

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

December 1, 2011

CALL TO ORDER:

Chair Jostes called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John Jostes, Vice Chair Sheila Lodge, Commissioners Bruce Bartlett, Charmaine Jacobs, Stella Larson, and Deborah L. Schwartz.

Absent: Commissioner Mike Jordan

STAFF PRESENT:

Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Jan Hubbell, Parks Project Planner
Melissa Hetrick, Project Planner/Environmental Analyst
Kelly Brodison, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Mr. Kato announced that the appeal to City Council of the Planning Commission's decision on 415 Alan Road was continued from November 15, 2011 to January 31, 2012.

C. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:01 P.M. and, with no one wishing to speak, closed the hearing.

NEW ITEMS:

ACTUAL TIME: 1:01 P.M.

A. **APPLICATION OF JILL ZACHARY, ASSISTANT PARKS AND RECREATION DIRECTOR, AGENT FOR THE CITY OF SANTA BARBARA, 1100, 1201 AND 1335 SHORELINE DRIVE (SHORELINE PARK), 045-240-004, P-R/S-D-3, PARKS AND RECREATION AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: NEIGHBORHOOD PARK (MST2009-00495)**

The proposed Shoreline Park Safety Improvement Project involves 1) Sidewalk and fencing replacement around the landslide area; 2) Fencing replacement and repair in some other areas of the park where fencing is in disrepair; 3) New fencing installation to restrict access at MacGillivray Point; 4) Bluff-top revegetation at the landslide; 5) Relocation of two park benches from MacGillivray Point to an area near the landslide; 6) Lighting replacement; and, 7) Informational sign replacement. The discretionary application required for this project is a Coastal Development Permit (CDP20011-00012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15302, Replacement or Reconstruction

Case Planner: Jan Hubbell, Parks Project Planner
Email: JHubbell@SantaBarbaraCA.gov

Phone: 805-564-5440

Jan Hubbell, Parks Project Planner, gave the Staff presentation.

Jill Zachary, Assistant Director, Parks and Recreation, gave the Applicant presentation. Santos Escobar, Parks Manager, was available to answer the Commission's questions.

Lesley Wiscomb, Parks and Recreation Commission Chair, summarized the Commission's public safety concerns regarding MacGillivray Point.

Chair Jostes opened the public hearing at 1:28 P.M.

Michele Nielson spoke in support of the proposed improvements.

The following people spoke in opposition to the project or with concerns:

1. Roger Schnewter strongly disagreed with decision to fence off MacGillivray Point stating that the potential risk was not discussed in the supporting geologist report. Requested that a no-action option be considered.

2. Timothy Harding, Mesa Shoreline Park Association, agreed with Mr. Schnewter in keeping MacGillivray Point accessible and supported all other improvements.
3. Patrick Carroll supported doing further assessment and monitoring of MacGillivray Point.
4. Shannon MacGillivray McGraw asked that the MacGillivray Lookout Point be kept open but was open to naming of the children's playground until an alternate site be considered for a lookout point.
5. Robert Burke cautioned against permanent fencing referencing the septic tanks and cut road sand that also cause erosion
6. Jackie Karp said that squirrels were a part of the erosion problem and the squirrel population was not a problem until dogs were banned from the beach.

With no one else wishing to speak, the public hearing was closed at 1:40 P.M.

A coastal bluff assessment is recommended but is absent funding.

The majority of the Planning Commission felt that safety considerations needed to come first over preservation of access to the lookout point and that this was a necessary interim step. Most Commissioners felt that Mayor MacGillivray needs to be recognized and that a new lookout place be considered every step of the way and not have to wait for a future geologic survey that could be a long time in coming. Some Commissioners asked that the City continue to work collaboratively with the MacGillivray family in acknowledging Mayor MacGillivray and finding another site that is as appropriate as or nicer than what we have now.

