



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 054-06

500 NIÑOS DRIVE

CDP, P&R FINDINGS, DPA, MOD, AND REC TO CC

DECEMBER 21, 2006

**APPLICATION OF CAMERON CAREY, AGENT FOR SANTA BARBARA ZOOLOGICAL GARDENS (TENANT); 500 NIÑOS DRIVE, (017-362-005, 017-363-001 & -002; 017-372-001, & 017-382-001 & -002); PR/SD-3 PARK AND RECREATION, AND COASTAL OVERLAY ZONES; GENERAL PLAN DESIGNATION: OPEN SPACE, COMMUNITY PARK, PUBLIC PARKING (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330)**

The zoo includes several parcels leased from the City of Santa Barbara. The applicant proposes an updated Master Plan for the Santa Barbara Zoo for the next five years. This consists of six components: 1) the California Condor Exhibit; 2) the Lemur/Langur Exhibit Renovation; 3) the Discovery Pavilion; 4) the Wave; 5) the Service Yard; and 6) the Channel Island Fox Renovation.

The new **California Condor Exhibit** and holding area would be located on the site of the original Bald Eagle exhibit between the existing Channel Island Foxes and Bald Eagle Exhibits.

The existing **Lemur/Langur Complex** would be renovated to conform with new federal regulations and would include demolition of the existing animal holding and exhibit spaces and replacing them with two new holding buildings and exhibit spaces.

The **Discovery Pavilion** facility is proposed as a place for conservation education and the exploration of science in two flexible classroom spaces, as well as administrative offices. Phase I is designed to accommodate 18-20 existing staff members including education, collections and animal food preparation, consolidating them with the Zoo's administrative staff. Many of these staff and facilities are currently located in temporary trailers on site. These trailers will be removed upon completion of the project. Proposed construction consists of two separate phases of renovation and addition to existing one and two story administration and staff lounge buildings.

The first phase will require removal of two single-story keeper offices and two animal holding cages. The existing single-story Staff Lounge building will be renovated. The staff lounge facilities will be relocated to an existing feed storage enclosure which includes a small addition and reconfiguration of the adjacent outdoor patio spaces. New staff restrooms would be built within an addition to the adjacent Administration Building. A new 7,500 sq. ft. single story addition will accommodate two new multi-purpose classrooms of 60 students each, exhibit rooms, animal food kitchen with feed storage, and new education staff administrative office space.

Phase II of the Discovery Pavilion will include renovation of the 5,800 sq. ft., two-story Administration and Retail building and construction of new offices. Also included will be the addition of an exterior second-story building linkage and accessible elevator. Completion of both phases of the Discovery Pavilion will result in a net increase of approximately 9,100 sq. ft.

**The Wave Banquet Facility:** The Zoo proposes to demolish the existing building and trellis courtyard. The new structure will house a concessions facility, catering room, restrooms, storage, and a bridal changing room with an approximate total of 1,500 sq. ft.

The **Service Yard Facilities** project would consolidate and better organize Zoo service facilities, maintenance, and public program storage at the existing service yard. It includes the removal of several temporary storage containers from various locations on the Zoo site, and construction of new storage units, relocation of the existing wood and metal shops and existing office space, a new employee restroom, relocation of the train barn from the northern part of the campus to the service yard, landscape and exhibit materials storage areas and a new estate wall along portions of the Zoo's Cabrillo Blvd. frontage. *Please note that the Service Yard Facilities (Phase 3) project is limited to environmental review at this time. It will return for project approval at a later date.*

The **Channel Island Fox Exhibit** first opened in 1999. The outdoor enclosure needs a complete renovation. The proposed exhibit spaces will be approximately 880 sq. ft. and 1,170 sq. ft. respectively. They will also upgrade the mesh enclosure to a finely woven 1"x1" steel mesh.

