

DRAFT

City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

December 5, 2013

CALL TO ORDER:

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

I. ROLL CALL

Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujo, and Addison Thompson.

Absent: Mike Jordan

STAFF PRESENT:

Bettie Weiss, City Planner
 Renee Brooke, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Steve Foley, Supervising Transportation Planner
 Derrick Bailey, Supervising Transportation Engineer
 Peggy Burbank, Project Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

1. Draft Minutes of September 19, 2013
2. Resolution 012-013
Safety Element Recommendation to City Council
3. Draft Minutes of October 3, 2013
4. Resolution 013-013
State Street, Cota Commuter Lot, and Coast Village Road Farmer's Markets

MOTION: Lodge/Bartlett

Approved the minutes and resolution 012-013 of September 19, 2013 as corrected.

This motion carried by the following vote:

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

MOTION: Lodge/Bartlett

Approved the minutes of October 3, 2013 and resolution 013-013 as corrected.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Campanella, Thompson) Absent: 1 (Jordan)

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

None.

- C. Announcements and appeals.

Ms. Brooke made the following announcements:

1. Peggy Burbank, Project Planner, will be retiring from the city next week.
2. The Staff Hearing Officer's decision for 101 S. La Cumbre Road was appealed and is scheduled for Planning Commission consideration on December 12, 2013.

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

Chair Schwartz opened the public hearing at 1:10 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEM:

ACTUAL TIME: 1:11 P.M.

APPLICATION OF JAMES ZIMMERMAN, ARCHITECT FOR ROBERT AND JAN KOPF, 1222 SHORELINE DRIVE, APN 045-214-021, E-3/SD-3 ZONES, LOCAL COASTAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2013-00207)

The proposed project involves demolition of an existing one-story single family residence and detached garage, and construction of a new two-story, 1,680 square-foot single family residence and 440 square-foot detached garage on a 5,662 square-foot lot in the East Mesa Neighborhood. The discretionary application required for this project is a Coastal Development Permit (CDP2013-00005) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15303 (a): New Construction or Conversion of Small Structures, Single Family Residence.

Case Planner: Peggy Burbank, Project Planner
Email: PBurbank@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4582.

Peggy Burbank, Project Planner, gave the Staff presentation.

James Zimmerman, Architect, gave the Applicant presentation.

Chair Schwartz opened the public hearing at 1:22 P.M., with no one wishing to speak, the public hearing was closed.

MOTION: Thompson/Pujo

Assigned Resolution No. 014-13

Approved the project, making the amended findings for the Coastal Development Permit as outlined in the Staff Report, dated November 27, 2013, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

IV. DISCUSSION ITEM

ACTUAL TIME: 1:42 P.M.

MUNICIPAL CODE AMENDMENTS RELATED TO FENCES, SCREENS, WALLS AND HEDGES (SBMC §28.87.170)

The purpose of this discussion is to present the proposed Municipal Code amendments and accompanying draft guidelines and receive input on the proposal. At a subsequent Planning Commission meeting, staff will present a proposed final ordinance and guidelines and request that the Planning Commission make a recommendation to City Council for their adoption.

Case Planner: Renee Brooke, AICP, Senior Planner.

Email: RBrooke@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4466.

Renee Brooke, AICP, Senior Planner, gave the Staff presentation. Steve Foley, Supervising Transportation Planner, and Derrick Bailey, Supervising Transportation Engineer, provided clarification in responding to the Commission's questions.

Chair Schwartz opened the public hearing at 2:23 P.M.

The following people provided public comment:

1. Lori Smyth commented in support of staff's direction on the code amendments. Suggested allowing adjoining neighbors to work out the hedge height that works for them. If there is disagreement, then mediation can be provided by Zoning staff.