MOTION: Larson/Schwartz

Assigned Resolution No. 024-11

Approved the project, making the findings for the Coastal Development Permit and Park and Recreation Zone Findings outlined in the Staff Report dated November 22, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: direct Parks and Recreation to find another overlook opportunity to honor Mayor MacGillivray.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jordan)

Chair Jostes announced the ten calendar day appeal period.

ACTUAL TIME: 2:08 P.M.

- B. **APPLICATION OF HOCHHAUSER BLATTER, ARCHITECT FOR 1722 STATE STREET INVESTORS, LLC PROPERTY OWNER, 1722 STATE**

STREET, APN 027-102-021, C-2/R-1 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/OFFICES (MST2011-00189)

The project consists of the conversion of an existing two-story, 7,200 square foot bank building to a new medical office and surgery center and the construction of a 5,233 square foot, two-story addition on a 28,875 square foot parcel in the El Pueblo Viejo District. The proposal includes a tentative subdivision map to create up to eight commercial condominiums. The parking lot will be reconfigured to provide 52 parking spaces, including two accessible spaces and associated landscape improvements.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create up to eight commercial condominium units (SBMC 27.07 and 27.13);
2. A Development Plan to allow the construction of 5,233 square feet of nonresidential development (SBMC §28.87.300);
3. A Conditional Use Permit to allow the parking area for non-residential uses in a residential zone (SBMC §28.94.030.I); and
4. A Transfer of Existing Development Rights per SBMC§28.95.020 for receiving and sending sites to allow non-residential development in excess of 2,000 square feet of new floor area.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 New Construction or Conversion of Small Structures.

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Phone: 805-564-5440

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Craig Shallenberger, Historic Landmarks Commission (HLC), provided a summary of the reviews made by the HLC and found the project compatible with the El Pueblo Viejo Guidelines.

Jan Hochhauser, gave the Applicant presentation. Scott Schell, Associated Transportation Engineers; and Phil Suding, Landscape Architect; were available for answering the Commission's questions.

Chair Jostes opened the public hearing at 2:39 P.M. and with no one wishing to speak, closed the hearing.

MOTION: Jacobs/Larson

Assigned Resolution No. 025-11

Approved the project, making the findings for the Tentative Subdivision Map, Development Plan, Conditional Use Permit, and Transfer of Existing Development

Rights outlined in the Staff Report dated November 22, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval regarding Design Review: 1) Two of the parking spaces shall be specifically designated for patient pickup/drop off and delivery vans near the rear entrance of the building. 2) Maximize streetscape landscaping opportunity within the potential parkway zone without precluding pedestrian access from parked vehicles. 3) Maximize photo voltaic opportunity on the roof without preclusion of the required mechanical equipment.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jordan)

Chair Jostes announced the ten calendar day appeal period.

III. ENVIRONMENTAL HEARING:

ACTUAL TIME: 3:08 P.M.

APPLICATION OF CITY OF SANTA BARBARA, PUBLIC WORKS DEPARTMENT, LOWER SYCAMORE CREEK AND PUNTA GORDA STREET BRIDGE, ROW-001-603, R-3/R-4 (LIMITED MULTIPLE-FAMILY/ HOTEL-MOTEL-MULTIPLE RESIDENCE) ZONES, GENERAL PLAN DESIGNATION: OPEN SPACE/ STREAM (MST2009-00374)

The Lower Sycamore Creek Channel Widening and Punta Gorda Street Bridge Replacement Project is comprised of two phases. The Phase 1 component includes channel improvements beginning five feet north of the Highway 101 right-of-way and extending approximately 150 feet upstream toward Punta Gorda Street. The Phase 2 component includes channel improvements beginning at the northerly end of Phase 1 and extending 195 feet upstream to a point approximately 75 feet upstream of the Punta Gorda Street Bridge. Phase 2 includes the replacement of the Punta Gorda Street Bridge. A creek restoration plan is incorporated into both phases.