**Master Plan Phasing:** The Master Plan will be implemented in three phases.

**Phase 1:** The applicant estimates beginning construction of the Wave, Condor and Channel Island Fox projects in early 2007. It is anticipated that these projects will be done concurrently and should be completed by Spring 2008. Project staging and construction parking would occur on-site.

**Phase 2:** The second phase of construction will begin at the end of the first, Spring of 2008 and will continue through the Fall of 2009. Projects included in this phase will be the Discovery Pavilion and Lemur/Langur.

**Phase 3:** The third construction phase in the late 2009 or early 2010. This phase will include the construction of the Service Facilities Yard.

The following discretionary approvals are required:

1. A Coastal Development Permit for new development in the Appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009);
2. PR Park & Recreation Zone Findings for the new development (SBMC §28.37.010) by the Planning Commission, and the Park and Recreation Commission;
3. A Development Plan for construction of non-residential square footage from the Community Priority Category (SBMC §28.87.300);
4. A Modification to allow encroachments into the required setbacks in the PR Zone (SBMC §28.37.040).
5. A Recommendation to City Council for a final Community Priority Designation from the Community Priority Category. (SBMC §28.87.300); and
6. A Final Community Priority Designation from the City Council pursuant to SBMC §28.87.300.

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

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

**WHEREAS**, two people appeared to speak in favor of the application, and one person appeared to express concerns thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 21, 2006.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Barbara J. Ross, 5817 Encina Road #105, Goleta, CA 93117
  - b. Jean von Wittenburg (via email)
  - c. Kim DeVenne, (via email)
  - d. Jeffrey Dinkin, 432 Foxen Drive, Santa Barbara, CA 93105
  - e. Eldon Shiffman (via email)
  - f. David Kuehn, 105 Coronada Circle, Santa Barbara, CA 93101 (via email)
  - g. Melinda Mars, 605 San Ysidro Road, Santa Barbara, CA 93108
  - h. Chip Turner, 200 E. Carrillo Street, Ste 202, Santa Barbara, CA 93101 (via email)
  - i. J. Terry Schwartz, 200 E. Carrillo Street, Ste 400, Santa Barbara, CA 93101 (via email)
  - j. Karen Rasmussen Foster, Ph.D., 525 Anacapa Street, Santa Barbara, CA 93101
  - k. Patricia Griffin, Village Properties, 1250 Coast Village Road, Santa Barbara, CA 93108
  - l. Paulette Posch (via email)
  - m. Vincent Armenta, Chairman for the Santa Ynez Band of Chumash Indians, P.O. Box 517, Santa Ynez, CA 93460
4. Correspondence received expressing concern regarding the project:

Kathleen Weinheimer, 420 Alameda Padre Serra, Santa Barbara, CA 93103

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

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

The Planning Commission makes the findings for the following five projects of the Santa Barbara Zoological Gardens at 500 Niños Drive: 1) California Condor Exhibit,

2) Lemur/Langur Complex, 3) Discovery Pavilion Exhibit, 4) the Wave Banquet Facility, and 5) the Channel Island Fox Exhibit.

**A. ENVIRONMENTAL REVIEW**

1. Mitigated Negative Declaration Findings pursuant to California Public Resources Code §21080(c) and 2108.6, and California Code of Regulations §15074

The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated December 14, 2006, for 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330), and comments received during the public review process. The proposed Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330).

- a. Mitigation measures identified in the Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the projects, which would avoid or reduce all potentially significant impacts to less than significant levels. Additional mitigation measures would be applied as conditions of approval to minimize adverse but less than significant environmental effects. Please refer to the Final Mitigated Negative Declaration for a detailed discussion (*Exhibit E*). In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated December 14, 2006, is hereby adopted.
  - b. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code §21081.6, is included in the Final Mitigated Negative Declaration for 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) and is hereby adopted.
  - c. The location and custodian of documents associated with the environmental review process and decision for 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
2. Findings For Exemption From Fish & Game Code

- a. An Initial Study has been conducted by the lead agency, which has evaluated the potential for the proposed 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as “all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.” (Section 711.2 Fish and Game Code)
- b. There is no evidence that the proposed project would have any potential for adverse effect on wildlife resources because it is located in a developed, urbanized area.

**B. COASTAL DEVELOPMENT PERMITS (SBMC §28.45.009.6.H)**

The project is consistent with the policies of the California Coastal Act. The project is consistent with all applicable policies of the City's Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. The project is consistent with Chapter 3 (commencing with Section 30200) of the Coastal Act (Visitor Serving, Access and Recreation). The Master Plan is comprised of components proposed to enhance the existing recreational and educational opportunities provided at the Zoo. An Initial Study was prepared and concluded that no significant adverse impacts will result as part of the implementation of the Master Plan.

**C. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)**

1. The proposed development complies with all provisions of the Zoning Ordinance since with the modification can be found consistent with the purpose and intent and the proposed project is an appropriate use for the neighborhood; and
2. The proposed development is consistent with the principles of sound community planning because the proposed project is consistent with the surrounding development in the immediate area. The improvements to the structures will provide major upgrades to the aesthetic and functional quality of the existing uses and provide better services to the users of the Zoo; and
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 will enhance the aesthetic quality of the existing development and will remain compatible in size, bulk and scale with surrounding properties; and
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock because the no housing is being displaced and the implementation of the Master Plan will result in a minimal increase of personnel; and

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources because the City currently has a sufficient dependable water supply to serve this project; and
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic because the proposed use will meet its parking demand for the site with the restriping of the parking lot and implementation of a transportation and parking management plan.

**D. PARK AND RECREATION FINDINGS (SBMC §28.37.010.B AND §28.37.010.C)**

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors, since the projects would result in improved services for the Zoo visitors;
2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood. All proposed Zoo Master Plan project components are subject to approval by the HLC for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting;
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood. The proposed projects are improvements to existing facilities. The additional events proposed at the Discovery Pavilion are limited both in occurrence and in size;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City. Photographic studies submitted show that the project would not change existing skyline views as seen from Highway 101 nor would it significantly obstruct or change scenic views of the mountains and hillside areas of the City; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk, and scale or location. All proposed Zoo Master Plan project components are subject to approval by the HLC for consistency with design guidelines for visual aesthetics and neighborhood compatibility.

**E. INTERIOR YARD SETBACK MODIFICATION (SBMC §28.15.060 & 28.90)**

The modification is necessary to promote uniformity of improvement and secure an appropriate improvement on the property and is consistent with the purposes and intent of the Zoning Ordinance. Approval of the modification will allow for additions to be made to existing buildings in the existing footprints thereby minimizing impacts.

**F. RECOMMENDATION TO THE CITY COUNCIL**

The Planning Commission recommends that the City Council make a finding that the proposed expansion of the Discovery Pavilion and the Wave Banquet Facility meet the criteria for a Community Priority Designation.

**II. Said approval is subject to the following conditions:**

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

**A. Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Santa Barbara Zoological Gardens (also referred to as “the Zoo”) shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Uninterrupted Water Flow.** The Zoo shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Zoo is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
2. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 21, 2006 is limited to 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 for the following projects of the Santa Barbara Zoological Gardens at 500 Niños Drive: California Condor Exhibit, Lemur/Langur Complex, Discovery Pavilion, the Wave Banquet Facility, and the Channel Island Fox Exhibit.
3. **View Corridors.** Photographic studies will be required with future development proposals on this site to determine the effects on views of the harbor, mountains and Andree Clark Bird Refuge as seen from the “Hilltop Lawn,” “Cabrillo Lawn” and walkway located between the California Condor Exhibit and the Andree Clark Bird Refuge on the Zoo property. The applicant shall provide the Historic Landmarks Commission (HLC) with topographic site plans, elevations and photographic studies so that the HLC can consider the views from the Zoo.
4. **Landscape Plan Compliance.** The Zoo 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.

5. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted California Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
6. **Transportation Demand Management.** The Zoo shall implement a Transportation and Parking Management Plan as described in the "Traffic and Parking Assessment for the Santa Barbara Zoological Gardens Master Plan" (prepared by Associated Transportation Engineers), dated May 2, 2006, and subject to approval from the Transportation Manager. **(T-4)**
7. **Employee Parking.** Santa Barbara Zoological Gardens employees shall be required to park onsite.
8. **Discovery Pavilion Events.** The events at the Discovery Pavilion are limited as identified in the "Traffic and Parking Assessment for the Santa Barbara Zoological Gardens Master Plan" (prepared by Associated Transportation Engineers), dated May 2, 2006, and as outlined below: **(T-5)**  
Children's Classes - 1 teacher/class, 40 students/class, 20 classes/month.  
Operating March – June, Mon-Fri 9:00 AM – 1:00 PM  
Children's Workshop - 1 teacher/class, 5 students/class, 12 workshops/month.  
Operating 3 times per week, Tue-Sat 9:00 AM – 1:00 PM and 1:00 PM – 4:00 PM  
Lectures - 1 teacher/class, 100 guests/lecture, 5 lectures/year. Operating Mon-Fri 7:00 PM – 9:00 PM  
Adult Education Classes - 1 teacher/class, 25 students/class, 5 classes/year.  
Operating Mon-Fri 7:00 PM – 9:00 PM  
Private Events – 100 guests/event, 10 events/year. Operating Mon-Fri 6:15 PM – 11:00 PM & Sat–Sun 4:15 PM – 10:00 PM
9. **Maintenance of Drainage System.** The Zoo shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Zoo 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/or Coastal Development Permit is required to authorize such work.
10. **Storm Water Pollution Control Systems Maintenance.** The Zoo(s) shall maintain the drainage system, storm drain water interceptor and other storm



water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Creeks Division, Building and Safety Division, and the Public Works Department.

11. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality: Trash containers shall have drainage from adjoining roofs and pavement diverted around the areas; and trash container areas shall be screened or walled to prevent off-site transport of trash. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The Zoo shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect at least annually and report to City annually. **(W-4)**
12. **The Wave Banquet Facility Events.** The applicant shall submit a list of all events, including number of attendees at each event, held at the Wave Banquet Facility to Planning Staff. This shall become the baseline for all future activities at the Wave Banquet Facility.

**B. California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$850 for projects with Environmental Impact Reports and \$1,250 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

**C. Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. **Interpretive Historical Display.** Construct a memorial commemorating the Hobo Village. This should be placed as close to the location of the former village as possible, yet also in a prominent area accessible to the public. The memorial shall be subject to review and approval by the Historic Landmarks Commission as to location and design and shall be included on the building plans submitted for building permit review and approval for the Discovery Pavilion. **(CR-6)**

The interpretive display shall include a history of the Andree Clark Bird Refuge and the Olmstead Brothers contributions. The Historic Landmarks Commission shall consider the incorporation of interpretive mural panels along the train route

and possibly along a pedestrian pathway showing some of the original history of the site. Photographs from the Historic Structures report shall be incorporated into the memorial of the site.

2. **Lighting.** Lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects, and shall be approved by the Historic Landmarks Commission. (A-2)
3. **Tree Protection Measures.** The landscape and grading plans shall include the following tree protection measures:
  - a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
  - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
  - c. **Biologist's Report.** Include a note on the plans that recommendations/conditions contained in the biologist's report prepared by Science Applications International Corporation, dated July 2003, shall be implemented.
4. **Existing Tree Preservation.** The existing tree(s) shown on the approved site plans to be saved shall be preserved and protected and fenced during construction.
5. **The Wave Banquet Facility.** The Historic Landmarks Commission shall review the following in more detail:
  - a. Improvements to the exterior lighting to enhance its aesthetic appearance.
  - b. The best location for a seating area with views to the Santa Ynez mountains.
6. **Discovery Pavilion.** Solar panels shall be incorporated into the design.

