean air/vanpool, and 2 electric vehicle. The proposed project would employ a pager system to communicate with staff on site in order to avoid off-site noise impacts associated with a public address system. The project would also employ downward directional shielded light emitting diode (LED) outdoor lighting which would not introduce new off-site lighting in residential areas, but would expose Hitchcock Way and the adjacent auto dealership to minor increase in light pollution. This lighting system would be dimmed outside of operating hours (8:30 A.M.-8:00 P.M. for weekdays, 9:00 A.M.-7:00 P.M. for Saturdays, and 10:00 A.M.-6:00 P.M. for Sundays).

The discretionary applications required for this project are:

A. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC Chapters 27.07);

B. A Development Plan to develop 36,752 square feet of Community Benefit non-residential floor area (SBMC Chapter 28.85);

C. A Development Plan for a new automobile dealership in the Planned Development Zone (P-D) (SBMC Chapter 28.39).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15183.

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 3 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 30 2016
2. Site Plans
3. Correspondence received in support of the project:
   a. J.T. Gerig, via email
4. Correspondence received in opposition to the project:
   a. Christina Battistone, via email
   b. Ginger Van Wagner, via email
   c. Richard LaPaglia, via email

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

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

A. **ENVIRONMENTAL REVIEW (CEQA Guidelines §15183)**

1. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning, based on the CEQA certificate of determination on file for this project.

B. **TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)**

Finding to Approve:

1. The tentative subdivision map is consistent with the Subdivision Map Act, Santa Barbara Municipal Code Chapter 27.07, and the General Plan because it is in conjunction with development of an automobile dealership and all required information, reports, plans, and agreements have been submitted;

Findings not to Deny:

2. The project is consistent with the General Plan and the Upper State Street Area Specific Plan including the objectives, policies, general land uses and programs specified therein because it would construct an automobile dealership in the Planned Development Zone and would provide for future pedestrian and bicycle circulation connections;
3. The project site is physically suitable for the type and density of development. The project would not cause substantial environmental damage nor would it substantially injure fish or wildlife or their habitat. The project is not likely to cause serious public health problems. The project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development;
4. The project provides for reasonable public access to public natural resources as required by Article 3.5 of Chapter 4 of the Subdivision Map Act, and;
5. The project would not discharge of waste from into an existing community sewer system in violation of existing requirements prescribed by a California Regional Water Quality Control Board.

C. **DEVELOPMENT PLAN (SBMC §28.85.040)**

1. The project complies with the Non-residential Growth Management Program Requirements by constructing a new automobile dealership in the Planned Development Zone and receiving Community Benefit floor area allocation from City Council;

2. The project is consistent with the principles of sound community planning because it is consistent with applicable plans and policies that allow auto dealership in this location and would not adversely affect the character of the neighborhood;

3. The project will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk, and scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in SBMC Sections 22.22.145 or 22.68.045 as found by the Architectural Board of Review on August 31, 2015; and

4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050.

D. **P-D DEVELOPMENT PLAN (SBMC §28.39.130)**

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

2. That prescribed hours of 8:30 A.M.-8:00 P.M. for weekdays, 9:00 A.M.-7:00 P.M. for Saturdays, and 10:00 A.M.-6:00 P.M. for Sundays do not inappropriately alter or disturb the character of the area;

3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area; and

4. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area and of the City as determined by the Architectural Board of Review on August 31, 2015.

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. Submit an application for and obtain a Building Permit (BLD) to demolish any structures /improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Comply with Condition I.F "Construction Implementation Requirements."

4. Submit an application for and obtain City Council approval of the Final Map and Agreement and record said documents.

5. Permits following recordation of Final Map.

   a. Submit an application for and obtain a BLD for construction of Approved Development.

   b. Submit an application for 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 an *Agreement Relating to Subdivision Map and Development Conditions Imposed on Real Property,* 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 7, 2016: The approval is limited to a subdivision of the 5.08 acre lot into a 3.0 acre lot (Proposed Lot 1) and a 2.8 acre lot (Proposed Lot 2) and the construction of a new two-story 36,752-square foot automobile dealership and the improvements shown on the project plans and the Tentative Subdivision Map signed by the Planning Commission on said date and on file at the City of Santa Barbara as well as a new 36,752 square foot, two-story auto dealership showroom and service center on proposed Lot 2.

2. **Uninterrupted Water Flow**. The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.

3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR) for Proposed Lots 1 and 2. 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, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

5. **Easement Along Eastern and Northern Property Lines.** The Owner of Proposed Lot 1 shall keep the landscaped easement area along the eastern property boundary maintained. The Owner of Proposed Lot 2 shall keep the landscaped easement area along the eastern and northern property boundaries maintained until the time that the City develops a pedestrian and bicycle path.

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 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. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.

8. **Loading/Unloading Off-Street.** Loading and unloading of automobiles transported by truck shall occur on site on Proposed Lot 2 in order to not cause congestion on Hitchcock Way.