The purpose of the environmental hearing is to receive comments from the Planning Commission, interested agencies and the public on the Draft Initial Study and Mitigated Negative Declaration, consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines. Written comments will be accepted through December 8, 2011.

No formal action on the development proposal or environmental document will take place at this hearing.

Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4560

Melissa Hetrick, Environmental Analyst, gave the Staff presentation.

Jessica Grant, Public Works Project Planner, gave the applicant presentation. Craig Stuart, Santa Barbara Fire Department was available to answer any of the Commission's questions.

Chair Jostes opened the public hearing at 3:25 P.M. and, with no one wishing to speak, closed the hearing.

The Commissioners made the following comments:

1. The Planning Commission was satisfied with the document. Commissioner Bartlett was concerned that the bridge is wide enough to accommodate possible future expansions of the Sycamore Creek channel.
2. Commissioner Jacobs asked that the bridge be built to accommodate all modes of transportation, including walking.
3. Commissioner Larson suggested educating the public on the effects of dumping trash by inclusion of signs with fines for dumping. Also suggested sending out status updates in water bills so that everyone knows what is going on.
4. Commissioners Schwartz and Larson strongly urged for inclusion for applying graffiti resistant treatment to any walls that are installed.

Commissioner Bartlett left the dais at 3:28 P.M

IV. ADMINISTRATIVE AGENDA:

ACTUAL TIME: 3:35 P.M.

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meetings held on November 16th and 30th, 2011.

2. Other Committee and Liaison Reports

- a. Commissioner Larson reported on the Historic Landmarks Committee meeting of November 30, 2011.
- b. Commissioner Lodge reported on the Airport Commission meeting of November 16, 2011.

VI. ADJOURNMENT:

Chair Jostes adjourned the meeting at 3:43 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 024-11

1100, 1201, AND 1335 SHORELINE DRIVE (SHORELINE PARK)

COASTAL DEVELOPMENT PERMIT

DECEMBER 1, 2011

APPLICATION OF JILL ZACHARY, ASSISTANT PARKS AND RECREATION DIRECTOR, AGENT FOR THE CITY OF SANTA BARBARA, 1100, 1201 AND 1335 SHORELINE DRIVE (SHORELINE PARK), 045-240-004, P-R/S-D-3, PARKS AND RECREATION AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: NEIGHBORHOOD PARK (MST2009-00495)

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The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15302, Replacement or Reconstruction

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

WHEREAS, 1 person appeared to speak in favor of the application, and 6 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 22, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Ada Nelson, via email
 - b. Ed Keller, via email
4. Correspondence received with concerns about the project:
 - a. Scott Borman, via email
 - b. Wayne Tustin, via email

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

- I. 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 because they will make the park safer for users;
- 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 because the lighting is designed to reduce its effects on the surrounding neighborhood, the landscaping will be compatible with existing landscaping in the park, and there will be no changes to the play areas and parking facilities;
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 because no changes are proposed to the locations of higher use facilities, including the playground and group picnic areas;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood because no changes are proposed that would affect the neighborhood character;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City because the new fencing will have minimal effects on coastal views; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location because new structures will be consistent with existing park structures.

B. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it protects the scenic and visual resources of Shoreline Park and is designed to minimize risks to life and property as outlined in Section VI.C of the Staff Report.
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 protects the scenic and visual resources of Shoreline Park and is designed to minimize risks to life and property, as outlined in Section VI.C of the Planning Commission 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. Obtain all required design review approvals, including Sign Committee approval of the new interpretive signs.
2. 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."
3. 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 1, 2011 is limited to: 1) Sidewalk and fencing replacement around the landslide area; 2) Fencing replacement and repair in some other areas of the park where fencing is in disrepair; 3) New fencing installation to restrict access at MacGillivray Point; 4) Bluff-top revegetation at the landslide; 5) Relocation of two park benches from MacGillivray Point to an area near the landslide; 6) Lighting replacement; 7) Informational sign replacement, 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. **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
- D. [Relocation of MacGillivray Point. Parks and Recreation Department Staff shall work with the MacGillivray family to identify a new lookout point to honor Mayor MacGillivray.](#)
- E. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Watering on the Bluff Edge.** Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival.
- F. **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.** The project is required to comply with Tier 3 of the Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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.
 2. **Community Development Department.**
 - a. **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.

