



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 011-16

6100 HOLLISTER AVENUE (6100 WALLACE BECKNELL ROAD)

CONSISTENCY WITH AIRPORT INDUSTRIAL AREA SPECIFIC PLAN (SP-6) AND DEVELOPMENT PLAN

MARCH 17, 2016

APPLICATION OF SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, AGENT FOR DIRECT RELIEF, 6100 HOLLISTER AVENUE (6100 WALLACE BECKNELL ROAD), APN 073-080-065, A-I-1/ SP-6 (AIRPORT INDUSTRIAL/ AIRPORT INDUSTRIAL AREA SPECIFIC PLAN) ZONES, GENERAL PLAN DESIGNATION: AIRPORT (MST2014-00619)

The project consists of a proposal to construct a new 155,000 square foot (net) facility for Direct Relief, a nonprofit organization. The development includes a new 127,706 square foot (net) storage and distribution warehouse with an attached two-story 27,294 square foot (net) administrative office building, a secure truck yard loading area, and 162 parking spaces on a 7.99 acre parcel to be purchased from the City of Santa Barbara Airport. The existing eight buildings totaling 12,937 square feet would be demolished. A new public road is proposed to be constructed immediately south of the project site, which is located in Sub-area 3 of the Santa Barbara Airport Industrial Area Specific Plan (SP-6). The current address is 6100 Hollister Avenue. The new address would be 6100 Wallace Becknell Road.

The discretionary applications required for this project are:

1. A Finding of Consistency with the Santa Barbara Airport Industrial Area Specific Plan (SP-6);
2. Development Plan Approval for the entire project, including an allocation of 118,500 square feet of nonresidential development from the Community Benefit, Small Addition, and Vacant Property Categories (SBMC Chapter 28.85); and
3. Design Review Approval by the Architectural Board of Review (SBMC§22.68.020).

An Addendum to the Santa Barbara Municipal Airport Industrial/Commercial Specific Plan Final Environmental Impact Report/ Assessment has been prepared for the proposed project pursuant to the California Environmental Quality Act Guidelines Section 15164 (Addendum to an EIR).

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

1. Staff Report with Attachments, March 10 2016
2. Site Plans

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

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

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES 15090, 15097, 15191, 15162, 15164)

1. The Planning Commission has reviewed and considered the EIR Addendum dated March 9, 2016 to the Certified Final Program Environmental Impact Report/Environmental Assessment (FEIR/EA) (SCH 93081127) along with the Program FEIR/EA with previous Supplement and Addenda, which together constitute environmental review analysis for the current project under California Environmental Quality Act (CEQA) provisions.
2. Based on the Addendum analysis, only minor changes to the prior FEIR/EA evaluation are required to make the document adequate for the current project and the project would not result in new or more substantial significant impacts not previously evaluated in the prior FEIR/EA), and a supplemental EIR is not required per CEQA Guidelines 15162. Planning Commission finds that the EIR Addendum dated March 9, 2016 has been completed in compliance with CEQA and reflects the Commission's independent judgment and analysis.
3. Potentially Significant and Mitigated Archeological Resources Impact. The project impact on archaeological resources is potentially significant but would be mitigated to a less than significant level with implementation of monitoring, Phase 3 studies, and discovery procedures and mitigation in accordance with the FEIR/EA mitigation, the City-approved Phase 2 report, and City Master Environmental Assessment Procedures, applied as a condition of project permit.
4. Project Contribution to Significant Traffic Impact. The project would potentially have a considerable contribution to significant cumulative peak-hour traffic effects at Fairview Avenue/ U.S. 101 northbound ramps, but the impact would be mitigated with a required measure agreed to by the applicant and Cities of Goleta and Santa Barbara for restriping of northbound approach lanes on Fairview Avenue, and with implementation of an FEIR/EA measure for applicant development of an employee Transportation Demand Management plan to promote reduction of vehicle trips, both applied as conditions the project permit. The project would also provide substantial circulation improvements, including the new Wallace Becknell Road and public roadway right-of-way improvements to Frederick Lopez Road, Francis Botello Road, and Hollister Avenue. Temporary traffic effects during construction would be mitigated with approved transportation route plans.
5. The Mitigation Monitoring and Reporting Program (MMRP) dated March 9, 2016 for the project is hereby adopted.

B. FINDING OF CONSISTENCY WITH THE SANTA BARBARA AIRPORT INDUSTRIAL AREA SPECIFIC PLAN (SP-6)

The project can be found consistent with the Santa Barbara Airport Industrial Area Specific Plan zoning and land use designations. The proposed Direct Relief project, which is primarily a warehouse storage and distribution operation, is consistent with the allowable uses in the Sub-Area 3 and the A-I-1 zone as described in Section VIII of the staff report.

