



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

December 12, 2013

CALL TO ORDER:

Chair Jordan called the meeting to order at 1:01 P.M.

I. ROLL CALL

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

STAFF PRESENT:

Bettie Weiss, City Planner
John Ledbetter, Principal Planner
Renee Brooke, Senior Planner
Susan Reardon, Senior Planner
Jaime Limon, Senior Planner
N. Scott Vincent, Assistant City Attorney
Rob Dayton, Principal Transportation Planner
Irma Unzueta, Project Planner
Peggy Burbank, Project Planner
Suzanne Riegle, Associate 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.

Ms. Brooke made the following announcements:

1. The Staff Hearing Officer's November 13, 2013 decision for 1732 Gillespie Street is being appealed to the Planning Commission and will be heard in January.

2. City Administrative Offices will be closed from Tuesday, December 24, 2013 - through Wednesday, January 1, 2014. City offices will reopen on Thursday, January 2, 2014.

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

Chair Jordan opened the public hearing at 1:03 P.M.

1. Joyce Untch commented on hedge heights and asked for preservation of the city's legacy.
2. Phil Walker commented on a specific accident in front of his home that was thwarted by an illegally installed fence and advocated for public safety.

With no one else wishing to speak, the hearing was closed at 1:08 P.M.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:08 P.M.

APPEAL BY KENNETH LEVIN OF THE STAFF HEARING OFFICER'S DECISION FOR THE APPLICATION OF CEARNAL ANDRULAITIS, LLP ARCHITECT FOR AVENUE 26 HOLDINGS, LLC, 101 S. LA CUMBRE ROAD (FORMERLY KNOWN AS 100 S. LA CUMBRE ROAD), APN 051-022-027, C-2 COMMERCIAL AND SD-2 SPECIAL DESIGN DISTRICT 2 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/ MEDIUM HIGH RESIDENTIAL (15 27 DU/ACRE) (MST2013-00018)

The 25,765 square foot site is developed with a 1,737 square foot gas station (closed since 2005), a surface parking lot, and related structures, all of which are proposed to be demolished. The project site is actively undergoing soil remediation for ground water contamination caused by Leaking Underground Storage Tanks. The proposal includes the redevelopment of the site with a one-story, 4,737 square foot commercial building, a 25-space parking lot, soil excavation, installation of remediation equipment and vapor intrusion barriers, and site improvements. The improvements include an outdoor seating area, installation of new landscaping, construction of a trash enclosure, and elimination of driveway aprons along the La Cumbre Road and Lane frontages. The discretionary applications requested for the project are:

1. A Front Setback Modifications to allow a building greater than 15 feet in height to be constructed within the required 20-foot front setback on La Cumbre Road and La Cumbre Lane (SBMC §28.45.008 and §28.92.110);
2. A Front Setback Modification to allow a trash enclosure within the required 10-foot front setback on La Cumbre Lane (SBMC §28.45.008 and §28.92.110); and
3. A Development Plan for the allocation of 3,000 square foot of additional commercial development from the Prior Pending Category (SBMC Chapter 28.85).

On October 30, 2013, the Staff Hearing Officer partially approved the Modification requests, subject to several conditions. The appellant is appealing the partial approval of the project and related conditions of approval.

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

Case Planner: Suzanne Riegler, Associate Planner
Email: SRiegler@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2687.

Suzanne Riegler, Associate Planner, gave the Staff presentation.

Kenneth Levin gave the Appellant presentation.

Brian Cearnal, Cearnal Andrulaitis, gave the Applicant presentation.

MOTION: Schwartz/Lodge

Assigned Resolution No. 015-13

Deny the appeal and uphold the decision of the Staff Hearing Officer; approve the development plan and front setback modifications to allow a building greater than 15' in height, located within the required 20' setback, and deny the front setback modification for the trash enclosure, make the findings and conditions contained in section IX, pages 8-10 of the Staff Report dated December 5, 2013.

