



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 003-10  
1150 SAN ROQUE ROAD  
SETBACK AND PARKING MODIFICATIONS  
APRIL 22, 2010

**APPLICATION OF JOE WILCOX, ARCHITECT AND AGENT FOR THE CITY OF SANTA BARBARA WATER RESOURCES DIVISION – CATER WATER TREATMENT PLANT, 1150 SAN ROQUE ROAD, APN 055-171-007 , A-1 SINGLE FAMILY ZONE, GENERAL PLAN DESIGNATION: OPEN SPACE (MST2009-00517)**

The proposed project involves three new water treatment structures (total of 7,999 sq. ft. of new enclosed structures) and the relocation of twelve parking spaces at the existing Cater Water Treatment Plant. The proposed project will assist South Coast water agencies, including the City of Santa Barbara, Montecito Water District, and Carpinteria Valley Water District, comply with more stringent U.S. Environmental Protection Agency regulations for potable water.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow a building to encroach into the double setback requirement of 70 feet (SBMC §28.15.085);
2. A Side Setback Modification to allow a new building to encroach into the double setback requirement of 30 feet (SBMC §28.15.085);
3. A Parking Modification to allow fewer than the required 50 spaces based on 1 space per 500 sq. ft. (SBMC 28.90.100); and
4. A Conditional Use Permit Amendment to allow a public or quasi-public facility in any zone (SBMC §28.94.030.W).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303.

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

**WHEREAS**, 4 people appeared to speak in favor of the application, and 7 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 12, 2010
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA

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

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

A. **Modification Finding – Setbacks (SBMC §28.15.085.A, §28.92.110.A.2):**

The modifications for front and interior setbacks are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The new Ozone Contactor and Generation Building will have a setback of 33 feet from the front property line, similar to the regular A-1 setback requirement, and would be sufficiently separated from nearby residences and screened to ensure compatibility. The Chemical/CO<sub>2</sub> Feed Building is proposed to be located 20 feet from the north property line where 30 feet is the minimum required setback for a non-residential use in a residential zone. The land to the north of the project site is owned by the Bureau of Reclamation and is mostly undeveloped. ABR made findings indicating that they thought the design and details of the new buildings were compatible with the surrounding area.

B. **Modification Finding – Parking (SBMC §28.90.100, §28.92.110.A.1):**

The modification of parking requirements is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because the capacity and staffing of the plant will not change with the proposed project and the existing parking meets current demand. The design of the Cater Treatment Plant and the nature of its use do not allow for a meaningful estimate of parking demand based on the square footage of the facility. Therefore, strict application of the parking ordinance's parking requirements based on square footage requirements is not appropriate in this case.

C. **Conditional Use Permit Findings (SBMC §28.94.020):**

1. The proposed use is deemed essential and desirable to the public health, convenience and welfare and is in harmony with the various elements and objectives of the Comprehensive General Plan as described in Section IX.B of the staff report;
2. Such use 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, as discussed in Section IX of the staff report;
3. The total area of the site (12.3 acres) 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 nearest residence is 515 feet from the site and would not be impacted by the proposed project;
4. Adequate access and off-street parking including parking for guests are 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, as discussed in Section VIII (Zoning Ordinance Consistency) of the staff report; and

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, as discussed in Sections IX.A (Design Review) and IX.C (Neighborhood Compatibility) of the staff report.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The project is 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 Planning Commission land use conditions have been satisfied.
  1. **Tree Removal and Replacement.** As shown on the March 29, 2010 tree relocation plan, all trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be relocated on-site with like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
  2. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures, intended to minimize impacts on trees:
    - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
    - b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
      - (1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the ABR. No irrigation system shall be installed under the dripline of any oak tree.
      - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be relocated on site or elsewhere as outlined in the March 29, 2010 tree relocation plan.
  3. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the steep slope to the north shall be kept to the minimum necessary for plant survival. The drip system along the slope shall be removed after one full season of plant growth.
  4. **Minimize Visual Effects of Paving.** Minimize the amount and visual effect of any new paving, including the view from residential areas in the vicinity of the plant.
  5. **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.