C. DEVELOPMENT PLAN APPROVAL (SBMC §28.85)

1. The proposed development complies with all provisions of the Zoning Ordinance, including the Nonresidential Growth Management Program, as described in Section VIII of the staff report; and
2. The proposed development is consistent with the principles of sound community planning because the project is consistent with the policies and goals of the General Plan and the Airport Industrial Area Specific Plan as described in Section VIII of the staff report; and
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character because the size, bulk and scale of the development will be compatible with the neighborhood, and because the Architectural Board of Review determined that the project generally met the Project Compatibility Analysis criteria found in SBMC §22.68.045, as described in the Architectural Board of Review minutes attached to the staff report and as described in Section VIII of the staff report; and
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy as described in Section VIII 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 additional land use approvals. Refer to condition B “Approval Contingent upon the recordation of a Parcel Map subdividing APN 073-080-065.”
 2. Obtain all required design review approvals.
 3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 4. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E “Construction Implementation Requirements.”
 5. Submit an application for a Public Works permit (PBW) along with conceptual (30%) drawings for the required public improvements.
 6. Record any required documents (see Recorded Conditions Agreement section).
 7. Permits. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

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

- B. **Approval Contingent upon the recordation of a Parcel Map subdividing APN 073-080-065.** The Planning Commission approval of the Development Plan is contingent upon the recordation of a Parcel Map subdividing APN 073-080-065.
- C. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 17, 2016 is limited to a new 155,000 square foot (net) facility, which includes a new 127,706 square foot (net) storage and distribution warehouse, attached two-story 27,294 square foot (net) administrative office building, secure truck yard loading area, 162 parking spaces, new public road and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, 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.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- D. **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.
1. **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.
 2. **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 be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.
 3. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent. (1997 Mitigation Measure 3.9-8)

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. 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 below "Wallace Becknell Road, Frederic Lopez Road, Francis Botello Road, and Hollister Avenue Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual (30%) public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Roadway Easement and Construction Agreement* (Exhibit D of the Purchase and Sale Agreement dated 10-9-2014, City Agreement #24,973) and/or an *Agreement to Construct and Install Improvements (Not a Subdivision)*.
- b. **Wallace Becknell Road Public Improvements.** The Owner shall submit public improvement or Public Works plans for construction of improvements for the entire Wallace Becknell Road along all property frontages. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: approximately 2000 linear feet of 6-foot wide sidewalk, 3.5-foot wide parkway; driveway aprons meeting ADA/FAS requirements with a maximum width of 32-feet, approximately 2000 linear feet of curb and gutter, four access ramp(s), approximately 31,000 SF (31' x 978' more or less) of 4" thick asphalt concrete pavement on 12" thick Class 2 aggregate base over suitably prepared and stabilized subgrade per geotechnical report; extension of 8" water main (served by Goleta Water District) and 8" sewer mains (served by Goleta Sanitary District) and all utilities including SCE, SCG and telecommunications, installation of at least two new commercial fire hydrant(s), public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City and/or County storm drain, supply and install at least four new commercial City standard street light(s) with octagonal Marbelite poles and Slimline lamps, supply and install an electrical power pedestal to supply the new City street lights; coordinate with Public Works staff and Edison to retire light standard(s) from existing utility pole(s), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, new street trees and tree grates per approval of the Airport and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

- c. **Frederic Lopez Road Public Improvements.** The Owner shall submit public improvement or Public Works plans for construction of improvements along all property frontage and from Wallace Becknell Road to Hollister Avenue as generally shown on the approved site plan sheet C-06. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the removal and replacement, to City standards, of the following: approximately 520 linear feet of 6-foot wide sidewalk, 3.5-foot wide parkway; removal of existing driveway aprons, approximately 60 linear feet of curb and gutter, retrofitted truncated domes on one access ramp at the intersection of Frederic Lopez Road and Francis Botello Road; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching and to the center line of the street, connection to and/or relocation or extension of water and sewer mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City and/or County storm drain, supply and install at least two commercial City standard street light(s) with octagonal Marbelite poles and Slimline lamps, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, new street trees and tree grates per approval of the Airport and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- d. **Francis Botello Road Public Improvements.** The Owner shall submit public improvement or Public Works plans for construction of improvements along all property frontage. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the installation to City standards, the following: approximately 810 linear feet of 6-foot wide sidewalk, 3.5-foot wide parkway; removal of existing driveway aprons, approximately 40 linear feet of curb and gutter; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching and to the center line of the street, connection to and/or relocation or extension of water and sewer mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City and/or County storm drain, supply and install at least two commercial City standard street light(s) with octagonal Marbelite poles and Slimline lamps, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, new street trees and tree grates per approval of the Airport and provide adequate positive drainage from site. Project cannot eliminate any parking on the northern side of street. Any work in the public right-of-way requires a Public Works Permit.