- Disagrees with complaint-based enforcement. Would like to see some bamboo types used as hedges. Safety and privacy should be as important as air and light.
2. Kathleen Dagg would like to see the city follow up on complaints and enforce the code.
 3. Marcos Lazaro, Santa Barbara Association of Realtors, supports the current suspension of the hedge ordinance with the exception of when it poses a threat to residents.
 4. Steve Cook wondered why the ordinance does not apply to more zones. Does not think that "hedge" is clearly defined; would also like to see slopes defined. Suggests looking at the use of promotion as opposed to enforcement in getting more community support and compliance.
 5. Richard Powell believes that the 8' height limit should be kept. Expressed support for the proposed amendments.
 6. Pamela Stafford acknowledged Staff's work with community in hearing concerns. Would like to see height variance live with the owner and not the property. When the property changes hands, it would revert to regular heights, but new owner could opt to keep it at time of purchase.
 7. Diane Powell supports the proposed amendments and appreciatively acknowledged Staff's work with the community. Asked if neighbors would receive notice when staff receives an exception request.
 8. Grant Castleberg would like consideration for hedge height exceptions in areas where hedges are needed as a sound barrier.
 9. Dr. A.E. Keir Nash suggested hedges buffer noise and dust and submitted a handout of recommendations.
 10. Marguerite Nash thanked staff for the proposed amendments and wants allowance for a higher hedge along front property lines for safety and dust.
 11. Jane Frederick suggested more clarification of definitions proposed. Need to define 'grade' with regard to walls/hedges. Terms are used such as natural grade, above grade, below grade, etc. Did not find a clear process of resolution for complaints, other than being complaint-driven and suggested Staff review the complaint process for code violations. With larger cars, asked for consideration of a 15 by 20 triangle adjacent to driveways to take into account longer length of cars.
 12. Greg Knudson felt that the 3.5 height restriction does not work for all neighborhoods. The ten-foot front setback for R-3 and R-4 Zones may not allow for anything other than 3.5 fences or walls. On lots where cars can turn around on-site, a 7' triangle might be adequate for site visibility.
 13. Vickie Ondracek suggested that there be guidelines to protect residence privacy from public views, especially when a site sits below the road level. Administrative exceptions appear more for interior property lines and would like to see the same for front property lines.
 14. Mary Fox was concerned with unregulated Y intersections. She has pursued enforcement for three years, but has received no resolution. Echoes need for definition of 'grade'. Enforcement has not been consistent. Encourages exploration of trees on property line that impact a neighbor's sun exposure.

15. Milt Hess would like clarification on whether a hedge on top of a wall is measured from the base of the wall or the base of the hedge.
16. Florence Sanchez sees more hedges being put in the Upper East Side for traffic and privacy. Sees 23 properties as non-compliant and wonders what will become of them.
17. Fred Sweeney, President of Upper East Association, reported the board has not taken a position on the amendments. As a Single Family Design Board Member, he regularly deals with hedges and it's important to understand the purpose of the ordinance and that it came about in 1957 when large tracks were built on flat land. Neighborhoods vary by many degrees and that needs to be considered. One ordinance may not solve everything for all neighborhoods and perhaps may require looking at individual neighborhoods.

With no one else wishing to speak, the public hearing was closed at 2:54 P.M.

Chair Schwartz called a recess at 2:54 P.M and reconvened the meeting at 3:03 P.M.

Scott Vincent, Assistant City Attorney, suggested affirmative defense as another potential solution to allow neighbors to agree to a height that exceeds the ordinance limit. An affirmative defense could be demonstrated after a complaint is filed and would better represent the temporal nature of the agreement among neighbors.

Commissioner's Comments:

1. Commissioner Lodge is in agreement with all of the proposed changes and thinks they are going in the right direction. Has concerns with the allowances proposed for all-way stop controlled intersections.
2. Commissioner Campanella is also in agreement with most changes. Suggested considering different neighborhoods rather than a 'one size fits all' approach. Referenced Upper East Side neighborhood in comparison to other neighborhoods. Thinks that height could be higher than 3.5' in some cases and asked for more flexibility in that regard.
3. Commissioner Bartlett stated that rather than tweak a 1957 ordinance, we should look at what we really want to see. Does not think the 'one size fits all' approach is best way to go. Pleased with flexibility that Staff is proposing. Agrees with safety standards and thinks the safety triangles are responsive and appropriate. Likes that neighbors on interior lot lines can come to agreement rather than go through an enforcement approach. Agrees with Commissioner Campanella that public realm along the front property line areas are the biggest issue. Lower heights were appropriate when we had single story homes, but now homes are two story and higher hedges may be appropriate. Scale the hedge to the home. Grade should be considered. Thanked Staff for efforts made. If the ordinance changes lead people away from enforcement, then it will be money that was well spent.
4. Commissioner Pujo thinks this is a great start, but needs more flexibility on some provisions. Need to get a handle on what will end up being enforced and what can

be expected. Concerned with treatment of hedges – believes hedges need to be looked at differently than fences and walls; hedges grow and may not always be compliant. Hedges provide greenery but are difficult to enforce. Hedges need greatest flexibility of all and should be noted that way in the Ordinance. If neighbors agree, then the concept of ‘affirmative defense’ gives an accurate assurance to the hedge owner that adjoining neighbor will not seek enforcement, but only at the time that agreement is made; not in perpetuity. Problems arise when neighbors change and no longer agree. Agrees that 8’ is not enough for interior lot line hedges; should go to 12’. Fences and walls along front property lines should consider design and character. In areas where we have design guidelines, perhaps looked at by design review board when making a decision.

5. Commissioner Thompson agrees that hedges, fences, and walls should not be lumped together. Most comments received refer to this Ordinance as the ‘hedge ordinance’. Most complaints received are about hedge heights. Fences and walls are structures. Hedges are landscaping elements that bring about potential problems that a fence and wall do not. We should consider looking at these separately. Does not agree with segregating the city into sections. We should apply these regulations to all zones in the city; not just residential. It is difficult to craft one set of rules that will apply to the entire city. Suggested a “fence area ratio”. One size fits all with enough flexibility is going to be difficult but needs to be done. 18 square foot limit for arbors is too small if you can only go to 8’ high Flexibility for administrative review and approval is good. Capability of adding additional height in some circumstances is good. Exceptions for guard rails are a good idea. Need to recognize the character differences of neighborhoods in the city.
6. Commissioner Schwartz thanked the public for the years of feedback provided and Staff for the work that has been done. Agrees with Commissioners Thompson and Pujo that hedges are in a different realm than fences and walls. Not sure if they should be addressed in a separate ordinance or not. Moving in a more flexible direction and allowing Staff to make some exceptions is reasonable. Challenge will be in providing a template for the public that provides clarity and consistency so when the public comes to the City with a request or complaint there are clear guidelines. Hedge heights on interior lot lines are a different issue than streetscape with the public right of way. More rigor and higher standards with tighter standards are more appropriate for the public right-of-way. Flexibility should be allowed for interior lot lines. Does not want to see the city engage in constant mediation between neighbors. Our neighborhoods have distinct character and differences, yet we cannot have an ordinance for each neighborhood. Need to strike a balance. We need more feedback from the public from different neighborhoods.
7. Commissioner Bartlett added that hedges should comply with the Solar Access Ordinance, hence 12’ height should be OK on interior lot lines and create privacy without diminishing light. Commissioner Pujo agreed.
8. Commissioner Thompson noted that though the guidelines are titled fences, screens, wall, and hedges, they do not have any mention of hedges.

V. **ADMINISTRATIVE AGENDA**

ACTUAL TIME: 4:52 P.M.

Commissioner Schwartz announced the formation of a Zoning Information Report (ZIR) Subcommittee. City staff will continue to work with the Santa Barbara Association of Realtors on this issue. Commissioners Campanella, Pujo, and Schwartz will represent the Planning Commission in this effort.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meetings held in October and November.

2. Other Committee and Liaison Reports

- a. Commissioner Schwartz announced the formation of a Zoning Information Report (ZIR) Subcommittee. The city will be working with the Santa Barbara Association of Realtors. Commissioners Campanella, Pujo, and Schwartz will represent the Planning Commission.
- b. Commissioner Schwartz reported on the Downtown Parking Committee meeting held November 14, 2013.

VI. **ADJOURNMENT**

Chair Schwartz adjourned the meeting at 4:56 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

**RESOLUTION NO. 014-13
1222 SHORELINE DRIVE
COASTAL DEVELOPMENT PERMIT
DECEMBER 5, 2013**

**APPLICATION OF JAMES ZIMMERMAN, ARCHITECT FOR ROBERT AND JAN KOPE,
1222 SHORELINE DRIVE, APN 045-214-021, E-3/SD-3 ZONES, LOCAL COASTAL PLAN
DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2013-00207)**

The proposed project involves demolition of an existing one-story single family residence and detached garage, and construction of a new two-story, 1,680 square-foot single family residence and 440 square-foot detached garage on a 5,662 square-foot lot in the East Mesa Neighborhood. The discretionary application required for this project is a Coastal Development Permit (CDP2013-00005) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15303 (a): New Construction or Conversion of Small Structures, Single Family Residence.

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 27, 2013.
2. Site Plans
3. Correspondence received in opposition to or with concerns about the project:
 - a. Kathy Koury via email
 - b. Paula Westbury, Santa Barbara, CA

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

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

COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including public views and public access, as described in Section V.B 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 the proposed residence would maintain the single-family character of the East Mesa Neighborhood, maintain views to, from and along the coast and the recreational experience of Shoreline Park,

and maintain or improve the quality of marine waters through improved on-site storm water management, as described in Section V 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. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Submit an application for 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. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all public improvements.

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

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 on December 5, 2013 is limited to demolition of the existing single family residence and detached garage and construction of one new single-family dwelling unit comprising approximately 1,680 square feet and a 440 square-foot two-car, detached garage and all other improvements as shown on the plans 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 allow for the continuation of any historic 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 Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board.

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, 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 and 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.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of the trees in the front setback.
 2. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas 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 SFDB.
- D. **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. 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. **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.
- b. **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 submit a hydrology report for Post Construction Practices prepared by a registered civil engineer or licensed architect or landscape architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, storm water 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.
- c. **Shoreline Drive Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Shoreline Drive. 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 new and/or remove and replace to City standards, the following: 30 linear feet of sidewalk, driveway apron modified to meet Title 24 requirements with a maximum width of 16 linear feet, 10 linear feet of curb and gutter, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

- b. **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 C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **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.

- E. **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 contractors names, contractors 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 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.
 - 3. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

- a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- c. If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- f. 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 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 of the structure.
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit.
- h. 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, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.

- F. **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. 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, shall be completed.
- G. **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.
 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.
 4. **Site Maintenance.** The existing site/structure 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.

III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission 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 5th day of December, 2013 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.

DRAFT

City of Santa Barbara Planning Division

JOINT COUNTY AND CITY PLANNING COMMISSION MINUTES SPECIAL MEETING

November 21, 2013

CALL TO ORDER:

A special hearing of the Santa Barbara County Planning and City Planning Commissions was called to order by County Chair Joan Hartmann, at 9:01 a.m., in the Santa Barbara County Engineering Building, Room 17, 123 East Anapamu Street, Santa Barbara, California.

COUNTY PLANNING COMMISSIONERS PRESENT:

C. MICHAEL COONEY, 1ST DISTRICT
 CECILIA BROWN, 2ND DISTRICT
 JOAN HARTMANN, 3RD DISTRICT, CHAIR
 LARRY FERINI, 4TH DISTRICT
 DANIEL BLOUGH, 5TH DISTRICT, VICE-CHAIR

CITY PLANNING COMMISSIONERS PRESENT:

BRUCE BARTLETT
 SHEILA LODGE
 JUNE PUJO
 DEBORAH L. SCHWARTZ, Vice-Chair
 JOHN P. CAMPANELLA
 ADDISON THOMPSON
 MICHAEL JORDAN, Chair

COMMISSIONERS ABSENT: None.

STAFF MEMBERS PRESENT:

Glenn Russell, Director, Planning and Development
 Dianne M. Black, Secretary to the Planning Commission/Assistant Director
 David Villalobos, Recording Secretary to the Planning Commission
 Rachel Van Mullem, Chief Deputy County Counsel
 Gabrielle Janssens, Deputy County Counsel
 Jeff Hunt, Deputy Director, Long Range Planning
 Allen Bell, Supervising Planner, Long Range Planning
 Rosie Dyste, Planner, Long Range Planning
 Renee Brooke, AICP, City of Santa Barbara Senior Planner
 N Scott Vincent, City of Santa Barbara Assistant City Attorney
 Peter Lawson, City of Santa Barbara Associate Planner

I. PLEDGE OF ALLEGIANCE

II. TV COVERAGE ANNOUNCEMENT: by David Villalobos.

- III. **ROLL CALL:** All Commissioners were present.
- IV. **PROJECTION REPORT:** by Dianne M. Black.
- V. **PUBLIC COMMENT:** Comment by Randy Reetz, Mission Canyon Planning Advisory Committee. Written comment submitted by William Menchen.

I. **NEW ITEM:**

MISSION CANYON COMMUNITY PLAN

The Planning Commission held a joint hearing with the County Planning Commission to review and discuss specific sections of the proposed Mission Canyon Community Plan, which included City services (water and sewer) and County and City jurisdiction overlap (fire protection/hazards and flooding and drainage) and:

1. Recommend that City Council rescind Resolution No. 84-159 (adopting Specific Plan No. 3 for the Unincorporated Mission Canyon Area), dated October 23, 1984;
2. Recommend that City Council consider the Mission Canyon Community Plan Final EIR, and make the necessary findings pursuant to California Environmental Quality Act Guidelines Section 15091; and
3. Recommend that City Council adopt a resolution approving the Mission Canyon Community Plan.

Case Planner: Peter Lawson, Associate Planner
Email: PLawson@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4565.

MOTION: Schwartz/Lodge

Assigned Resolution No. 017-13

Forward the three recommendations to City Council on the Mission Canyon Community Plan, with suggested revisions to the Plan.

This motion carried, with no object by the County of Santa Barbara Planning Commission, by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

MOTION: Pujo/Schwartz

Assigned Resolution No. 017-13

Recommend that the County and City Council consider making the second to last sentence on page 50 of the Mission Canyon Community Plan an Action under Policy CIRC-MC-3.

This motion carried, with no objection by the County of Santa Barbara Planning Commission, by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

II. ADJOURNMENT

Chair Jordan adjourned the City Planning Commission portion of the meeting at 1:15 P.M.

Submitted, as reviewed on video, by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 017-13

CITY WIDE

RECOMMENDATION TO CITY COUNCIL ON MISSION CANYON COMMUNITY PLAN

NOVEMBER 21, 2013

MISSION CANYON COMMUNITY PLAN

The Planning Commission held a joint hearing with the County Planning Commission to review and discuss specific sections of the proposed Mission Canyon Community Plan, which included City services (water and sewer) and County and City jurisdiction overlap (fire protection/hazards and flooding and drainage) and:

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

WHEREAS, one person appeared to speak in favor of the Community Plan, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 14, 2013
2. Correspondence received with concern for the plan:
 - a. William G. Menchen, Santa Barbara, CA

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

1. Recommends that City Council rescind Resolution No. 84-159 (adopting Specific Plan No. 3 for the Unincorporated Mission Canyon Area), dated October 23, 1984;
2. Recommends that City Council consider the Mission Canyon Community Plan Final EIR, and make the necessary findings pursuant to California Environmental Quality Act Guidelines Section 15091; and
3. Recommends that City Council adopt a resolution approving the Mission Canyon Community Plan with suggested revisions to the Plan.

By additional motion:

4. Recommends that the County consider and City Council consider making the second to last sentence on page 50 of the Mission Canyon Community Plan an action under Policy CIRC-MC-3.

These motions were passed and adopted on the 21st day of November, 2013 by the Planning Commission of the City of Santa Barbara, with no objection by the County of Santa Barbara Planning Commission, , by the following vote:

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

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at the meeting of the above date, and as reviewed by me on a video copy.

Julie Rodriguez, Planning Commission Secretary

Date

DRAFT