- b. **Geologic Reports and Memos.** The recommendations included in Engineering Geologic Report of the Active Landslide Area, dated February 26, 2009, and follow-up Memo, dated June 10, 2011, both prepared by Frank J. Kenton; and Engineering Geologic Report of MacGillivray Point, dated February 26, 2009,, and follow-up Memo, dated June 10, 2011, both prepared by Frank J. Kenton, shall be incorporated into the plans.
- c. **Signage.** A sign shall be posted on the fence at MacGillivray Point stating the Point is closed due to the high potential for sudden bluff failure.
- d. **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. _____

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **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 numbers, 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.

2. **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.

3. **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.

4. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work

shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- H. **Prior to Final Inspection.** 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.
- I. **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 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.

A. 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.

This motion was passed and adopted on the 1st day of December 1, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 025-11

1722 STATE STREET

TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT
AND TRANSFER OF EXISTING DEVELOPMENT RIGHTS

DECEMBER 1, 2011

APPLICATION OF HOCHHAUSER BLATTER, ARCHITECT FOR 1722 STATE STREET INVESTORS, LLC PROPERTY OWNER, 1722 STATE STREET, APN 027-102-021, C-2/R-1 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/OFFICES (MST2011-00189)

The project consists of the conversion of an existing two-story, 7,200 square foot bank building to a new medical office and surgery center and the construction of a 5,233 square foot, two-story addition on a 28,875 square foot parcel in the El Pueblo Viejo District. The proposal includes a tentative subdivision map to create up to eight commercial condominiums. The parking lot will be reconfigured to provide 52 parking spaces, including two accessible spaces and associated landscape improvements.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create up to eight commercial condominium units (SBMC 27.07 and 27.13);
2. A Development Plan to allow the construction of 5,233 square feet of nonresidential development (SBMC §28.87.300);
3. A Conditional Use Permit to allow the parking area for non-residential uses in a residential zone (SBMC §28.94.030.I); and
4. A Transfer of Existing Development Rights per SBMC§28.95.020 for receiving and sending sites to allow non-residential development in excess of 2,000 square feet of new floor area.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 New Construction or Conversion of Small Structures.

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 22, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Lawrence Lepow and Lucinda Abbot, via email
 - b. Jared Wheeler, Santa Barbara, CA
 - c. Denise Zans, Kelly Gross, and Ingrid Fedyk; Studio Clips; Santa Barbara, CA

4. Correspondence received in opposition to the project or with concerns:
 - a. Ron Chandler, via email

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

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

A. CONDITIONAL USE PERMIT (SBMC §28.94)

For non-residential parking in a residential zone (SBMC§28.94.030.H)

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan, because the proposal to upgrade the existing parking lot would provide updated amenities and would support the upgrade of the existing commercial building to a surgery center in an area that is well-suited to such a development as described in Section VI.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 because the commercial parking is proposed on a lot that has been used for parking since the 1960s;
3. The total area of the site and the setbacks of the parking 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;
4. Adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time because the access and off-street parking is provided on site. The proposed project would not result in a need to change the access and will provide the required parking on site;
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, open space and other features is compatible with the character of the area. The proposed project including the parking lot were reviewed by the Historic Landmarks Commission and found to be compatible with the surrounding development in the neighborhood, as described in Section VIII. of the staff report.

B. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

1. The proposed development complies with all of the provisions of the Zoning Ordinance With the approval of the requested Conditional Use Permit, the project complies with the required setbacks for non-residential development in the R-3 Zone;
2. The proposed development is consistent with the principles of sound community planning because the property will continued to be maintained as a commercial building. The proposed project is surrounded by a mix of commercial and residential uses and conforms to the General Plan description of the neighborhood as described in Section VI

of the Staff Report. This location for the proposed surgery center is consistent with the surrounding uses in the Upper East neighborhood and upper State Street.