- e. **Hollister Avenue Public Improvements.** The Owner shall submit public improvement or Public Works plans for construction of improvements along Hollister Avenue. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the removal and replacement, to City standards, of the following: approximately 60 linear feet of 6-foot wide sidewalk, 4-foot wide parkway, and 20 linear feet of 10-foot wide sidewalk on the north side of Hollister Avenue to provide access to the existing MTD westbound bus stop, and approximately 60 linear feet of 6-foot wide sidewalk, 4-foot wide parkway, and 20 linear feet of 10-foot wide sidewalk on the south side of Hollister Avenue and east of Griggs Place to provide access to the existing MTD eastbound bus stop, relocate the eastbound stop 20' to the east, install solar pole lights to provide night lighting, and benches at both stops. Any work in the public right-of-way requires a Public Works Permit.
- f. **MTD Shelters.** Applicant shall provide a written offer to MTD to purchase and install two shelters on the 6100 block of Hollister Avenue. If the shelters are not authorized by MTD to be installed within five years from the date of Certificate of Occupancy, the offer shall expire.
- g. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. (1997 Mitigation Measure 3.20-7)
- h. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Roadway Easement and Construction Agreement* (Exhibit D of the Purchase and Sale Agreement dated 10-9-2014, City Agreement #24,973) and/or an *Agreement to Construct and Install Improvements (not a subdivision)* prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- i. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner as required by the Public Works Director.
- j. **Transportation Demand Management Plan.** A transportation demand management (TDM) plan shall be prepared for the development targeting employees to include provisions for bicycle lockers and showers, lunchrooms, preferential parking for carpools, free bus passes, etc. The TDM plan shall be developed according to the existing City of Santa Barbara program subject to the approval of the Public Works Director. (1997 Mitigation Measure 3.20-1 and 3.9-9; 2016 Mitigation Measure T-1).

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **School Fees.** Standard fees shall be paid to school districts for new non-residential buildings (1997 Mitigation Measure 3.7-1).
- c. **Drainage and Water Quality.** The project (including the new public road) is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (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 BMP Guidance Manual. 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 unpermitted 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.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit. (1997 Mitigation Measure 3.12-1)

- d. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - (2) A method for monitoring the mitigation measures.

- (3) A list of reporting procedures, including the responsible party, and frequency.
 - (4) A list of other monitors to be hired, if applicable, and their qualifications.
 - (5) Submittal of monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - (6) Submittal of a Final Mitigation Monitoring Report.
 - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- e. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Supplemental Phase 2 Archaeological Investigation prepared for this site by Dudek, dated February 2016. The contract shall be subject to the review and approval of the Environmental Analyst. The archaeologist's monitoring contract shall include the provisions identified in condition E.2.f "Requirement for Archaeological Resources" below.
- f. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:
1. Area 1 Phase 3 Procedures. A total of eighteen 1 X 1 meter (or the equivalent within proposed 0.5-meter piling areas) Data Recovery mitigation units shall be excavated within the proposed warehouse construction activity areas as defined in the February 2016 Phase II Archaeological Inventory prepared for the project in 20-centimeter arbitrary levels. The unit size and placement of the 18 excavation pits shall be flexible to maximize their ability to recover data to address relevant research questions, consistent with City MEA Guidelines Cultural Resource Guidelines Phase 3 Archaeological Resources Report Requirements. A column sample between 0.1 and 0.2 meters square shall be collected from each unit as well to recover detailed subsistence data. Excavations, analyses, and report preparation shall be guided a Phase 3 Research Design and Data Recovery Proposal reviewed and approved by the City of Santa Barbara that addresses issues including subsistence, technology, and paleoenvironmental reconstruction and population growth within CA-SBA-59 and surrounding Goleta Slough prehistoric occupations over time.
- If distinctive archaeological features such as a house floor or baking pit are found to extend beyond the walls of a 1x1-meter pit, the excavation shall be expanded to expose the whole feature. If a human burial is encountered within a test pit and the

excavation therefore is terminated, an alternative test pit shall be excavated (1997 Mitigation Measure 3.13-1 and 2016 Mitigation Measure CR-1).