9. **Employee Parking Off-Street.** The 23 parking spaces designated for employees shall be posted "Employees Only" on Proposed Lot 2.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied:**Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of 5 queen palm street trees along Hitchcock Way.

2. **Screened Backflow Device.** The backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.

3. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.

4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property Proposed Lot 2 and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

D. **Public Works Submittal for Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval

prior to processing the approval of the Parcel Map or shall submit an Agreement to Secure Public Improvements (see Condition D.5).

1. **Parcel Map.** The Owner shall submit to the Public Works Department for review and approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance. The parcel map will include a shared easement for both properties for use of the communal driveway.

2. **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.

3. **Private Driveway Maintenance Agreement.** The Owner shall submit a copy of the *Agreement for Maintenance* of the driveway. Said Agreement is subject to the review and approval of the Public Works Director and City Attorney.

4. **Hitchcock Way Public Improvements.** The Owner shall obtain a Public Works Permit(s) to construct all public improvements prior to construction. All public improvements shall conform to City design and construction standards. Public improvements shall include the following:

   - Reconstruction of driveways as needed to meet State Title 24 standards.
   - Removal of cobra head style street lighting and replacement with City standard street lights along the frontage of the property.
   - Provide separate water services for domestic, irrigation and fire services as required by the Santa Barbara Municipal Code.
   - Provide a manhole for access to the proposed private storm drain connection in Hitchcock Way.
   - All public improvements shall be completed prior to recordation of the Parcel Map or owner shall agree to complete public improvement per Santa Barbara Municipal Code Section 27.09.070. This code requires an agreement and providing securities to guarantee the completion of the public improvements.

5. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to issuance of any permit for the project. Some of these conditions may be waived for public improvements permits pulled prior to recordation of the Parcel Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. Public Works Department.

   a. **Public Improvement Plans.** Public Improvement Plans as identified in Condition I.D.4 "Hitchcock Way Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of securities and a Land Development Agreement, a Public Works Permit shall be issued.

   b. **Tree Trimming and Removal.** Approval from City arborist is required before removal or trimming of any trees in the public right-of-way.

   c. **Soil and Sediment Migration.** Include a plan that prevents possible future soil/sediment migration from the sloped eastern side of the property to the adjacent right-of-way (Ardilla and Cordero Drive) or demonstrate that soil/sediment migration will not be an issue.

   d. **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.

   e. **Drainage and Water Quality.** The project is required to comply with Tier III of the Storm Water Management Plan treatment, rate and volume. The Owner shall submit a hydrology report 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, storm water 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, or groundwater pollutants would result from the project.

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 I.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 Condition I.C "Design Review," and all elements/specifications shall be implemented on-site.

   c. **Transportation Demand Management.** The following vehicle-use disincentives shall be incorporated into the project on Proposed Lot 2. Such provisions shall be included in the lease/rental agreements of future tenants:

(1) **Shower/Locker Facilities.** Shower and locker facilities for male and female employees shall be provided and be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired.

(2) **Ride-Share.** Employees shall be made aware of the Ride-Sharing Program available at www.smartride.org or similar successor programs administered by the Santa Barbara County Association of Governments.

(3) **Break Room.** The employee break room shall be available to each employee and shall include the following amenities: sink, refrigerator, tables, chairs, and microwave oven.

(4) **Bicycle Parking.** At least 16 bicycle parking spaces shall be provided. At least 8 spaces shall be covered and secure long-term bicycle parking.

(5) **Shuttle.** A shuttle bus service shall be provided for service department customers.

(6) **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.

3. **Paging System.** The applicant will provide evidence of an employee paging system on Proposed Lot 2 that ~~avoids~~ excludes amplified sound, bells, or other devices that could adversely affect adjacent property occupants.

4. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets for Proposed Lot 2. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors' names, contractors' telephone numbers, 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. **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.

3. **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:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
George Washington's Day	3rd Monday in February
Cesar E. Chavez Day	March 31*
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

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

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Engineer with a Public Works permit.

5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.

6. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

   a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

   b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

   c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.

e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.

k. Diesel powered equipment should be replaced by electric equipment whenever feasible.

l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.

m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

n. All construction equipment shall be maintained in tune per the manufacturer's specifications.

o. The engine size of construction equipment shall be the minimum practical size.

p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

7. **Asbestos & Lead-Containing Materials.** Pursuant to Air Pollution Control District (APCD) Rule 1001, the applicant is required to complete and submit an Asbestos Demolition / Renovation Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained from the Santa Barbara County APCD prior to commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

H. **General Conditions.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.

2. **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. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City. 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.

3. **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.

4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further

agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

III. **NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:**

The Planning Commission action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

IV. **NOTICE OF DEVELOPMENT PLAN TIME LIMITS:**

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

V. **NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

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

This motion was passed and adopted on the 7th day of April, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 2 (Higgins, Lodge) 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.