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, because the project is compatible with the surrounding area's aesthetics and character and is consistent with other one and two story buildings in the immediate area, as described in Section VIII of the staff report. The HLC conceptually reviewed the project and found the architecture and site design to be appropriate with the surrounding neighborhood;
4. The proposed development will not have a significant unmitigated adverse impact upon the City and South Coast affordable housing stock, because the project consists of additions to an existing commercial building. No existing residential units are proposed to be eliminated as a part of this project and the proposed project would not have an increase employment,
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources because there is adequate water to meet the needs of the proposed development. The proposed project receives water service from the City of Santa Barbara and is within the anticipated growth rate for the City. Therefore, the City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project.
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic because the project would not generate significant traffic to create an impact on the local streets and intersecons based on the City's thresholds of significance. Transportation Staff has reviewed the project and determined that the project would not result in significant project or cumulative impacts to any impacted intersection;
7. Resources will be available and traffic improvements will be in place at the time of project occupancy. The project site is adequately served by existing public streets and utilities. No traffic improvements are required as part of the project.

C. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara as discussed in Section VI.B. of the Staff Report. The site is physically suitable for the proposed development, the project is consistent with the density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems, because the proposal is for an addition to an existing commercial building in an urban environment.

D. TRANSFER OF EXISTING DEVELOPMENT RIGHTS (SBMC§28.95.060)

1. The proposed development plans for both the sending and receiving sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and the Municipal Code because he multiple family development on the sending site received

approval by the Planning Commission on August 21, 2008, and was determined to be consistent with the goal and objectives of the General Plan and the requirements of the Zoning Ordinance. With the approval of the Conditional Use Permit for the proposed parking on a residentially zoned lot, the required parking will be provided on site and the proposed addition to the existing commercial building complies with all of the requirements of the Municipal Code and the General Plan.

2. The proposed developments will not be detrimental to the site, neighborhood or surrounding areas. The sending site project was approved by the Planning Commission and the Architectural Board of Review, which found the project to be appropriate. The Historic Landmarks Commission has reviewed the proposed design for the additions at the receiving site and found them to be acceptable.
3. The floor area of proposed nonresidential development on the receiving site does not exceed the sum of the amount of Existing Development Rights transferred when added to the amount of Existing Development Rights on the receiving site, and does not exceed the maximum development allowed by the applicable zoning of the receiving site. The proposed total new floor area for the project (12,364 sq. ft.) does not exceed the sum of the transferred square footage (2,233 sq. ft.) and the Small and Minor Additions of Measure E square footage (3,000 sq. ft.), and does not exceed the zoning limitations.
4. Each of the proposed nonresidential developments on the respective sending site(s) and receiving site(s) will meet all standards for review as set forth in Section 28.87.300.E of the Municipal Code and all provisions of this Chapter, and will comply with any additional specific conditions for a transfer approval. The sending site received approval by the Planning Commission on August 21, 2008, and met all standards for review. With the approval of the Conditional Use Permit for commercial parking on a residentially zone lot, the receiving site shall comply with all standards for review in Section 28.87.300 and as stated in the findings C.1 through C.7 above.
5. Development remaining, or to be built, on a sending site is appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community. The sending site was previously developed with over 50,000 net commercial square feet which was demolished to create a multi-family residential project and received approval by the Planning Commission on August 21, 2008, and has been constructed. The development was also approved by the Architectural Board of Review which found it to appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community. The proposed additions on the receiving site have been reviewed by the Historic Landmarks Commission and were found to be acceptable for the surrounding neighborhood.

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. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee.