2. Area 2 Monitoring and Phase 3 Procedures. All potential ground disturbances occurring in the proposed parking lot, vegetated drainage swale, perimeter security wall, and storm water vault near the proposed loading dock shall be undertaken in a controlled monitoring excavation directed by a City-qualified archaeologist and local Chumash representative, prior to conventional project grading activities. These excavations shall be undertaken in controlled lifts no greater than 4-inches deep. In the event that black silty-loam soils with cultural materials are encountered, excavation shall be temporarily suspended and a 1 X 1 meter Phase 3 mitigation excavation unit undertaken in this area consistent with the approved City Phase 3 Data Recovery Protocol for one unit spaced every 20 meters (60 feet) or 400 square meters (4,305 square feet). Such 1 X 1 Phase 3 mitigation excavation units shall be located no closer than this distance (i.e., if more areas are found closer than this distance, only those spaced this distance shall be undertaken).

If distinctive archaeological features such as a house floor or baking pit are found to extend beyond the walls of a 1x1-meter test pit, the excavation shall be expanded to expose the whole feature. If a human burial is encountered within a test pit and the excavation therefore is terminated, an alternative test pit shall be excavated. (1997 Mitigation Measure 3.13-1 and 2016 Mitigation Measure CR-2).

3. Monitoring and Discovery/ Mitigation Procedures. A City-qualified archeologist and a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all ground disturbing activities associated the project within the previously recorded CA-SBA-59 including, but not limited to, grading, excavation, trenching, vegetation or paving removal and ground clearance.

If unexpected concentrations of archaeological resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist and the a Barbareño Chumash representative 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, and additional Phase 3 Data Recovery excavations consistent with the approved protocol for mitigation within the Santa Barbara Airport North Side Specific Plan Parcel.

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. The procedures for identifying a Most Likely Descendant defined in Public Resources Code 5097.98 and disposition of the remains shall be followed. Work in the area may only proceed after the Environmental Analyst grants authorization (1997 Mitigation Measure 3.13-1 and 2016 Mitigation Measure CR-3).

- g. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- h. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition F.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- i. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition F.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- j. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- k. **Mitigation Monitoring and Reporting Requirement.** The Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Addendum to the Environmental Impact Report/Assessment for the Santa Barbara Airport Industrial/Commercial Specific Plan.
- l. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner _____ Date _____

Contractor _____ Date _____ License No. _____

Architect _____ Date _____ License No. _____

Engineer _____ Date _____ License No. _____

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

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the (Project Environmental Coordinator (PEC) and) Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, (Archaeologist, Architect, Landscape Architect, Project Engineer, Project Environmental Coordinator), Contractor, each Subcontractor, and City of Goleta Public Works Department representative. (1997 Mitigation Measure 3.20-7)
3. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC's)) name, contractor(s) (and PEC'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.
4. **Construction Hours.** Construction (high noise generation activities) 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
Presidents' Day	3rd Monday in February
César Chávez Day	March 31st*
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.

5. **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. (1997 Mitigation Measure 3.20-7)
6. **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 Public Works Director with a Public Works permit. (1997 Mitigation Measure 3.20-7)
7. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or an off-site location that is not located in the public right-of-way subject to the approval of the Public Works Director. (1997 Mitigation Measure 3.20-7)
8. **Construction Recycling.** During construction, the applicant shall contract with a disposal company that recycles construction and demolition debris consistent with SBMC §7.18 (1997 Mitigation Measure 3.8-1).
9. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).
10. **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. (1997 Mitigation Measure 3.9-1 and 3.9-6)
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (1997 Mitigation Measures 3.9-2 and 3.9-3)
 - 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. (1997 Mitigation Measure 3.9-5)
- 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. (1997 Mitigation Measure 3.9-4)
 - 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. (1997 Mitigation Measure 3.9-7)
 - 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.
11. **Mitigation Monitoring Compliance Reports.** The PEC shall submit monthly reports to the Community Development Department, Planning Division, during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance.
- 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.
 3. **Goleta Public Improvements.** In coordination with the City of Goleta Public Works Department, the following improvements will be made to the Fairview Avenue/Northbound 101 intersection: Center median shall be replaced and northbound approach lanes will be restriped to provide narrower left-turn lanes to allow the approach to operate with a designated right-turn lane for vehicles entering the freeway. (1997 Mitigation Measure 3.20-5 and 2016 Mitigation Measure T-2).
 4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy / Final Inspection, whichever is earlier.
 5. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
- H. **General Conditions.**
 1. **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. 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.
3. **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.

II. NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, 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.

This motion was passed and adopted on the 17th day of March, 2016 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

4/7/16

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.

