



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 046-07

930 MIRAMONTE DRIVE

CONDITIONAL USE PERMIT

NOVEMBER 15, 2007

APPLICATION OF TRISH ALLEN, SEPPS, AGENT FOR VISITING NURSE AND HOSPICE CARE (VNHC) OF SANTA BARBARA, 930 MIRAMONTE DRIVE, APN 035-023-003, A-1, ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS PER ACRE (MST2004-00743)

The project consists of the development of a new 18-bed hospice facility for Visiting Nurse and Hospice Care of Santa Barbara at the site of the former Community Environmental Council facility. The existing 3,990 square foot two-story building would be retained, and the garden center and garage buildings (1,093 square feet total) would be demolished. A new 11,890 square foot hospice facility building would be developed along the north and east sides of the existing building that is to be retained. The new building would provide 18 beds/rooms for clients, along with other accessory facilities. The existing building would be used for offices and other staff-related purposes. A total of 27 parking spaces would be provided including four surface parking spaces and 23 parking spaces in an underground parking garage. The proposed project would widen the existing driveway to a uniform 20-foot width and a new fire truck turn-around area would be provided. To facilitate the widening of the driveway, retaining walls would be provided along the western and eastern sides of the driveway.

The discretionary application required for this project is a Conditional Use Permit to allow a State-licensed residential care facility for the elderly, community care facilities and hospices serving more than 12 individuals in the A-1 zone (SBMC Section 28.94.030.Q).

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

1. Staff Report with Attachments, November 8, 2007
2. Site Plans
3. Correspondence received in support of the project:
 - a. Frank Williams, Santa Barbara, CA
 - b. Dennis H. Baker, MD, Santa Barbara, CA
 - c. Michael Bordofsky, email

- d. Cyncer Sinclair, email
 - e. Jane Rieffel, email
 - f. Christine and Robert Emmons, email
 - g. Charles D. Kimbell, Santa Barbara, CA
 - h. Michele McCutcheon, Santa Barbara, CA
 - i. Elna Scheinfeld, Santa Barbara, CA
 - j. Virginia Graves, email
 - k. Roger Durnham, email
 - l. David Spainhour, email
 - m. Kathie Organ, Santa Barbara, CA
 - n. Dennis H. Baker, MD, Santa Barbara, CA
 - o. Gail M. Rink, Hospice of Santa Barbara
 - p. Thomas Parker, Hutton Foundation, Santa Barbara, CA
 - q. Emma Rollin Moore, email
 - r. Len Jarrott, Santa Barbara, CA
 - s. Mark Goetz, Santa Barbara, CA
 - t. Stephen Jones, email
 - u. Monica Intaglietta, email
 - v. Robert N. Lettieri, email
4. Correspondence received in opposition to the project:
- a. Paula Westbury, Santa Barbara

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

- I. Approved the subject application making the following findings and determinations:
 - A. **Conditional Use Permit (SBMC§28.94.020)**

Standard findings for all Conditional Use Permits:

- 1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan. *There is a community need for additional hospice facilities and proposed project is consistent with the intent of the Land Use, Open Space, Conservation, Noise and Seismic Safety-Safety Elements of the General Plan as discussed in the staff report.*
- 2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood

involved. *The hospice facility is essentially a residential use that would not be detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the neighborhood.*

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. *The project site is 5.5 acres in size and sufficient setbacks are proposed to provide buffers to neighboring properties.*

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. *The existing driveway would be widened and the parking demand of 26 parking spaces would be met onsite.*

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title. *The Architectural Board of Review (ABR) provided positive comments for the proposed project during concept review. The proposal will be required to obtain preliminary and final approval by the ABR. Due to the size and topography of the project site, extensive open space areas are proposed. Additionally, the proposed project will not penetrate the ridgeline.*

6. Compliance with any additional specific requirements for a conditional use permit. *Additional requirements are addressed below.*

B. Conditional Use Permit (SBMC§28.94.030.Q)

Findings for new State-licensed hospice facilities:

1. The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility. *Based on the Initial Study, adequate resources are available to service the proposed project. The proposed project would result in a net increase in water demand of approximately 3.4 acre feet, which would not result in a significant impact to the City's water supply.*

2. The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use. *Operational aspects of the proposed project, such as staggering work schedules to eliminate vehicular trips during the peak hours, ensure that the use is compatible with the surrounding neighborhood.*

3. The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use. *The proposed project would not preclude the conversion to a residential use that would meet the requirements in the A-1 zone. Adequate land is available to meet parking requirements.*

C. Final Mitigated Negative Declaration Adoption

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review period process.

2. The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.

3. The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.

4. The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.

5. The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

6. The location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

II. Said approval is subject to the following conditions:

A. Recorded Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner 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 Owner 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.
2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in

accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

4. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 15, 2007 is limited to a hospice facility consisting of approximately 15,513 square feet of building area, twenty-three parking spaces within a 9,639 square feet underground parking garage, four uncovered parking spaces and the improvements shown on the project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 5. **Mitigation Tree Monitoring.** Two years after an occupancy permit is issued for the proposed project, an arborist shall submit to the City a health assessment for all required mitigation replacement trees. After the two-year period, at least 80% of required mitigation trees must be found to be in good health. Trees that have died or that are in poor health shall be replaced at a ratio of 1:1. (BIO-7)
 6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 7. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
- 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 \$2,500 for projects with Environmental Impact Reports and \$1,800 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination 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. **Public Works Submittal Prior to Building Permit Issuance.** The Owner 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 any permits for the project:
1. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit a report to the City annually. (W-3)
 2. **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 owners association 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)
 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff shall be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by 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. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
 6. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
- D. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Design Review.** Prior to building permit issuance, proposed project grading and landform alteration, structural design, landscaping, and lighting plans shall receive preliminary and final review and approval by the Architectural Board of Review. The required review and approval will ensure project consistency with design guidelines related to views, visual aesthetics and compatibility, and lighting. (A-1)
 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. The proposed lighting plan shall be approved by the Architectural Board of Review. (A-2)
 3. **Revegetation of Disturbed Areas.** If the installation of storm drain lines located north and west of the proposed building area result in ground disturbance/vegetation removal, the project applicant shall submit a revegetation/maintenance plan to the City for review and approval prior to the approval of a grading permit. The plan shall address methods to minimize project-related impacts to oak woodland understory plants and coyote bush/sage scrub; identify how reseeding or other approved revegetation efforts shall be implemented; and identify criteria to be used to determine if revegetation efforts have been successful. Replanted areas shall be monitored and maintained for a period of two years. If a 1:1 replacement ratio has not been achieved at the end of the first two-year monitoring period, additional planting and monitoring shall be provided until the required revegetation success criteria have been achieved.

All initial revegetation requirements shall be completed prior to occupancy of the proposed building. (BIO-1)

4. **Oak Tree Replacement Ratio.** All oak trees that are removed by the proposed project shall be replaced on the project site at a ratio of 5:1, in accordance with SBMC section 22.10.060. All oak trees identified as being impacted by project-related construction activities shall be replaced on-site at a ratio of 3:1. All required mitigation trees shall be depicted on the required Oak Tree Planting Plan and the project's landscape plan. (BIO-2) Some replacement trees shall be located in existing open areas with the purpose of extending Oak Woodland habitat to the fullest extent feasible.
5. **Oak Tree Planting Plan.** Prior to the issuance of a grading permit, the project applicant shall submit to the City for review and approval an oak tree mitigation planting plan that depicts the location, size, installation and maintenance details for all required mitigation trees. The mitigation plan shall be updated as necessary if additional impacts to oak trees are identified during the proposed project's construction period. (BIO-3)
6. **Northern Storm Drain Line Installation.** The proposed storm drain line that would extend northward from the project building area shall be installed above grade when it passes through areas containing oak trees. (BIO-6)
7. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

E. **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. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative 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) and Conditions of Approval 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.

- e. Submittal of biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department.
 - f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
2. **Neighborhood Notification Prior to Construction.** At least 30 days prior to commencement of 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. Someone shall be available to respond live to calls. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-2)
 3. **Construction Noise Plan.** Prior to the approval of a demolition permit, the applicant shall prepare and submit a sound control plan, prepared by a qualified noise consultant, that identifies noise attenuation measures and/or devises, such as the use of noise shields and blankets, to reduce noise impacts to the residential uses located east and west of the project site. If noise control devises are provided, they shall be maintained on the project site throughout all proposed demolition, grading and foundation preparation/drilling operations. (N-4)
 4. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 5. **Letter of Commitment for Pre-Construction Conference.** The Owner 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 Property Owner, the Architect, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.

6. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is 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.
- F. **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 Architectural Board of Review outlined in Section C above.
 2. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
 3. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner (Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.
 4. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner 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.
 5. **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 owners association shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to City annually. (W-2)
 6. **Mechanical Equipment Noise.** Proposed mechanical systems located on the project site shall be designed and installed to ensure that required exterior and interior noise levels are within acceptable levels as specified in the Noise Element. This may be achieved by using appropriate building techniques for

equipment enclosures, providing sound insulation, or other measures identified on building plans. An acoustical report prepared for the proposed building mechanical systems shall be prepared by a qualified noise engineer or acoustician to verify that adequate structural or other measures have been provided as part of the proposed project's design so that interior and exterior living area noise levels comply with Noise Element Land Use Compatibility Guidelines. The required noise evaluation shall be submitted to the Building and Safety Division prior to the approval of a building permit. (N-1)

7. **Geotechnical Recommendations.** Site preparation and project construction shall be in accordance with the recommendations contained in the Geologic Site Evaluation prepared by Fugro West, dated January 4, 2007, and other site-specific soils investigations prepared for the project. Compliance shall be demonstrated on plans submitted for grading and building permits. (G-1)
8. **Fire Department Letter.** All proposed measures outlined in the applicant's letter to the Fire Department dated March 27, 2007 shall be implemented as required by the Fire Department. (FIRE-1)
9. **Fuel Modification Plan.** The Fuel Modification Plan shall be approved by the Fire Department prior to approval of a building permit. (FIRE-2) Said plan shall be applied to entire site, using Zone 4 requirements where other zones do not apply.
10. **Fire Truck Access.** The extension of the fire truck access along the east of the proposed building shall be a minimum of 20 feet in width with a vertical clearance of 13 feet 6 inches. (FIRE-3)
11. **Non-combustible Construction.** The non-combustible construction classification as identified within the applicant's access modification request shall be a CBC or City-approved construction type. The type of construction shall continue throughout any new construction and meet the provisions under the Building Code. (FIRE-5)
12. **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.
13. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.
14. **Erosion Control/Water Quality Protection Plan.** Prior to the issuance of a demolition permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the *Procedures for the Control of Runoff into Storm Drains and*

Watercourses and the Building and Safety Division *Erosion/Sedimentation Control Policy* (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site. At minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation and/or maintenance of each of the following water resource protection strategies:

Paving and Grinding, Sandbag Barriers, Spill Prevention/Control, Solid Waste Management, Storm Drain Inlet Protection, Stabilize Site Entrances and Exits, Illicit Connections and Illegal Discharges, Water Conservation, Stockpile Management, Liquid Wastes, Street Sweeping and Vacuuming, Concrete Waste Management, Sanitary/Septic Waste Management, Vehicle and Equipment Maintenance, Vehicle and Equipment Cleaning, Vehicle and Equipment Fueling. (W-1)

15. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
16. **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:

Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
1. **Oak Tree Impact Monitoring.** An arborist shall periodically monitor construction activities at the project site to ensure that: approved tree protection measures are being implemented; disturbance to native trees and their root zones is minimized; and to document unanticipated impacts to oak trees on the project site. Any additional trees identified by the monitor as being impacted by construction activities shall be mitigated at a ratio of 3:1 and depicted on the tree planting plan required by mitigation measure BIO-3. (BIO-5)
 2. **Fuel Modification Plan.** All vegetation maintenance on the project site shall comply with the vegetation management provisions contained in an approved Fuel Modification Plan. (BIO-8)
 3. **Mark Location of Plants.** Prior to the installation of the storm drain line that extends north of the proposed building area, a qualified biologist shall mark in the field the location of Plummer's baccharis plants on the project site. Construction activities required for the installation of the drain line shall minimize ground disturbance activities in the vicinity of the identified plants to the extent possible. (BIO-9)
 4. **Weekly Pre-Construction Surveys.** The applicant shall retain a qualified, City-approved biologist to implement preconstruction surveys to ensure potential impacts to nesting raptors are avoided. Beginning at least 30 days prior to the removal of any habitat between March 1 through September 15, the applicant shall retain a qualified, City-approved biologist to conduct weekly surveys for raptor nests. The survey area will include approximately 500 feet around construction work areas. In the event that any nests are observed within construction work areas or within 500 feet of those areas, the applicant shall delay construction work until: (a) after September 15 or (b) until continued monitoring demonstrates that the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits of construction to avoid potential nest sites shall be established in the field by flagging with stakes or construction fencing. Construction personnel shall be instructed on ecological sensitivity of the area. Locating and determining the status of the nest shall be performed in accordance with procedures approved by the USFWS and CDFG. (BIO-10)
 5. **Erosion Control/Water Quality Protection Plan.** The Erosion Control/Water Quality Protection Plan described in Condition F.14 shall be implemented during construction.
 6. **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-1)

7. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-2)
8. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. (AQ-3)
9. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is complete, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - 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. (AQ-4)
10. **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-5)
11. **Construction Ozone Precursors.** The following shall be adhered to during project grading and construction to reduce emissions from construction equipment:
 - a. **Diesel Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should 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 Reduction.** Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - j. **Engine Idling Limitations.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes. Auxiliary power units should be used whenever possible. The operation of diesel engines and auxiliary power units shall comply with applicable state regulations regarding the duration and location of use.
 - k. **Minimize Employee Trips.** Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
 - l. **Bio-diesel.** To the extent feasible, diesel-powered construction equipment and vehicles used on site shall be fueled using bio-diesel fuels. (AQ-6)
12. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, 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 a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met. (PS-1)
13. **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

- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager. (T-2)
18. **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.
19. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
20. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
21. **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(s), 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.
22. **Tree Protection Requirements.** All tree protection measures included on the proposed landscape plan shall be implemented throughout the project's construction period. (BIO-4)
23. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-5)
24. **Cultural Resources Discovery Procedures and Mitigation.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction:

If archaeological 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 Owner 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 Owner 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 Owner 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.

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

1. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
2. **New Construction Photographs.** Photographs of the new construction shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
3. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
4. **Shelter in Place and Disaster Evacuation Plans.** Proposed shelter in place and disaster evacuation plans shall be approved by the Fire Department prior to issuance of a certificate of occupancy. (FIRE - 4)
5. **Arborist/ Biologist Monitoring Contracts.** Submit contracts with qualified arborist/ biologist acceptable to the City for on-going monitoring.

I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Conditional Use Permit 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 within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

This motion was passed and adopted on the 15th day of November, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

PLANNING COMMISSION RESOLUTION No. 046-07
930 MIRAMONTE DRIVE
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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

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.