3. Make application and obtain a Building Permit (BLD) to demolish any structures/improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Owner and all contractors shall comply with conditions found in Subsection F "Construction Implementation Requirements" prior to and during any construction.
4. Make application and obtain a Public Works Permit (PBW) for all required public improvements and **complete** said improvements.
5. Make application and obtain Building Permit (BLD) for, and complete, the construction of all private improvements required to ensure the lot is ready for subdivision.
6. Make application and obtain City Council approval of the Final Map and Agreement(s) and record said documents.
7. Make application and obtain Building Permit (BLD) for, and complete, the construction of approved development.

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

- B. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission Staff on December 1, 2011, is limited to the conversion of the existing 7,181 square foot two-story bank building to a new medical office and surgery center and the construction of an approximately 5,233 square feet two-story addition and a Tentative Subdivision Map for up to eight (8) commercial condominiums and the improvements shown on the Tentative Subdivision Map 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 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.
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 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.
5. **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 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.

6. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, provides for the following:

- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
- b. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
- c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

C. **Public Works Submittal For Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval *prior to processing* the approval of the Final Map:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an

Agreement Assigning Water Extraction Rights. Engineering Division Staff prepares said agreement for the Owner's signature.

3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project concurrently with the Final Map.
4. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall comply with the recommendations in the Preliminary Drainage Analysis prepared by Insite Civil, Inc., dated June 10, 2011, which demonstrates that the proposed development will comply with the City's Storm Water Management Plan. The analysis proposes that two sections of fabricated underground infiltration chambers (StormTech SC-310) will capture and treat (by infiltration) the runoff volume from a one-inch storm as well as reduce the peak flow and volume from the 25-year storm in accordance with the City of Santa Barbara Storm Water Management Program and the State NPDES General Permit for Storm Water Discharges. Thru curb drains will provide for positive drainage of runoff which does not infiltrate into the subsurface soils onto the existing public street gutters. These proposed thru-curb drains and other pipe culverts will be sized to convey the peak flow from a 25-year storm. Finished grades will be designed to allow for overland release of peak flows resulting from the 100-year storm event to the public streets. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
5. **State Street Public Improvements.** The Owner shall submit a one sheet C-1 public improvement plan to the Public Works counter for construction of improvements along the property frontage on State Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include to City standards: *saw-cut and replace all damaged, cracked and/or uplifted sidewalk from joint to joint, saw-larger tree wells around five (e)trees size to be determined by the City Arborist, saw-cut and replace all damaged curb and gutter, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20 feet beyond the limits of all trenching, install new private fire-line, install 2 (N) A470 curb drain outlets with sizes to be determined by final hydrology report, supply and install one commercial City standard Dome Style 200 watt street light , preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway (if any), supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*

6. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
 7. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 8. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 9. **Solid Waste Management Plan.** Owner shall submit a solid waste management plan that identifies feasible measures to address the construction and operation of the parking lot, bicycle station and office uses which may include, but are not limited to, the following:
 - a. Provision of space and/or bins for storage of recyclable materials within the project site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements.
 - b. Development and implementation of a plan for collection of recyclable materials on a regular basis.
 - c. Development of Source Reduction Measures, indicating the method and amount of expected reduction.
 - d. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.
 - e. Implementation of a monitoring program (quarterly) to attain and maintain a 35-50% minimum participation in recycling efforts.
 - f. Implementation of a composting landscape waste reduction program.
 10. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the 2006 CA MUTCD. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced

on-site on a one-for-one basis with minimum 24-inch box size or 15 gallon size trees (size to be determined by the HLC) of an appropriate species or 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 and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved Tentative Subdivision Map, site plan and landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the HLC.
 - c. **Off-Site Oak Tree.** Construction equipment and materials shall not be parked or stored beneath the dripline of the off-site oak tree located adjacent to the eastern boundary of the project site. The canopy of the oak tree shall be protected from paint overspray, plaster and other construction-related materials. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
3. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - b. **Oak Tree Protection Measures.** The following provisions shall apply to the existing off site oak trees:
 - (1) 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.
 - (2) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (3) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Historic Landmarks Commission (HLC). No irrigation system shall be installed under the dripline of any oak tree.
4. **Existing Tree Preservation.** The existing trees shown on the approved plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
5. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the parking area from State Street.
 - a. Streetscape landscaping opportunity shall be maximized within the potential parkway zone without precluding pedestrian access from parked vehicles.

6. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.

7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

8. **Parking Spaces.** Two of the parking spaces near the rear entrance of the building shall specifically designated for patient pick up/drop-off and delivery vans.

9. **Photo-Voltaics.** Opportunities for photo voltaic solar panels shall be maximized on the roof without precluding the required mechanical equipment.

E. **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 pulled pursuant to Condition A.5, or for public improvement permits pulled prior to recordation of the Final Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **Voluntary Lot Merger Required.** The three parcels, Real Property known as APN 027-102-021 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30

b. **Public Improvement Plans.** Public Improvement Plans as identified in condition C.5 "State Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of securities and a Land Development Agreement, a Public Works permit shall be issued.

c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.

2. **Community Development Department.**

a. **Interior Noise.** To comply with the City's 45dB CNEL interior noise standard, an interior noise analysis will be required for the portion of the structure fronting State Street, prior to issuance of building permits. The interior noise study will most likely require mechanical ventilation and/or air condition system and possibly sound-rated doors and windows.

- b. **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 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.
- c. **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.
- d. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of any street tree(s).
- e. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by MacFarlane Archaeological Consultants, dated March 9, 2006 and the addendum dated April 30, 2006. The contract shall be subject to the review and approval of the Environmental Analyst.
- The archaeologist's monitoring contract shall include the provisions identified in condition "Requirement for Archaeological Resources" below.
- f. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan.

If archaeological resources (a trash pit or other significant historic feature) 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.

- g. **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.
- h. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D “Design Review,” and all elements/specifications shall be implemented on-site.
- i. **Driveway Improvements.** The proposed driveway shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
- j. **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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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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, including demolition and grading.

- 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. 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 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.

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, Building Division, Planning Division, the Property Owner, Contractor and each Subcontractor.
3. **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.
4. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
5. **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.
6. **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.
7. **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.
8. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
9. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 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.

10. **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.

11. **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.
12. **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.
 13. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 14. **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.
 15. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 16. **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.
 17. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 18. **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.
 19. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

G. **Prior to Certificate of Occupancy.** Prior to recordation of the Map, 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, 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.
4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B "Recorded Conditions Agreement" have been recorded.
5. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
6. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

7. **Evidence of Private Driveway Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private driveway *Agreement for Shared Maintenance* required in Section F.2 “Requirements Prior to Permit Issuance” has been recorded
8. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11” board and submitted to the Planning Division.

H. **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 / Staff Hearing Officer.
 - 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.
3. **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 or prior to recordation of the Map, whichever comes first.
4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
5. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If

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

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

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 1st day of December, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

December 8, 2011

CALL TO ORDER:

Chair Larson called the meeting to order at 11:42 A.M.

ROLL CALL

Chair Stella Larson, Commissioners Bruce Bartlett, Charmaine Jacobs, and Deborah L. Schwartz.

Absent: Commissioners John Jostes, Sheila Lodge, and Mike Jordan

STAFF PRESENT:

Danny Kato, Senior Planner
Julie Rodriguez, Planning Commission Secretary

PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of November 3, 2011
2. Draft Minutes November 10, 2011
3. Resolution 023-11
1400-1700 East Cabrillo Boulevard

MOTION: Jacobs/Schwartz

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Jostes, Jordan, Lodge)

Commissioners Bartlett and Larson abstained from the Item IV. of the Minutes of November 10, 2011.

B. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 11:43 A.M. and, with no one wishing to speak, closed the hearing.

VII. ADJOURNMENT

Chair Jostes adjourned the meeting at 12:07 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT