



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 023-11  
1400-1700 BLOCKS EAST CABRILLO BOULEVARD  
COASTAL DEVELOPMENT PERMIT  
NOVEMBER 10, 2011

**APPLICATION OF CITY OF SANTA BARBARA PARKS AND RECREATION DEPARTMENT FOR ANDREE CLARK BIRD REFUGE VEGETATION MAINTENANCE AND HABITAT RESTORATION PROJECT, 1400-1700 BLOCKS EAST CABRILLO BLVD (ANDREE CLARK BIRD REFUGE) AND 1414 PARK PLACE (CULVERT), APN 017-382-001; 017-381-001, PR/SD3 ZONES, GENERAL PLAN DESIGNATION: PARK (MST2011-00315)**

The project would remove 0.86 acres of marsh vegetation from Andree Clark Bird Refuge and restore 0.86 acres of wetland habitat at the Refuge, and remove silt and vegetation from a grouted sandstone culvert along Old Coast Highway and from a concrete culvert entering the Bird Refuge from the north, for a total of 0.07 acres from the culverts. Maintenance activities would occur over a five-year period to keep the affected locations free of marsh vegetation. The purpose of the project is to restore water flow and conveyance in the lake and culverts to reduce mosquito production and flooding, improve water quality, and limit eutrophication and resulting odors. The proposal would also protect the diversity of habitats at the Bird Refuge.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2011-00014) to allow the proposed development for the culvert portion of the project in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.060); and
2. Planning Commission recommendation to the California Coastal Commission for the portion of the project in its permanent jurisdiction for the maintenance and restoration of the Andree Clark Bird Refuge within the submerged portion of the lake.

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**, no one 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 3, 2011.
2. Site Plans

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

Approved the subject application making the following findings and determinations:

**A. Park and Recreation Zone Findings:**

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;
2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

**B. Final Mitigated Negative Declaration Adoption**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated November 3, 2011 for the Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project (MST2011-00315), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated November 3, 2011, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval and have been approved by the applicant. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material 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, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition

of approval has been included, which requires the applicant to pay the fee within five days of project approval.

**C. Coastal Development Permit (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because:
  - a. The project protects and enhances the natural qualities of Santa Barbara's environment and preserves the ecological balance of the Bird Refuge.
  - b. The project does not aggravate existing or expose people to geological hazards and protects people and the environment from the effects of flooding.
  - c. The project is designed to avoid and minimize effects on cultural and sensitive biological resources and will help maintain a productive biotic community. Visual resources will be protected from erosion.
  - d. The project is designed to avoid and minimize effects on circulation.
  - e. The project is designed to avoid and minimize effects on noise to that it is compatible with the variety of human activities and recreational uses in and around the Bird Refuge.
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, because it preserves, protects and enhances the existing Bird Refuge, as described in Section V.C of the staff report.

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

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
  1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
  2. Obtain all required design review approvals.
  3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
  4. Record any required documents (see Recorded Conditions Agreement section).
  5. Permits.
    - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
    - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

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

- B. **Approval Contingent Upon Coastal Commission Approval.** Approval of the subject project is contingent upon approval of the California Coastal Commission.
- C. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 10, 2011 is limited to approximately 0.86 acres of marsh vegetation removal in the Bird Refuge, 0.86 acres (or a 1:1 ratio excluding culvert/channel) of habitat restoration in the Bird Refuge, removal of approximately 0.07 acres of sediment and vegetation in a culvert and channel in or with a hydrologic connection to the Bird Refuge, and maintenance over the five-year permit period and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- D. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- E. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
- F. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development 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.
- G. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Bird Refuge or culvert areas, which drains directly into Bird Refuge.
- H. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
  - 1. Public Works Department.
    - a. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations, (*and Regional Water Quality Control Board*). Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-

term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. (W-1)

- b. **Work in Natural Watercourses and Drainage System Permit.** Apply for a Public Works permit to work in a natural watercourse and drainage system (*SBMC 14.56*)
  - c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.
  - d. **Temporary Traffic Control Permit.** Apply for a Public Works permit for temporary traffic control.
  - e. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (T-1)
  - f. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
  - g. **Transportation Plan.** A plan for cleaning and sweeping of any debris left on the roadways should be prepared and included with the project.
  - h. **Spreading Materials Onsite.** Consider spreading the salvaged materials onsite to dry prior to recycling in order to reduce the costs of hauling and recycling.
  - i. **Utility Map.** Clearly show and identify on a site plan the location of the existing sewer main, recycled water main, potable water main, all manholes and any other utilities that could be impacted by the construction equipment.
2. **Community Development Department.**
- a. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. 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:
    - 1) The frequency and/or schedule of the monitoring of the mitigation measures.
    - 2) A method for monitoring the mitigation measures.
    - 3) A list of reporting procedures, including the responsible party, and frequency.
    - 4) A list of other monitors to be hired, if applicable, and their qualifications.

- 5) Submittal of weekly reports during initial site preparation, vegetation removal and excavation, and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
  - 6) Submittal of a Final Mitigation Monitoring Report.
  - 7) 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.
- b. **Archaeological Monitor.** A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor significant ground disturbing activities that occur during construction in portions of the project area designated as "Medium Sensitivity Zone" in the Comprehensive Archaeological Resources Assessment, Santa Barbara Zoological Gardens, prepared by SAIC in July 2003. If intact cultural materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following the procedures set forth in the City's Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites.

Prior to the start of work in all portions of the project area, restoration personnel shall be alerted to the possibility of uncovering unanticipated archaeological features or artifacts associated with past human occupation of the project area. In the unlikely event that potentially intact and significant cultural resources are discovered during any project work, the City Environmental Analyst and project's City-approved archaeologist should be notified and activity in the location of the discovery should be temporarily suspended until the project archaeologist can evaluate the potential significance of the find, pursuant to the City's MEA. If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission shall also be contacted. Work in the area shall only proceed after authorization is granted by the Environmental Analyst. (CR-1)

- c. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan:

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

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native

American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

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

- d. **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 draft copy of the notice to the Planning Division for review and approval.
- e. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition G.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- f. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition G.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- g. **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 outlined in the Mitigated Negative Declaration for the project.
- h. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

I. **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, including demolition and grading.

1. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-1)
2. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes, if needed. (AQ-2)
3. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.(AQ-3)
4. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. 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)
5. **Stockpiling.** If importation, exportation and stockpiling of soils are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-5)
6. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-6)



7. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-7)
8. **Equipment Numbers.** 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)
9. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-9)
10. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-10)
11. **Diesel Catalytic Converters.** 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-11)
12. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-12)
13. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-13)
14. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-14)
15. **Mobile construction equipment** - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm) (AQ-15)
16. **Tidewater Goby Protection Measures.**
  - a. A pre-maintenance survey of culverts shall be performed by a qualified biologist no more than seven days prior to maintenance initiation to verify that no gobies are present. If gobies are determined to be present during the survey, a qualified biologist with applicable permits/approval will conduct tidewater goby rescue and relocation in order to clear the maintenance areas. (BIO-1)
  - b. Biologist(s) with tidewater goby experience shall be designated to monitor onsite compliance. The monitor shall have the authority to halt any action that may result in impacts that exceed levels anticipated by City staff or permitting agencies. (BIO-1)

- c. Complete all pre-construction and construction activities outside of the tidewater goby peak breeding season (April through June), to the extent feasible. (BIO-2)

**17. General Wildlife Avoidance and Protection Measures.**

- a. Report all dead or injured listed or sensitive animals immediately. (BIO-3)
- b. Do not disturb, capture, handle, or move animals, or their nests. If any wildlife is encountered during the course of project activities, said wildlife shall be allowed to freely leave the area unharmed. (BIO-4)
- c. Institute a litter control program during the course of construction/maintenance activities. Covered trash receptacles shall be placed at each designated work site and the contents properly disposed of at the end of the day at a minimum and more often as necessary. No foodstuffs or associated trash, containers, etc. shall be left overnight. (BIO-5)
- d. Pets shall be prohibited on the job site. (BIO-6)
- e. Complete all work during daylight hours. Night-time work (and use of artificial lighting) shall not occur. (BIO-7)
- f. A biological monitor shall conduct environmental training for all workers. (BIO-8)

**18. Nesting Bird Protection Measures.**

- a. Equipment mobilization and vegetation cutting and removal shall be conducted outside the breeding season (February 15 through August 31, for all birds except raptors (which can nest as early as December 1)). (BIO-9)
- b. If vegetation maintenance must occur during the nesting season (including raptors), a qualified biologist shall conduct nesting bird surveys prior to the work. If nesting is observed within or immediately adjacent to the work area, a buffer of at least 100 feet (500 feet for raptors) shall be established, marked, monitored, and maintained until the nest is abandoned or the young have fledged. (BIO-10)
- c. The consulting ornithologist recommends initial aquatic vegetation removal should be conducted in one year to reduce repeated impacts to nesting birds. (BIO-11)
- d. Equipment shall maintain speeds of less than 5 mph in the water. (BIO-12)
- e. Work shall be monitored by a qualified biologist who can flush birds away, salvage birds that could be harmed by the work, and check for new nesting activity as the work progresses. (BIO-13)