This motion carried by the following vote:

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

Chair Jordan announced the ten calendar day appeal period.

Chair Jordan called for a recess at 3:07 P.M. and resumed the hearing at 3:19 P.M.

IV. NEW ITEM:

ACTUAL TIME: 3:19 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing this item:

- A. Commissioner Thompson recused himself due to being a member of the Santa Barbara Cemetery Association.
- B. Commissioner Bartlett recused himself due to Verizon being a leasee on property that he owns.

Commissioners Thompson and Bartlett left the dais at 3:21 P.M.

APPLICATION OF TRICIA KNIGHT, AGENT FOR VERIZON WIRELESS, LEASEE, 900 CHANNEL DRIVE, APN 017-393-002, R-1 ONE-FAMILY RESIDENCE ZONE AND SD-3 COASTAL OVERLAY ZONE, LOCAL COASTAL PLAN DESIGNATION: OPEN SPACE (MST2011-00246)

The proposed project involves installation of a 50-foot tall mono-pole containing nine cellular telephone antennas and associated ground equipment in a 552-square foot site contained within a seven-foot high stucco wall on vacant land owned by the Santa Barbara Cemetery Association. The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2011-00019) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
2. A Conditional Use Permit to allow a cellular tower greater than 45 feet tall in a residential zone (SBMC §28.94.030.DD); and
3. A Modification to allow development in the Front Setback (SBMC §28.15.085).

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: Peggy Burbank, Project Planner

Email: PBurbank@SantaBarbaraCA.gov

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

Peggy Burbank, Project Planner, gave the Staff presentation.

Tricia Knight, Agent, gave the Applicant presentation.

Chair Jordan opened the public hearing at 3:51 P.M. and with no one wishing to speak, the public hearing was closed.

MOTION: Schwartz/Lodge

Assigned Resolution No. 016-13

Approved the project, making the findings for the Coastal Development Permit, Conditional Use Permit, and Front Setback Modification as outlined in the Staff Report, dated December 5, 2013, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Add new Condition I.D.1.f, under Requirements Prior to Permit Issuance that reads: Fences, Screens, Walls and Hedges: All fences, screens, walls and hedges on the property shall meet the height limitations of SBMC Section 28.87.170. The proposed fence and gate indicated on drawing sheets A-1 and A-2 shall terminate at the property line.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Thompson)

Chair Jordan announced the ten calendar day appeal period.

Commissioner Jordan called for a recess at 3:56 P.M and reconvened the hearing at 3:58 P.M

Commissioners Thompson and Bartlett returned to the dais at 3:58 P.M.

V. DISCUSSION ITEM

ACTUAL TIME: 3:58 P.M.

AVERAGE UNIT SIZE DENSITY INCENTIVE PROGRAM

Staff will present to the Planning Commission three process review options for rental projects developed under the Average Unit Size Density Incentive Program. The Planning Commission will forward a recommendation to the City Council.

Case Planner: Bettie Weiss, City Planner

Email: BWeiss@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5509.

Bettie Weiss, City Planner, gave the Staff presentation. John Ledbetter, Principal Planner and Rob Dayton, Principal Transportation Supervisor, were available to answer questions.

Chair Jordan opened the public hearing at 4:18 P.M.

The following people commented on the project:

1. Greg Reitz, developer, requested that any decisions made not be retroactive, that any referral to the Planning Commission be limited to projects that do not fit the AUD and that the process not be lengthened.
2. Lisa Plowman, SB4ALL, submitted a letter suggesting an alternative option.
3. Paul Zink, Architectural Board of Review (ABR) Chair, stated that staff reports are helpful to ABR and that approving four story buildings is going to be difficult for ABR.

With no one else wishing to speak, the public hearing was closed at 4:37 P.M.

Commissioner's Comments:

Commissioner Lodge:

- Would like to see an automatic referral to the Planning Commission for formal action.

- Preferred a concept design review prior to proceeding to the Planning Commission.
- Suggested that there be an automatic referral for all projects with 8 or more units.

