

Exhibit K

Children's Museum Project Conditions of Approval



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 021-11

125 STATE STREETS

PARKING MODIFICATION, FRONT SETBACK MODIFICATIONS,
COASTAL DEVELOPMENT PERMIT, DEVELOPMENT PLAN

OCTOBER 6, 2011

APPLICATION OF TRISH ALLEN, AGENT FOR THE CHILDREN'S MUSEUM OF SANTA BARBARA, 125 STATE STREET, 033-075-012, -014; 033-010-012; 033-042-016; HRC-II/SD 3 (HOTEL AND RELATED COMMERCE II AND COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE (MST2009-00119)

The project consists of the construction of a new three-story 16,691 net square foot building for the Children's Museum of Santa Barbara (CMSB). The first floor would contain 9,083 net square feet, the second floor would contain 7,265 net square feet, and the third floor would contain 343 net square feet. Two parking spaces would be provided on-site, and 29 parking spaces would be supplied in the Railroad Depot parking lot. The project also includes removal and replacement of street trees, and landscape and hardscape improvements, including a rooftop terrace above the second floor.

The discretionary applications required for this project are:

1. A Modification to allow the ADA access ramp and bike parking/posts to encroach into the front setback along State Street (SBMC §28.92.110.A.2);
2. A Modification to allow the ADA access ramp, stairs, bike parking/posts and trash enclosure to encroach into the front setback along Kimberly Avenue (SBMC §28.92.110.A.2);
3. A Modification to provide less than the required number of parking spaces (SBMC §28.92.110.A.1);
4. A Coastal Development Permit (CDP2011-00006) to allow the proposed development in the Appealable and Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
5. A Development Plan to allow the construction of 16,691 square feet of nonresidential development (SBMC §28.87.300).

Additionally, the following application requires a recommendation from the Planning Commission and approval by the City Council:

6. Final Community Priority Designation for 5,106 square feet of nonresidential development (SBMC 28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332.

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

WHEREAS, the Planning Commission believes the project's proposed Community Priority designation and its exemplary design as a LEED Silver building warrant expedited processing.

WHEREAS, 13 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 29, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Setsuko Furuike, Summerland, CA
 - b. Janet and Steve Lew, via email
 - c. Salud Carbajal, 1st District Supervisor, Santa Barbara County
 - d. Jim Westby, via email
 - e. Tony Romansanta, Owner, Harbor View Inn
 - f. Richard A. Berti, Santa Barbara, CA
 - g. Janet Wolf, 2nd District Supervisor, Santa Barbara County
 - h. Jim Fitzpatrick, Headmaster, Santa Barbara Montessori School
 - i. Michael Banks, Owner, Enterprise Fish Company
 - j. Ann Towbes, CMSB Advisory Board
 - k. Joyce Dudley, District Attorney, Santa Barbara County
 - l. Lois Mitchell, President, Orfalea Foundation
 - m. Pat Wheatley, Executive Director of First 5 Santa Barbara County
 - n. Ron Gallo, President, Santa Barbara Foundation
 - o. Bruce Corwin, Chairman, Metropolitan Theaters
 - p. Peter MacDougall, Ed.D., SBCC Presidente Emeritus
 - q. Kelly Lake, Ed.D., Faculty, SBCC Early Childhood Education
 - r. Bill Cirone, Superintendent of S.B. County Education Office
 - s. David Cash, Ed.D., Superintendent of SBUSD
 - t. Kathy Boomer, Ed.D., Superintendent of Goleta Union School District
 - u. Tammy Murphy, Ed.D., Superintendent of Montecito USD
 - v. Mike Vail, Principal of Cleveland Elementary School
 - w. Steve Gaines, Ph.D., Dean of UCSB Bren School,
 - x. Dave Auston, Ph.D., Executive Director, Institute for Energy Efficiency
 - y. Matthew Turk, Ph.D., UCSB Professor of Media Arts & Technology
 - z. Wendy Ibsen, Assoc. Dir. Of UCSB Center for Science/Eng. Partnerships
 - aa. Eric Swain, Headmaster of Montessori Center School

- bb. Ned Schoenwetter, Principal of Mountain View School
- cc. Demian Barnett, Principal of Washington School
- dd. R. Jeannine Morgan, Director of El Montecito School
- ee. Joel Weiss, Head of School, Crane Country Day School
- ff. Lisa vance, Science Teacher, Mountain View School
- gg. Michael Holliday, Chairman, SB Chamber of Commerce
- hh. Bill Collyer, Executive Director, Downtown Organization
- ii. Janet Garufis, President, Montecito Bank and Trust
- jj. Joanne Funari, President, Business First Bank
- kk. Debbie Denault, Executive Assistant, Business First Bank
- ll. Jillian Davis, Client Relationship Manager, Business First Bank
- mm. Eloy Ortega, CEO, The Bank of Santa Barbara
- nn. Kim Cowles, Director of Human Resources, Bartlett, Pringle & Wolf
- oo. Elizabeth Gabler, President, Fox 2000 Pictures
- pp. Morrie Jurkowitz,, hand delivered
- qq. Mike Sheldon, President & CEO, Network Hardware Resale
- rr. Jim Dehlsen, CEO, Ecomerit Technologies
- ss. Sergio Villa, President, Alliance Wealth Strategies
- tt. Earl Armstrong, President, Armstrong Associates
- uu. Tami Sherman, President/Founder, Elements
- vv. Fran Forman, Executive Director, Community Action Commission
- ww. Carolyn Brown, Executive Director, Eastside Boys & Girls Club
- xx. Gina Carbajal, Dir. Of Health Promotions, SB Neighborhood Clinics
- yy. Perrin Pellegrin, Innovative Workshop
- zz. Jeffrey Jacobs, hand delivered
- aaa. Jill Levinson, Santa Barbara, CA
- bbb. Gordon Auchincloss, Santa Barbara, CA
- ccc. Lynda Fairly, CMSB Board Member, Past VP of Adult Ed, SBCC
- ddd. Fiona and Doug Stone, Santa Barbara, CA
- eee. David Tisdalé, Santa Barbara, CA
- fff. Sheldon Family, Santa Barbara, CA
- ggg. Chris Kroes, Santa Barbara, CA

- hhh. Deborah Fuss, Santa Barbara, CA
- iii. Dagny Dehlsen, Santa Barbara, CA
- jjj. Laura Ragan, Ojai, CA
- kkk. Larry Ragan, Ojai, CA
- lll. Walker Ragan, Ojai, CA
- mmm. Robert Mislant, hand delivered
- nnn. Laura Wyatt, Santa Barbara, CA
- ooo. Yumi and Daniel Bollag, Santa Barbara, CA
- ppp. Laurie and Christopher Stone, hand delivered
- qqq. Susan Tarlow, Santa Barbara, CA
- rrr. Cara Chiarappa, hand delivered
- sss. Connie Connally and Hal Michel, Santa Barbara, CA
- ttt. Mona and Rick Lehman, hand delivered
- uuu. Tom Bream, Santa Barbara, CA
- vvv. Jill Hurd, Santa Barbara, CA
- www. Joni and Rod Kelly, Santa Barbara, CA
- xxx. Bess Scribner, hand delivered
- yyy. Alyson Bostwick, hand delivered
- zzz. Michaela and Kai Bostwick, hand delivered
- aaaa. John Bostwick, CPA, hand delivered
- bbbb. Sara Farrar, hand delivered
- cccc. Julie Ladner, hand delivered
- dddd. Natalie Rowe, hand delivered
- eeee. Diane Sheldon, Goleta, CA
- ffff. Laura Carlos Pomerantz, hand delivered
- gggg. Jillian Muller, Santa Barbara, CA
- hhhh. James McKechnie, Goleta, CA
- iiii. Caroline Harrah, Santa Barbara, CA
- jjjj. Ginny Miller and Family, hand delivered
- kkkk. Betsy Heafitz, Santa Barbara, CA
- llll. Louise Gainey
- mmmm. John Kamps, Santa Barbara, CA

- nnnn. Veronica Caballo, hand delivered
 - oooo. Dannell Stuart, hand delivered
 - pppp. Bobette Tryon, hand delivered
 - qqqq. Bridget Foreman, hand delivered
 - rrrr. Lnda Viles, hand delivered
 - ssss. Rick Olds, hand delivered
 - tttt. M.D. King, hand delivered
 - uuuu. John Britton, hand delivered
 - vvvv. Brad Blue, hand delivered
 - www. Camey Barber Olds, hand delivered
 - xxxx. Mark Gunther, hand delivered
 - yyyy. Janell Goodrow Tiches, Santa Barbara, CA
 - zzzz. Linda Vannier, Santa Barbara, CA
 - aaaa. Diana Gengo, , Santa Barbara, CA
 - bbbb. Erin Khodabandehlou/Dr. Nina Madavi, hand delivered
 - cccc. Kay Morter, General Manger, Holiday Inn Express
 - dddd. Judith C. Ricker, Owner, State House Hotel
 - eeee. Katie Hay, Central Coast Real Estate
4. Correspondence received in opposition to the project or with concerns:
- a. Joyce Parsons, submitted to Historic Landmarks Commission, May 2011
 - b. Erik and Alex Funke, via email
 - c. Paula Westbury, Santa Barbara, CA
 - d. Gerard Sullivan, Senior General Attorney, Union Pacific Railroad

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

- I. Approved the subject application making the following findings and determinations:
- A. **Front Setback Modification (State Street) (SBMC §28.92.110)**

The proposed Modification along State Street to allow the encroachments of handicap ramps and bike parking spaces into the required 20 foot front setback is consistent with the purposes and intent of the Zoning Ordinance to provide appropriate building and structural relief along the street frontage, and is necessary to secure an appropriate improvement on a lot and prevent unreasonable hardship because of the site's constraints related to having two street frontages and associated setbacks, being located in the flood zone and the need to provide separation from the historic Signalman's building, as discussed in Section V.A.1 of the Staff Report.

B. Front Setback Modification (Kimberly Avenue) (SBMC §28.92.110)

The proposed Modification along Kimberly Avenue to allow the encroachments of handicap ramps, trash enclosure and bike parking spaces into the required 20 foot front setback is consistent with the purposes and intent of the Zoning Ordinance to provide appropriate building and structural relief along the street frontage, and is necessary to secure an appropriate improvement on a lot and prevent unreasonable hardship because of the site's constraints related to having two street frontages and associated setbacks, being located in the flood zone and the need to provide separation from the historic Signalman's building, as discussed in Section V.A.1 of the Staff Report.

C. Parking modification (SBMC §28.92.110)

The proposed parking Modification is consistent with the purposes and intent of the Zoning Ordinance to provide sufficient parking for the uses on the project site. As discussed in Section V.A.2 of the Staff Report, the parking modification will not cause an increase in the demand for parking or loading space in the immediate area, because the project's parking demand will be met on- and off-site.

D. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act.

As shown in Section VII of the Staff Report, the project, as conditioned, is consistent with the policies of the California Coastal Act, including those policies related to hazards, Locating New Development, Visual Quality, and Circulation/Parking.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

As shown in Section VII of the Staff Report, the project, as conditioned, is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and, with the requested modifications, all applicable provisions of the of the Municipal Code.

E. Development Plan (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.

With approval of the requested modifications, the proposed project is in compliance with the HRC-2/SD-2 Zone standards, as identified in Section V of the Staff Report.

2. The proposed development is consistent with the principles of sound community planning.

The proposed project is consistent with the principles of sound community planning by developing an infill site in the coastal zone with a visitor-serving use that will also serve the general community. The project is consistent with the General Plan, as described in Section VI of the Staff Report.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.

The project requires review and approval by the Historic Landmarks Commission (HLC). The HLC has conceptually reviewed the project and has found it to be compatible with surrounding development. In addition, photo simulations were prepared to illustrate how the project will look relative to adjacent development. Refer also to Section VII.B and IX of the Staff Report.

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The project would not result in a significant impact to City and South Coast affordable housing stock as it will establish a visitor-serving use on a property that is not zoned for residential development. No existing housing will be eliminated as a result of the project. The project will result in a nominal increase in area employees; however, not enough to impact the City's existing housing supply.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

Adequate City services are currently available to the project site. Water resource impacts are not anticipated with the construction of the proposed development because the increase in water demand will be negligible and can be accommodated by City water services.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

Traffic impacts are not anticipated with the construction of the proposed development, as described in Sections VII.C and VIII.4 of the staff report.

7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

Adequate City services are currently available to the project site, and traffic improvements are not required.

F. Community Priority Designation

The project is necessary to meet a present or projected need directly related to public health, safety or general welfare.

