



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 048-07

132 AND 134 HARBOR WAY

COASTAL DEVELOPMENT PERMIT AND DEVELOPMENT PLAN

DECEMBER 20, 2007

APPLICATION OF THERESA LAWLER, AGENT FOR CITY OF SANTA BARBARA, WATERFRONT DEPARTMENT, 132 AND 134 HARBOR WAY, 033-120-018 AND 045-250-011, HC/S-D-3, HARBOR COMMERCIAL/COASTAL OVERLAY ZONE, GENERAL PLAN DESIGNATION: HARBOR (MST2007-00356/CDP2007-00011)

The proposed project involves replacement of Marina 1 including fingers A through P with similar facilities to the ones that currently exist with two exceptions one of which may not be constructed. Finger P would be extended by approximately 40 feet to the south to add four new slips. The northern end of Finger F may be extended to add 8 35 foot slips if the dry dock closes. New land side and submarine electrical service would be constructed that includes a new 66 square foot structure to house the equipment.

The discretionary applications required for this project are:

1. Development Plan approval for 66 square feet of additional non-residential floor area (SBMC§28.87.300); and
2. Recommendation to the Coastal Commission to approve a Coastal Development Permit to allow the proposed development in the California Coastal Commission Permit Jurisdiction (SBMC §28.44.050).

An Addendum to the Marinas 1 and 4 Expansion Project Mitigated Negative Declaration (ENV96-0209) has been prepared for the project.

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

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

1. Staff Report with Attachments, December 13, 2007
2. Site Plans
3. 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. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because the project will increase and enhance coastal access and has been designed and conditioned to be sensitive to marine resources and water quality.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. The project would not hinder long term access to and along the coast, would not significantly impact biological resources, would maintain the visual appearance of the area, and coastal dependant uses, including boating would be maintained and enhanced.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation because the project will increase and enhance coastal access consistent with the goals of the Local Coastal Program and the Harbor Master Plan.

B. Development Plan (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance;
2. The proposed development is consistent with the principles of sound community planning because the project will increase and enhance coastal access consistent with the goals of the Local Coastal Program and the Harbor Master Plan;
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 primarily involves the replacement of the existing dock structures. All new improvements are subject to review by the Architectural Board of Review and designed to be consistent with the existing pattern of development within the harbor;
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock. The project does not impact the housing stock as it does not create any additional housing demand or reduce the existing supply of housing units;
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources. The project does not involve the use of significant amounts of potable water and the potential increase in the number of slips will not significantly increase the use of potable water at the harbor;
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic. The additional slips, if built, will not significantly increase the traffic generated by the harbor uses; and
7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

II. Said approval is subject to the following conditions:

- A. Approval of the subject project is contingent upon approval of the project by the California Coastal Commission.
- B. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 20, 2007 is limited to replacement of Marina 1 main headwalk, fingers A through P, expansion of fingers P and F to provide up to 12 new slips, and installation of new electrical cables and a 66 square foot addition to a landside structure to house electrical equipment as shown on 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.
- C. **Design Review.** The proposed plans shall be subject to review and approval by the Architectural Board of Review (ABR).
 1. **Accessible Walkway.** The Architectural Board of Review shall assure the appropriate ADA accessibility to the land side portion of the project.
- D. **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 bimonthly 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 twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the (Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 3. **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.
 4. **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 Project Environmental Coordinator, the Contractor and each subcontractor.
- E. **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, elements, as approved by the Architectural Board of Review, outlined in Section C above.
 2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building & Safety and Planning Divisions, the Waterfront Department, Project Architect,

Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.

3. **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 Addendum to the Mitigated Negative Declaration for the project.

4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

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

5. **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., Coastal Development Permit 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
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)
1. **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.
 2. **Construction-Related Truck Trips.** 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
 4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
 5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m.,

and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-1)

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - 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.
8. **Least Terns.** Construction of marina facilities during the months of July and August shall be limited to those activities which do not require pile driving,

towing, or the general use of heavy equipment which cause excessive noise, odors, and vibrations. (Bio-1)

9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, 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 on-site 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.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible.
11. **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.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **Mitigation Monitoring Compliance Reports.** The PEC shall submit bi monthly reports during demolition, and excavation, and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
14. **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.
15. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or

monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. (CR-2)

16. **Notification.** The applicant shall notify all Harbor tenants that construction is about to occur at least twenty days prior to construction and inform people on adjacent docks immediately prior to any pile driving. (N-2)
17. **Construction Dust Control.** Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
18. **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-4)
19. **Construction Dust Control.** Paving. All exposed soils, 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
20. **Diesel Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible. (AQ-6)
21. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-7)
22. **Equipment Amount.** 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. (AQ-8)
23. **Engine Maintenance.** Construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-9)

24. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-10)
25. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-11)
26. **Filters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-12)
27. **Electric Preference.** Diesel powered equipment should be replaced by electric equipment whenever feasible. (AQ-13)
28. **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. (AQ-14)
29. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-15)
30. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-16)
31. **Construction Debris.** All construction related debris should be disposed of properly. Any construction related debris deposited in the harbor should be promptly removed. (Haz-1)
32. **Public Education.** The Waterfront Department shall continue its public education and awareness of pollution prevention associated with marina activities. (Haz-4)
33. **Maintenance.** The construction contract shall contain a provision that all construction equipment should be maintained and maintenance verified prior to the commencement of construction and regularly (daily) checked by the contractor for materials toxic to marine life. In addition, the construction contract should include a provision that spill containment and cleanup materials shall be present at all times at the work site. (Haz-5)
34. **Spill Contaminant.** The project shall include a plan for spill containment and cleanup that includes methods for disposal of any spilled hazardous materials. (Haz-6)

G. **Prior to Project Completion.** Prior to project completion (for the final phase of the project), the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

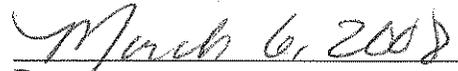
This motion was passed and adopted on the 20 day of December, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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



Julie Rodriguez, Planning Commission Secretary



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.