**D. Public Works Requirements Prior to Building Permit Issuance.** The Zoo shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
2. **Improvement Plans.** The Zoo shall submit building plans for construction of improvements along the subject property road frontage on Niños Drive prior to the issuance of building permits for the Discovery Pavilion project. As determined by the Public Works Department, the improvements shall include

one City standard Type “B” commercial streetlight with the final location to be determined by City Facilities Maintenance, widen the existing public sidewalk (where the bus stop is located) to 8 feet with a railing along the creek side of the sidewalk, preserve and/or reset contractor stamp(s) and/or survey monument(s), and a bus shelter on Niños Drive. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.

3. **Restriping Plan.** The applicant shall restripe the existing curb parking area on site that is used for bus parking on weekdays (subject to Transportation Staff approval) to create 20 new parking spaces for weekend use. **(T-3)**
  4. **Hydrology Report.** Submit to the Land Development Engineer any revisions to the preliminary drainage report dated June 30, 2006, prepared by Flowers and Associates, justifying that the onsite/offsite proposed and existing drainage conveyance system adequately convey a 25-year storm event.
  5. **Storm Drain Operation and Maintenance Plan Required.** The Zoo shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.
- E. Encroachment Permits.** Submit any encroachment permits from other jurisdictions (State, County Flood Control, County Roads, etc.) for the construction of improvements (including any required appurtenances) within their right of way (easement). Such permits shall be submitted to the Land Development Engineer.
- F. Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Design Review.** Prior to building permit issuance, proposed project grading and landform alteration, structural design, landscaping, and lighting is subject to preliminary and final review and approval by the Historic Landmarks Commission for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting. **(A-1)**
  2. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Zoo, approved by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) to the City. The contract shall include the following, at a minimum:
    - a. The frequency and/or schedule of the monitoring of the mitigation measures.
    - b. A method for monitoring the mitigation measures.

- c. A list of reporting procedures, including the responsible party, and frequency.
- d. A list of other monitors to be hired, if applicable, and their qualifications.

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, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

- 3. **Contractor and Subcontractor Notification.** The Zoo shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- 4. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist and Chumash observer from the most current City Qualified Lists 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 as identified in the various archaeological reports previously submitted and as required for the specific projects. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Zoo shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Zoo shall retain 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, the Zoo shall retain 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.

5. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work within the dripline of all trees to remain during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
  6. **Letter of Commitment for Pre-Construction Conference.** Prior to each of the three phases of construction for the Master Plan, the Zoo shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Zoo, the Archaeologist, the Architect, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
  7. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition has been or is to be met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- G. Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission.
  2. **Geotechnical Recommendations.** Site preparation and project construction related to soil conditions and seismic hazards shall be in accordance with the recommendations contained in the site-specific geotechnical engineering reports and as required by the Building and Safety Division. Compliance shall be demonstrated on plans submitted for grading and building permits. **(G-1)**
  3. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Zoo shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.

4. **Trash Enclosure Provision.** A trash enclosure with equal area 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. **(PS-1)**
5. **Recyclable Material Use and Collection.** Zoo operators shall provide sufficient and appropriate receptacles, such as recycling containers along public corridors, at special events, and in eatery operations. Recyclable material and green waste collection and pick-up areas shall be provided on-site for Zoo operations. **(PS-2)**
6. **Stormwater Detention Plan.** All stormwater runoff from any of the proposed Zoo Master Plan project components shall be detained on-site. Final design and building plans shall incorporate detention facilities in compliance with recommendations included in the Preliminary Drainage Analysis, prepared by Flowers & Associates and dated May 22, 2006. **(W-1)**
7. **Drainage Facilities.** Install on-site pollution prevention interceptor devices and/or bio-swales and provide adequate positive drainage from site. Install engineered detention facilities to accommodate additional runoff as indicated in the preliminary drainage report dated June 30, 2006.
8. **Construction BMPs.** The Zoo shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.[move to construction implementation section]
9. **Construction Erosion/Sedimentation Control Plan.** Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the site preparation, earthwork, and construction process. The applicant shall submit and obtain Building Division and/or Public Works Department approval of a detailed erosion control plan for the project prepared by a licensed or certified professional soil erosion and sediment control specialist, a California licensed civil engineer, landscape architect, registered geologist, or a licensed architect. The erosion control plan shall specify appropriate best management practices to control erosion and sedimentation based on the Building & Safety Division's "Erosion/Sedimentation Control Policy" and the Public Works Department's "Procedures for the Control of Runoff into Storm Drains and Watercourses". City (Building Division and/or Public Works Department) staff will conduct periodic site inspections to ensure proper installation, ongoing implementation, maintenance and effectiveness of the approved plans, and may adjust requirements in the field if necessary to protect water quality. **(W-2)**
10. **Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of

concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The Zoo shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to City annually. **(W-3)**

11. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality: Trash containers shall have drainage from adjoining roofs and pavement diverted around the areas; and trash container areas shall be screened or walled to prevent off-site transport of trash. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The Zoo shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect at least annually and report to City annually. **(W-4)**
12. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

<hr/>		
Lessee	Date	
<hr/>		
Contractor	Date	License No.
<hr/>		
Architect	Date	License No.
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Engineer	Date	License No.

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

1. **Construction Materials Recycling.** Recycling and/or reuse of construction materials shall be carried out to achieve a 90% or greater goal, and containers

shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of an appropriately sized container for collection of demolition/construction materials. **(PS-3)**

2. **Construction Traffic.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through residential neighborhoods and minimize congestion. **(T-1)**
3. **Construction Parking.** Construction parking and vehicle/equipment/materials storage shall be provided as follows: **(T-2)**
  - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
  - b. On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited.
4. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
5. **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) name, contractor(s) and PEC's telephone number (including after work hours telephone numbers), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
6. **Aviary Habitat Protection.** The applicant shall implement all recommendations specified in the Biological Resource Assessment as listed below: **(B-1)**
  - a. Schedule tree removal at the Channel Island Fox and Condor Exhibits to occur between August 15 and March 1 to avoid the bird breeding season. If tree removal or pruning is to occur at any of the other project sites during the breeding season (April through August), survey the site immediately prior to any disturbances to ensure that no nests have been, or are in the process of being built in any of the trees proposed for removal.
  - b. Activities involving tree removal should not begin each day until all of the birds have left the roost sites.



- c. Replace the removed trees with species that provide the same functions as the eucalyptus tree. Replacement trees should eventually be of the same stature (e.g., over 30 feet tall), and contain an open canopy with exposed branches and be planted in the same vicinity as the removed trees and should not be located in any areas where a root or rookery site could be later construed as a nuisance.
  - d. Conduct tree removal in a timely fashion to reduce noise impacts to birds nesting in the general area.
  - e. Conduct several nights of surveys at the cormorant roosting site within two weeks prior to tree removal activities to record the use of the trees at the time of the removal and to ensure that no nests have been built in the trees proposed for removal. Conduct periodic surveys of the rookery/roosting site during the tree removal activities to ensure that cormorants are continuing to use the site in the same fashion as they were prior to initiation of tree removal activity, and that there are no impacts on breeding activities such as nest abandonment. If noticeable changes occur, consult with biologist conducting surveys to modify activities to reduce effects. Surveys should also be conducted several times later in the breeding season to ensure that cormorants continues to nest at the site in numbers similar to pre-disturbance levels.
7. **Tree Protection.** All trees not indicated for removal on the site plans shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
8. **Tree Protection and Replacement.** The applicant shall implement all recommendations specified in the Biological Resource Assessment and Tree Protection Plan as listed below: **(B-2)**
- a. Construction areas will be designated. All ground disturbances including grading for buildings, access ways, easements, subsurface grading, etc., shall be prohibited outside construction envelopes.
  - b. Equipment storage and staging areas shall be designated on approved grading and building plans. No construction equipment shall be parked, stored or operated within six feet of any tree dripline.
  - c. No grading or development shall occur within the driplines of existing trees with the exception of those trees designated for removal. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand. Any construction activity required within three feet of a tree's dripline shall be done with hand tools.
  - d. All equipment, personnel and construction activities will be restricted to areas outside dripline of existing trees with the exception of those trees designated for removal.

- e. All trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to the Planning Division throughout all grading and construction activities. Designate the location and extent of dripline for all trees to be protected during construction with fencing or other suitable material. The fencing shall be installed six feet outside the dripline of each tree, and shall be staked every six feet.
  - f. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of all trees.
  - g. No artificial surface, pervious or impervious, shall be placed within six feet of the dripline of any trees.
  - h. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a Planning Division approved arborist/biologist.
  - i. Only designated trees shall be removed.
  - j. Any trees which are removed and/or damaged (more than 25% of the root zone disturbed) shall be replaced.
  - k. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted immediately after removal and shall be irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing (or other suitable material) and gopher fencing during the maintenance period.
  - l. Maintenance of trees shall be accomplished through water-conserving irrigation techniques.
  - m. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by the Planning Division. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation.
9. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
10. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available.

During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)

11. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
12. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. (AQ-4)
13. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. (AQ-5)
14. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by: (AQ-6)
  - a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;
  - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - d. Other methods approved in advance by the Air Pollution Control District.
15. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-7)
16. **Construction Dust Control – PEC.** 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 construction 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 for the structure. (AQ-8)

17. **Construction Ozone Precursors.** The following shall be adhered to during project grading and construction to reduce NO<sub>x</sub> and PM<sub>2.5</sub> emissions from construction equipment: **(AQ-9)**
  - a. **Diesel Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) shall be utilized wherever feasible.
  - b. **Engine Size.** The engine size of construction equipment shall be the minimum practical size.
  - c. **Equipment Use Management.** 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.
  - d. **Equipment Maintenance.** Construction equipment shall be maintained in tune per the manufacturer’s specifications.
  - e. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - f. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - g. **Low Sulfur Fuel.** All diesel-powered equipment shall use ultra low sulfur diesel fuel.
  - h. **Diesel Emission Reduction.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
  - i. **Diesel Equipment Replacement.** Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - j. **Idling.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
  - k. **Minimize Employee Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.
18. **Bio-diesel Fuels.** To the maximum extent feasible, diesel-powered construction equipment and vehicles used on site shall be fueled using bio-diesel fuels.
19. **Archaeological Resource Protection.** The following discovery measures shall be adhered to:
  - a. **Discovery Procedures and Mitigation.** Standard discovery measures shall be implemented on all projects per the City Master Environmental Assessment throughout grading and construction: **(CR-1)**

Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts.

If during any grading or construction on the site such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, further analysis and/or other mitigation shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission, and implemented by the project Work in the area may only proceed after the Environmental Analyst grants authorization.

If prehistoric or other Native American remains are encountered, a Native American representative shall be consulted, and the archaeologist and Native American representative shall monitor all further subsurface disturbances in the area of the find.

If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of final City permits.

- b. **Channel Island Fox Exhibit.** The Channel Island Fox exhibit which is located in the Medium Sensitivity Zone is subject to the following:  
**(CR-2)**

A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor all ground disturbing activities during construction. If intact archaeological materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following City MEA Guidelines for Archaeological and Historic Structures and Sites.

- c. **California Condor Exhibit.** The California Condor exhibit which is located in the Medium Sensitivity Zone is subject to the following:  
**(CR-3)**

- (1) A City-qualified archaeologist shall be consulted to determine if the proposed project has the potential for impacting potentially significant archaeological deposits. This determination shall take into consideration the aerial extent and proposed depth of ground disturbance of the proposed project, any obvious soil disturbance within the project footprint (i.e., signs of past grading, presence of existing structures or utilities, relation to the footprint of the historic mansion), presence/absence of archaeological material on any exposed ground surface, and the results of any nearby archaeological excavations.
- (2) If it is highly unlikely that the proposed project would encounter a potentially significant archaeological deposit, then the following mitigation measure shall apply due to the possibility of encountering individual diagnostic artifacts in the disturbed deposits and due to the heritage value of the archaeological material to the Native American community and the potential presence of isolated human remains.

A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor all ground disturbing activities during construction. If intact archaeological materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following City MEA Guidelines for Archaeological and Historic Structures and Sites.

- (3) If the proposed project has the potential for encountering intact soil deposits that could contain significant archaeological remains, then the following mitigation measure shall apply:

A City-qualified archaeologist shall be retained to conduct Extended Phase 1 excavations to determine the presence and integrity of potential prehistoric deposits. If an archaeological resource is encountered, it shall be documented and its potential significance evaluated by a Phase 2 Significance Assessment investigation prior to any construction activities. A City-qualified Chumash observer shall monitor all archaeological excavations. Resources considered significant shall be avoided or subject to a Phase 3 Data Recovery program and construction monitoring, consistent with City MEA Guidelines for Archaeological and Historic Structures and Sites.

- d. **The Wave Banquet Facility.** The Wave Banquet Facility project which is located in the High Sensitivity Zone is subject to the following:  
**(CR-5)**

- (1) A City-qualified archaeologist shall conduct an Artifact Analysis of all archaeological material that was recovered during the Extended Phase 1 excavations for the proposed Wave project. This shall include analyses of bone and shell to determine the range of species and habitats represented in the collection. The analyses shall be presented within the context of a research design that would relate the data to broader regional research questions about prehistoric occupants within South Coastal Santa Barbara County.
- (2) Project plans shall be designed to limit all construction-related ground disturbances to the maximum extent feasible.
- (3) A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor all ground disturbing activities. If intact archaeological materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst following City MEA Guidelines for Archaeological and Historic Structures and Sites.
- (4) If any portion of the proposed project, such as installation of utility lines, involves ground disturbance located beyond the existing barbecue facility footprint, then the following measure is required:

A City-qualified archaeologist shall be retained to conduct Extended Phase 1 test excavations to determine the presence and integrity of potential prehistoric deposits for any project component that involves ground disturbance located outside the existing barbecue facility. If an archaeological resource is encountered during testing, it shall be documented and its potential significance evaluated prior to any construction activities. Resources considered significant shall be avoided or subject to a Phase 3 Data Recovery program, consistent with Santa Barbara City MEA guidelines. A City-qualified Chumash observer shall monitor all archaeological excavations.

20. **Construction Notice.** At least 30 days prior to commencement of each of the three phases of the Master Plan construction, the contractor shall provide written notice to all property owners and building occupants within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided.

Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)

21. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays observed by the City as legal holidays: (N-2)

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.

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. weekdays by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends and holidays.

22. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
23. **Sound Barriers.** As part of the building plan submittal, prepare and submit a sound control plan including devices and techniques such as noise shields and blankets in order to reduce noise impacts to surrounding sensitive noise receptors. (N-4)
24. **Rodent Control Measures.** Rodent control measures shall be incorporated during construction activities to minimize rodent migration to adjacent properties.

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

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



2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.
3. **Cross Connection Inspection.** The Zoo shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
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 or Final Inspection, whichever is earlier.
5. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

**J. Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Zoo 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/Zoo 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.

Zoo shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If the Zoo 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 DEVELOPMENT PLAN AND MODIFICATION TIME LIMITS:**

The development plan and modification 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. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to

implement and complete the proposed project. No more than one (1) time extension may be granted.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire four (4) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 21<sup>st</sup> day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Larson, White)

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.

\_\_\_\_\_  
Kathleen Goo, Acting Planning Commission Secretary

\_\_\_\_\_  
Date

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