6. **Noise and visual screening.** Add "wing walls" as needed to provide visual and acoustical screening of heavy trucks and vehicles idling engines while loading/unloading sludge materials and/or queueing (Noise Study suggestion, p. 10). Work with the Applicant to visually soften the appearance of the western sides of the operations annex and other prominent buildings, through color palette or texture materials that minimize visual impacts to neighbors on the west.
  7. **Building Height Restriction.** The height of any structure proposed as a part of this application shall not exceed 24 feet above existing grade.
  8. **Photo-Voltaics.** The project shall be designed to accommodate photo-voltaics, or similar alternative energy systems, into the project plans even if not proposed at this time.
- B. **Continuing Conditions.** The following conditions shall be observed for as long as the Real Property is developed and operated with the improvements approved by this action of the Planning Commission.
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 22, 2010 is limited to approximately 7,999 square feet of enclosed building area and the improvements shown on the approved plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the 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. The following tree protection shall be incorporated:
  5. **Oak Tree Protection.** The existing oak trees shown to be retained on the Landscape Plan and March 29, 2010 tree relocation plan shall be preserved, protected, and maintained. The trees that are shown to be relocated shall be placed onsite and across the street on City property to the extent feasible and offered to other public agencies and non-profits for replanting. The following provisions shall apply to any oak trees to remain on the property:

- a. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees.
  - b. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
  - c. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
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 prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the 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. **Pesticide or Fertilizer Usage Near San Roque Creek.** The use of pesticides or fertilizer shall be prohibited on the north slope of the lot which drains directly into San Roque Creek.
8. **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.
- C. **Public Works Requirements 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 a Building Permit for the project.
1. **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.

2. **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 should 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.

D. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area and to the homeowners across the canyon to the west. 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 City Water Resources Manager 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.
2. **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.
3. **City Arborist Tree Removal Approval.** Submit to the Planning Division verification of approval from the City Arborist for the removal and on-site relocation of oak trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) in the front yard setback.
4. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all boxing and relocating of oak trees 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 and the City arborist, if appropriate.

- 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, landscape and tree protection elements, as approved by the ABR, outlined in Section A above.
  2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
  3. **Noise attenuation** – As suggested in the Noise Study (p. 13), consider providing blowers inside the plant building to power the air delivery systems rather than using air compressors on the trucks. Consider installing partial or full sound enclosures with sound absorbent materials on the inner faces around the remaining free-standing pumps and motors around the plants, such as the BRW pumps, flash mixers and carbon mixers.
  4. **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., Archaeologist contract submitted to Community Development 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.
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 Transportation Manager.
  4. **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
Cesar Chavez Day	March 31 <sup>st</sup> *
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 and residents across the canyon to the west 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 that is answered by a person, not a machine.

5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
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 across San Roque Road on Water Resources property 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. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
  - a. Site grading and transportation of fill materials.
  - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
  - c. 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.
  - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
  - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site 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.
9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
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. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. The font size shall be a minimum of 0.5 inches in height.

Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

14. **Tree Protection.** All trees not indicated for removal or relocation on the site plan shall be preserved, protected, and maintained, as follows.

- a. **Grading Notes.** Notes on the grading plan that specify the following:
- (1) No grading shall occur within three feet of the driplines of the existing tree(s). Protective fencing shall be installed around any trees remaining that are within the construction zone.
  - (2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which are required to be protected or relocated onsite or across San Roque Road on City property.
  - (3) All excavation within the dripline of the tree(s) shall be done with hand tools. No mechanical digging shall be permitted within the Tree Protection Zone (3 feet outside the dripline of an oak).
  - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
  - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
  - (6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
  - (7) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees that will remain on site:
- (1) During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
  - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the new structures. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
    - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
    - (5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
  - c. **Tree Relocation.** The existing oak trees identified on the March 29, 2010 tree relocation plan shall be relocated on the Real Property and shall be fenced and protected during construction.
  - d. **Existing Tree Preservation.** The existing tree(s) shown on the approved Site Plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
16. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
17. **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.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any 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. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
  3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Conditional Use Permit and Modifications 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.

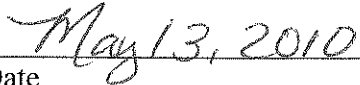
If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 22nd day of April, 2010 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.