**19. Vegetation Avoidance and Protection Measures.**

- a. Work crews will be restricted to designated and clearly defined work areas. Construction crews shall be educated regarding staying within work areas for the protections of sensitive wetland and native habitat onsite. (BIO-14)
- b. To prevent the introduction of new invasive animals and weedy plant species, the City shall require the designated contractor to ensure that work boots, vehicles, and equipment have been cleaned prior to starting work on the project. (BIO-15)

- c. Staging of equipment and temporary dump sites shall be restricted to designated areas. Any waste materials produced by removal activities will be temporarily stored away from the lake margin and will be removed for disposal in an approved disposal site. (BIO-16)
- d. All materials, wastes, and equipment will be removed from construction sites as soon as practical after use and at the completion of construction. (BIO-17)
- e. All power equipment and vehicles will be kept in good working order and inspected each day for leaks prior to use. Leaks will be repaired immediately or problem vehicles or equipment will be removed from the Project site. Equipment will be staged in containment or other suitable barriers overnight to prevent accidental leakage of fluids. (BIO-18)
- f. All power equipment will be staged over tarps, or in holding pens with walled sides, to catch any leakage of fuel, oils, and other liquid to prevent these materials from soaking into the soil, or being carried into the lake. (BIO-19)
- g. Refueling will only take place in a designated area away from the lake. Refueling of the cookie cutter and harvester, if not feasible to do on land, will be conducted so that no fuel is spilled into the water. No foreign materials, such as petroleum or other fuels, will be released into the lake. During refueling of equipment, a drip pan shall be used to ensure that no fuel spills onto the ground or in the lake. (BIO-20)
- h. Appropriate firefighting equipment (e.g., extinguishers, shovels) shall be available on site during all phases of the Project, and appropriate fire prevention measures shall be taken to help minimize the chance of human-caused wildfires. (BIO-21)
- i. Drip pans or absorbent pads will be used during vehicle and equipment fueling. Absorbent spill clean-up materials and spill kits will be available in fueling areas, and workers will be trained in their use. Fuels will be stored in containment basins. (BIO-22)
- j. Appropriate spill containment and clean-up materials will be available on site at all times. Any spills will be cleaned up immediately and will not be buried or washed with water. (BIO-23)
- k. Used clean-up materials, contaminated materials, and recovered spilled materials that are no longer suitable for clean-up will be stored and disposed of properly. Hazardous and nonhazardous material will be disposed of in the manner specified by the manufacturer. (BIO-24)
- l. Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake. (BIO-25)
- m. Define and respect clear work area limits. (BIO-26)
- n. Cleared or trimmed vegetation and woody debris shall be disposed of in a legal manner. (BIO-27)

- o. Precautions shall be taken to avoid damage to non-target vegetation by people or equipment. (BIO-28)
- 20. **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 parcel. 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 Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-1)
- 21. **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 and Planning Divisions, the Property Owner, Landscaper, Biologist, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
- 22. **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), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- 23. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of

Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-2)

24. **Construction Equipment Sound Control:** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
25. **Source Reduction/Recycling Plan.** A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst prior to building permit issuance. This plan shall include provisions for recycling of all marsh materials that meet the waste disposal facilities standards. (PS-1)
26. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
27. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
28. **Sedimentation and Erosion Control.** Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake. (W-2)

J. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.
3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy / Final Inspection, whichever is earlier and if an archaeological monitor is required.

4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
5. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.

**K. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
  - d. The permit will last for a term of five years, once work commences. The majority of work will occur during year one, with routine and follow-up maintenance and restoration occurring in years two through five, as described above.
3. **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 \$2,044.00 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. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

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

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

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

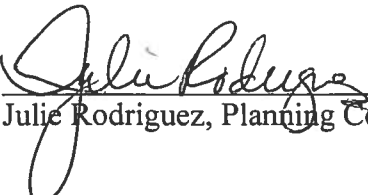
**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

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

This motion was passed and adopted on the 10th day of November, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

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