The proposed project qualifies as a Community Priority project because it is a local, non-profit organization that will provide a use that is necessary to meet present and projected needs for a children's museum in order to provide an educational opportunity that does not currently exist in the Santa Barbara area.

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 Final Community Priority Designation."
2. Obtain all required design review approvals.

3. Pay Land Development Team Recovery Fee at time of Building Permit application.
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

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

- B. **Approval Contingent Upon Final Community Priority Designation.** Approval of the subject project is contingent upon approval of the Final Community Priority Designation by the City Council.
- C. **Written Instrument.** Prior to issuance of any permits, the Children's Museum of Santa Barbara ("Applicant") shall execute and submit a written instrument prepared by the Planning Division staff and reviewed as to form and content by the City Attorney, the Community Development Director, and the Public Works Director in which Applicant agrees to comply with the following:
 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 6, 2011 is limited to approximately 16,691 square feet of building area, two on-site parking spaces, 29 off-site parking spaces, 18 bicycle parking spaces and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Applicant shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Applicant shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. 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 HLC, the Applicant is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Applicant 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 Applicant shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is

required to authorize such work. The Applicant is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce parking demand generated by the project. Applicant shall be responsible for ensuring compliance with the provisions of the approved Transportation Demand Management (TDM) Plan.
 - a. **TDM Administrator.** The Applicant shall appoint a TDM Administrator responsible for the alternative mode incentives. The TDM Administrator shall contract with Traffic Solutions or successor agency for training and assistance in administrating their program. The TDM Administrator shall provide an annual report to the Community Development Director and the Transportation Manager illustrating the number of users, describing the marketing techniques and program results, including successes and failures.
 - b. **Bus Passes.** The Applicant shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to new employees/volunteers when they are hired. A copy of any agreements/correspondence with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project.
 - c. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - d. **Ride-Sharing Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by Traffic Solutions or successor agency. The Applicant and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
 - e. **Employee Lunch Room.** An employee lunchroom shall be provided in the building and shall include the following amenities: refrigerator, microwave oven, sink, tables and chairs.
 - f. **Bicycle Parking.** Eighteen bicycle parking spaces shall be provided, and bicycle lockers are encouraged to serve the employees of the Children's Museum.
 - g. **Alternative Transportation Incentives.** Incentives, including, but not limited to the following, shall be provided to employees and/or visitors to encourage carpooling, public transportation, or alternative means of transportation to and from the site:
 - Discount admission with proof of alternative transportation (bike, bus, trolley, train).
 - Travel packages with Amtrak that include discounted admission.

- Subsidies for staff to purchase bicycles.
- Subsidies for employees who carpool.

Substitute incentives may be approved at the discretion of the Transportation Division.

7. **Visitor Information Program.** A Visitor Information Program shall be prepared and implemented, subject to review and approval by the Transportation Manager. The program shall include, but not be limited to:
 - a. Provide links to alternative transportation sites on the company website.
 - b. Provide mail information to visitors (prior to them coming) regarding alternative transportation available in Santa Barbara.
 - c. A means of providing train, bus and airline schedules and maps to prospective visitors.
 - d. A means of providing visitors with information on alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest.
 - e. If feasible, establish partnerships with the Sea Center, Maritime Museum and Santa Barbara Zoo to jointly market their facilities and to promote alternative transportation and linked trips between the facilities.
 8. **Off-Site Parking Agreement.** Twenty-nine off-site parking spaces shall be provided for the project in a manner consistent with SBMC §28.90.001.R. The Applicant shall enter into an off-site parking agreement with the City to provide the required parking, as determined by the Transportation Manager and Community Development Director. The agreement shall comply with the provisions outlined in Santa Barbara Municipal Code Subsection 28.90.001.18, and is subject to review and approval by the City Attorney.
 9. **Areas Available for Parking.** All on-site parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
 10. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **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 the two street trees along State Street, one street tree along Kimberly Avenue, and two trees in the front setback.
 2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved Site Plan / Tree Removal & Protection Plan shall be preserved, protected, and maintained, in

accordance with the Tree Protection Plan and/or any related Conditions of Approval.

b. **During Construction.**

- (1) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline or at the critical root zone, whichever is greater, for protection.

No grading shall occur within three feet of the dripline(s) of the existing tree(s), unless approved by a qualified Arborist. Any grading beneath the dripline(s) of the trees that are required to be protected shall be done in the presence of a qualified Arborist. All excavation within the dripline(s) of the tree(s) shall be minimized and shall be done with hand tools.

- (2) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
- (3) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- (4) No heavy equipment, storage of materials or parking shall take place within the fenced area around any tree(s).

3. **On-site Commemoration of Signalman's Building.** The Applicant shall provide onsite commemoration of the Signalman's Building, its history, function and association with the Santa Barbara Train Depot complex and the Southern Pacific Railroad. This documentation shall be reviewed and approved by the HLC.
4. **Green Building Techniques Required.** Applicant shall design the project to include sustainable elements including Leadership in Energy and Environmental Design (LEED) certification to the maximum extent feasible and to meet Santa Barbara Built Green Two-Star level requirement or equivalent.
5. **Screened Backflow Device.** The backflow devices for fire sprinklers, solar panels 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 HLC.
6. **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 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.

E. **Requirements Prior to Permit Issuance.** The Applicant 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 condition E.1.f "Kimberly Avenue Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Applicant has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Applicant shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project.
- c. **Kimberly Avenue Public Improvements.** The Applicant shall submit building plans for construction of improvements along the property frontage on Kimberly Avenue. As determined by the Public Works Department, the improvements shall include the following to City standards: New five-foot sidewalk and four-foot parkway, new driveway apron modified to meet Title 24 requirements with a maximum width of 24 feet, supply and install new street trees as determined by the Parks and Recreation Commission and HLC, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the 2006 MUTCD with CA supplements during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- d. **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. The Haul Routes shall be approved by the City Engineer.
- e. **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.

- f. **Agreement to Construct and Install Improvements.** The Applicant shall submit an executed *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.
- g. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including hardscape, landscape or any required appurtenances) within their rights of way or easements shall be obtained by the Applicant.

2. **Community Development Department.**

- a. **Submission of Written Instrument.** The Owner shall provide evidence of execution of the written instrument that includes all of the Conditions identified in condition C "Written Instrument" to the Community Development Department prior to issuance of any building permits.
- b. **Photo-documentation of Signalman's Building.** The Applicant shall photo-document the Signalman's Building and its setting prior to construction of the proposed Children's Museum building. Photo-documentation meeting the standards and requirements outlined in the Community Development Department's "Required Documentation Prior to Demolition" standards shall be submitted to the Planning Division for review and approval.
- c. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Applicant 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.
- d. **Evidence of Off-Site Parking Agreement Recordation.** Evidence shall be provided to the Community Development Director that the Off-Site Parking Agreement required in Section C "Written Instrument" has been recorded.
- e. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during initial ground-disturbing activities associated with the project in areas containing previously undisturbed soils, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance. 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 or site plan:

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

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

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

- g. **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.
- h. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Applicant shall notify owners and occupants of structures within 200 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Applicant shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 200 feet of the project site property line and more than 50 years old. Prior to issuance of a certificate of occupancy, Applicant shall meet with the owners and occupants who elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site.
- i. **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:

_____	_____	_____
Applicant		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 Applicant 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 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. **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) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone.
3. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 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's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

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

5. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
 6. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or at an off-site location subject to the approval of the Transportation Manager.
- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Applicant shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property *damaged by construction* subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees, shall be completed.
 3. **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, whichever is earlier.

4. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

H. 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. **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 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 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 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 fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

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.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

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

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

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

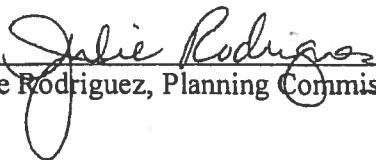
If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The 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.

- III. Said approval is made with the following additional recommendation to the City Council and City Administrator: Due to the project's priority land use as a Community Priority project, its importance in setting a positive precedent for youth-oriented science education in and around the community and the project's goal of designing a LEED Silver building, every effort should be made to expedite project review through the design review and building permit review phases. This should include, but not be limited to, priority on Historic Landmarks Commission agendas, consent calendar status for approval of design plans in substantial conformance with the plans approved by the Planning Commission, reduced and expedited plan check turn-around times during building permit review, and regular and recurring processing oversight by the Assistant City Administrator.


This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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



Julie Rodriguez, Planning Commission Secretary



Date

PLEASE BE ADVISED:

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