Commissioner Lodge left the dais at 5:28 P.M.

Commissioner Pujo:

- Supported using a trigger of half an acre for High Density/Priority Housing Overlay projects
- Supported concept review at PC for comments not action.
- Would like one design review meeting before Planning Commission.
- Keep the process timeline down and the cost of projects down. Remove any overlap of listed fees from projects and notice once.

Commissioner Schwartz:

- Proposed an ordinance amendment in the long term to establish formal early review by the Planning Commission.
- The Planning Commission should provide direction, not just comments.
- In the short term, would like a number of parties able to call up a project to the Planning Commission: staff, applicant, review board, or Planning Commission (like the Staff Hearing Officer process).
- Suggested a trigger of 10 units or more for formal Planning Commission review.

Bettie Weiss, City Planner, reminded the Commission that an applicant already has the ability to request a concept review without an ordinance amendment. Any other party calling up a project to the Planning Commission would require an ordinance change.

Commissioner Campanella:

- Recommended looking at the four vacant half acres sites in the commercial zones before deciding on the number of units.
- Did not support going to the Medium-High density tier, or going below 5 units in the High Density/Priority Housing categories.
- Allow the test to work with the established parameters.

Commissioner Thompson:

- Believed the design review boards have the capability of reviewing AUD projects if given the same support that is given to the Planning Commission.
- Felt SB4ALL's alternative makes most sense if the Planning Commission is involved.
- The Applicant always has the option to come to the Planning Commission prior to design review.

Discussion followed on what type of action would the Planning Commission take if the Applicant came to the Planning Commission first. No agreement was made pending further discussion at the next Planning Commission meeting.

Commissioner Jordan:

- Agreed with other Commissioners that design review boards are capable of handling AUD reviews.
- Would like to find a way to keep Planning Commission involvement on a comment level.
- Liked SB4ALL's option, but with some tweaks on triggers and thresholds.
- Did not want an ordinance amendment that would permanently involve the Planning Commission.

Commissioner Bartlett

- Believed that design review boards are capable of reviewing AUD projects and should get the same support the Planning Commission receives.
- Only projects found inconsistent with city policies should be reviewed by the Planning Commission.
- Whatever policy direction is taken should not be retroactive.
- Developer should have ability to call for an initial PC concept and combined ABR or HLC meeting.
- Training should be provided to design review boards.

MOTION: Thompson/Bartlett

Continue discussion to December 19, 2013

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 1 (Lodge)

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:27 P.M.

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report
None.
2. Other Committee and Liaison Reports
None.

VII. ADJOURNMENT

Chair Jordan adjourned the meeting at 6:27 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-13 101 S. LA CUMBRE ROAD MODIFICATIONS AND DEVELOPMENT PLAN DECEMBER 12, 2013

APPEAL BY KENNETH LEVIN OF THE STAFF HEARING OFFICER'S DECISION FOR THE APPLICATION OF CEARNAL ANDRULAITIS, LLP ARCHITECT FOR AVENUE 26 HOLDINGS, LLC, 101 S. LA CUMBRE ROAD (FORMERLY KNOWN AS 100 S. LA CUMBRE ROAD), APN 051-022-027, C-2 COMMERCIAL AND SD-2 SPECIAL DESIGN DISTRICT 2 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/ MEDIUM HIGH RESIDENTIAL (15 27 DU/ACRE) (MST2013-00018)

The 25,765 square foot site is developed with a 1,737 square foot gas station (closed since 2005), a surface parking lot, and related structures, all of which are proposed to be demolished. The project site is actively undergoing soil remediation for ground water contamination caused by Leaking Underground Storage Tanks. The proposal includes the redevelopment of the site with a one-story, 4,737 square foot commercial building, a 25-space parking lot, soil excavation, installation of remediation equipment and vapor intrusion barriers, and site improvements. The improvements include an outdoor eating area, installation of new landscaping, construction of a trash enclosure, and elimination of driveway aprons along the La Cumbre Road and Lane frontages. The discretionary applications requested for the project are:

1. A Front Setback Modifications to allow a building greater than 15 feet in height to be constructed within the required 20-foot front setback on La Cumbre Road and La Cumbre Lane (SBMC §28.45.008 and §28.92.110);
2. A Front Setback Modification to allow a trash enclosure within the required 10-foot front setback on La Cumbre Lane (SBMC §28.45.008 and §28.92.110); and
3. A Development Plan for the allocation of 3,000 square foot of additional commercial development from the Prior Pending Category (SBMC Chapter 28.85).

On October 30, 2013, the Staff Hearing Officer partially approved the Modification requests, subject to several conditions. The appellant is appealing the partial approval of the project and related conditions of approval.

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

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

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

1. Staff Report with Attachments, December 5, 2013
2. Site Plans

3. Correspondence received in support of the appeal:
 - a. Paula Westbury, Santa Barbara, CA
 - b. Steve Grimm, via email
 - c. Kenneth Levin, via email

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

- I. Denied the appeal and upheld the decision of the Staff Hearing Officer; approved the development plan and front setback modifications to allow a building greater than 15' in height, located within the required 20' setback, and denied the front setback modification for the trash enclosure, making the following findings:

A. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.

B. MODIFICATION

The Front Setback Modifications for the building to encroach into the front setbacks of La Cumbre Road and La Cumbre Lane are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The development is consistent with the legislative intent of the SD-2 Zone Setback, the Upper State Street Design Guidelines, the Urban Design Guidelines, and the pattern of development in the sub-area. In addition, the project will provide a "missing-link" of sidewalk to provide pedestrian access from La Cumbre Road to shopping within La Cumbre Plaza, as described in Section VII.A of the staff report.

The Front Setback Modification for the trash enclosure is inconsistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. The location of the trash enclosure is inconsistent with the legislative intent of the SD-2 Zone Setback and inconsistent with the Upper State Street Design Guidelines.

C. DEVELOPMENT PLAN

1. With the approval of the requested Modifications, the proposed development complies with all provisions of the Zoning Ordinance, as described in Section VI.A. of the staff report;
2. The proposed development is consistent with the principles of sound community planning, it is consistent with the Nonresidential Growth Management Program, which implements the General Plan; the Upper State Street Design Guidelines, the SD-2 Zone Legislative Intent and the Zoning Ordinance;
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.68.045, as discussed in Section VI.A.3. of the staff report; and

4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050, described in Section VII.A. of the staff report.

II. Said approval is subject to the following conditions (imposed by the Staff Hearing Officer in SHO Resolution 064-13):

- A. The following required public improvements shall be ~~required to be constructed and shall be shown and submitted on the plans C-1 drawings~~ prior to permit issuance:
 1. The proposed driveway shall be constructed per the City standard detail for a commercial driveway. ~~The driveway shall be a dust pan style and not an alley entrance style.~~
 2. A 15' radii curb shall be constructed at the intersection of La Cumbre Road and La Cumbre Lane.
 3. A dual directional pedestrian ramp shall be constructed at the intersection of La Cumbre Road and La Cumbre Lane.
 4. A Carrillo style decorative traffic signal pole with teardrop-style luminaire shall be installed adjacent to La Cumbre Road per City Standard Detail L-08. ~~(same style as Calle Real/La Cumbre Rd signal)~~
 5. A decorative A-10 pole shall be installed adjacent to La Cumbre Lane per City Standard Detail L-08.
- B. A site /landscaping plan, demonstrating compliance with Tier 3 SWMP requirements to the maximum extent feasible, shall be approved by both the Santa Barbara City Creeks Division and the Santa Barbara County Public Health Department, Environmental Health Service Division (EHS) prior to Final Approval of the project by the Architectural Board of Review.
- C. Per SBMC § 22.04.020, during all ground disturbing activities the construction shall comply with all Santa Barbara County Air Pollution Control District's dust control measures identified as Construction Impact Mitigation.
- D. The project must comply with all Hazardous Materials measures that are outlined in the *Feasibility Test Report and Remedial Action Plan (RAP)* dated March 21, 2013 and the *Revised Soils Management Plan*, dated August 14, 2013 as approved and conditioned by the Santa Barbara County Public Health Department, Environmental Health Service Division (EHS), Leaking Underground Fuel Tank (LUFT) Program approval letters dated June 7 and August 14, 2013. Hazardous Materials measures specified in the referenced reports include, but are not limited to: the installation of an engineered vapor barrier to be incorporated into the building's foundation, soils management, the demolition, relocation and reconstruction of monitoring wells, the installation and operation of remediation equipment and monitoring wells until the remediation case is closed.

This motion was passed and adopted on the 12th day of December, 2013 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

Julie Rodriguez, Planning Commission Secretary

Date

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 California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 016-13

900 CHANNEL DRIVE

COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, MODIFICATION

DECEMBER 12, 2013

APPLICATION OF TRICIA KNIGHT, AGENT FOR VERIZON WIRELESS, LEASEE, 900 CHANNEL DRIVE, APN 017-393-002, R-1 ONE-FAMILY RESIDENCE ZONE AND SD-3 COASTAL OVERLAY ZONE, LOCAL COASTAL PLAN DESIGNATION: OPEN SPACE (MST2011-00246)

The proposed project involves installation of a 50-foot tall mono-pole containing nine cellular telephone antennas and associated ground equipment in a 552-square foot site contained within a seven-foot high stucco wall on vacant land owned by the Santa Barbara Cemetery Association. The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2011-00019) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
2. A Conditional Use Permit to allow a cellular tower greater than 45 feet tall in a residential zone (SBMC §28.94.030.DD); and
3. A Modification to allow development in the Front Setback (SBMC §28.15.085).

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, December 5, 2013.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

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

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

A. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it would not degrade the marine environment; nor would it block views to or from the ocean, waterfront or Highway 101; potential impacts to archaeological resources would be

addressed by having a monitor on-site during excavation; and the improved cellular service would not induce non-visitor serving growth, as described 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 Municipal Code. As discussed in Section VI.B. and C of the staff report, the cell tower and enclosure would not degrade coastal water resources, and is not visible from the beach or shoreline. It would not obstruct views of the ocean from Highway 101 and would be only partially and briefly visible from highway.

B. MODIFICATION OF THE FRONT SETBACK (SBMC§ 28.15.085)

The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The purpose of doubling the setbacks for non-residential uses in residential areas is to maintain the residential character. As discussed in Section VI.A.1, in this case there are no residential uses in the immediate vicinity of the site. Given the location and characteristics of the site, the proposed cell tower is consistent with the purpose and intent of the Zoning Ordinance and R-1 Zone requirements.

C. CONDITIONAL USE PERMIT (SBMC §§ 28.94.020; 28.94.030.DD.2)

1. *Any such 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.*

The cell tower is essential and necessary to the public convenience for both residents and visitors to Santa Barbara, and, as discussed in Sections VI.B and C, is consistent with the policies of the Coastal Act, Santa Barbara Local Coastal Plan and the Santa Barbara General Plan. The proposed cell tower will not degrade the environment, the marine or fresh waters of the Coastal Zone, the historic landmark or archaeological resources, will not obstruct views to or from the beaches or the waterfront or from Highway 101 toward the coast, or induce inappropriate development in the Coastal Zone.

2. *Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.*

As discussed in Section VI.A.2 above, the cell tower will not emit noise at the property line above the limit of 60 dB(A) CNEL as required by SBMC §9.16.025 for residential zones, or emit hazardous microwaves or radiation above levels (both current and future) established by the Federal Communications Commission.

As discussed in Section VI, because of the surrounding uses comprising the cemetery, railroad tracks and sanitation district, the small footprint of the cell tower and enclosure on a 2.4 acre parcel surrounded by mature bushes and trees, and the 20-foot setback behind the bushes and trees along Channel Drive, the proposed cell tower will not have a deleterious effect on the property values in the neighborhood.

3. *The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.*

As discussed in Section VI.A.1 above, the setback provided from Channel Drive is sufficient because of the generally non-residential character of the neighborhood and the existing mature trees and shrubs on the property.

4. *Adequate access and off-street parking including parking for guests 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.*

As discussed in Section VI, the cell tower does not generate any on-site activity or traffic and there is adequate room for the occasional maintenance vehicle to park inside the access gate.

5. *The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purposes set forth in this title.*

As discussed in Sections VI and VIII, the minimalist design of the tower and the vine-covered enclosure wall, which will be partially obscured by existing mature vegetation, is compatible with the area.

6. *Compliance with any additional specific requirements for a conditional use permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.*

Additional specific requirements:

- a. **Shared Use of Support Structure.** The applicant had made a good faith effort to demonstrate that no existing or planned support structure, including an antenna tower, is available to accommodate the proposed antenna.

As discussed in Section IV, the applicant made a good faith effort to co-locate facilities with existing power facilities and demonstrated that no existing or planned support structure is available to accommodate the proposed antenna.

- b. **Site Size.** The site is of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

As discussed in Section VI.A, the location of the site, and its size and shape are sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

- c. **Visual Impact.** The project has been reviewed by the ... Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District The Commission may take action on the location of the antenna(s) on the site,

color and size so as to minimize any adverse visual impacts by requiring that the antenna and its supporting structure be designed and placed so as to be as visually unobtrusive as feasible, taking into consideration technical engineering and other pertinent factors. The Planning Commission may grant a waiver from height limitations if it finds that no feasible alternative location or design would not require such a waiver.

The project has been reviewed by the Historic Landmarks Commission (HLC). As discussed in Section VIII, the Commission has determined the proposed cell tower and equipment enclosure is as visually unobtrusive as is feasible, and is compatible with the surrounding neighborhood. The HLC will decide on color and landscaping when the project returns to it for Project Design Approval so as to minimize any adverse visual impacts. The Planning Commission grants a waiver from height limitations because it finds that no feasible alternative location or design would not require such a waiver.

- d. Non-ionizing Electromagnetic Radiation (NIER) Emissions. Any new transmitters and/or antennas, when combined with existing sources of NIER emissions on or adjacent to the site and when operating as designed and licensed, shall not expose the general public to ambient radiation emissions with exceed American National Standards Institute (ANSI) C95.1-1992 standard (if the Federal Communications Commission (FCC) rulemaking committee adopts a revised standard, said standard shall apply).

As discussed in Section VI. A.2 and the Statement by Heammett & Edison, Inc. dated June 3, 2011, (see Exhibit F) the antennas, will not expose the general public to ambient radiation emissions in excess of American National Standards Institute (ANSI) C95.1-1992 standard because of built-in safeguards, the location of the antennas well above ground level, the seven-foot enclosure wall, and the location of the proposed cell tower remote from residential uses or areas frequented by members of the general public.

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 perform rough grading. Comply with conditions in D. Construction Implementation Requirements.
 4. Record any required documents (see B. Recorded Conditions Agreement section).
 5. Building and Public Works 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 required public improvements and complete said 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 12, 2013 is limited to approximately 700 square feet of building area, a 50-foot mono-pole with internal antenna, 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.
2. **Building Height Restriction.** The height of the mono-pole structure shall not exceed 50 feet above finished grade.
3. **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.
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 become clogged or 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.
6. **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.

- a. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection and landscaping measures:
 - i. **Tree Protection.** All trees indicated on the approved site plan shall be preserved, and protected during construction, in accordance with any related Conditions of Approval. The trenches for the power and telephone lines shall be routed southward as far as possible from the base of the 64-foot eucalyptus tree, to avoid the tree's root structure.
 - ii. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection, except as described in iii below.
 - iii. No grading shall occur within three feet of the driplines of the existing trees, except as indicated on the grading plan for construction of the equipment enclosure/antennae pad and trenching for power/telephone lines.
 - iv. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - v. No heavy equipment, storage of materials or parking shall take place under the dripline of any mature trees.
 - b. **Landscape Screening.** Landscaping with low water use plants and a solid screen wall or fence shall be provided to screen the electrical equipment cabinets, as may be required by the Historic Landmarks Commission.
- C. **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. **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. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the City's Storm Water Management Requirements for treatment, rate and volume. The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Requirements. 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 & Safety Division. 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 hydrocarbons or groundwater pollutants would result from the project.

- c. **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 EBI Consulting, dated September 27, 2013. The contract shall be subject to the review and approval of the Environmental Analyst.

a. The archaeologist's monitoring contract shall include the provisions identified in condition C.1.d "Requirement for Archaeological Resources" below.

- d. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

b. 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.

- e. **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.

- f. **Fences, Screens, Walls, and Hedges.** All fences, screens, walls and hedges on the property shall meet the height limitations of SBMC Section 28.87.170. The proposed fence and gate indicated on drawing sheets A1 and A-2 shall terminate at the property line.

- D. **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. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
 - l. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

- m. All construction equipment shall be maintained in tune per the manufacturer's specifications.
 - n. The engine size of construction equipment shall be the minimum practical size.
- E. 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. **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, whichever is earlier.
- F. **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. **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 CONDITIONAL USE PERMIT and MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit and Modification, 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.

IV. 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.

V. 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 12th day of December, 2013 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Bartlett, Thompson)

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

PLANNING COMMISSION MINUTES

December 19, 2013

CALL TO ORDER:

Chair Jordan called the meeting to order at 1:07 P.M.

I. ROLL CALL

Chair Mike Jordan, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujo, and Addison Thompson.

Absent: Commissioner Deborah L. Schwartz

STAFF PRESENT:

Bettie Weiss, City Planner
 John Ledbetter, Principal Planner
 Renee Brooke, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Rebecca Bjork, Water Resources Manager
 Joshua Hagmark, Principal Engineer
 Irma Unzueta, Project Planner
 Sara Iza, Public Works Project Planner
 Steven Greer, 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 December 5, 2013

MOTION: Lodge/Bartlett

Approve the minutes of December 5, 2013 as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Jordan). Absent: 1 (Schwartz)

2. PC Resolution 014-13
1222 Shoreline Drive

MOTION: Pujo/Lodge
Approve resolution 014-13.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Jordan). Absent: 1 (Schwartz)

3. Draft Minutes of Special Joint City/County Planning Commission Hearing
November 21, 2013

MOTION: Pujo/Bartlett
Approve the minutes of November 21, 2013.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 0

4. PC Resolution 017-13
Recommendations to City Council on Mission Canyon Community Plan

MOTION: Bartlett/Pujo
Approve the resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 0

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

None.

- C. Announcements and appeals.

Ms. Brooke made the following announcements:

1. City offices will be closed December 24, 2013 through January 1, 2014. Offices will reopen on January 2, 2014.
2. The Planning Commission meeting of January 9, 2014 will be cancelled. The first Planning Commission meeting will be held on January 16, 2014.

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

Chair Jordan opened the public hearing at 1:13 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEM:

ACTUAL TIME: 1:13 P.M.

APPLICATION OF THE CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, 520 E. YANONALI ST., APN 017-113-016 & 017-113-019, OM-1/OCEAN-ORIENTED MANUFACTURING AND S-D-3/COASTAL OVERLAY ZONES, LOCAL COASTAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2013-00388)

The project consists of the replacement of the existing Tertiary Filtration Plant for the production of recycled water at the El Estero Wastewater Treatment Plant. The existing tertiary filtration plant and related facilities encompass approximately 10,000 square feet of area. The project will demolish the existing 2,200 square foot granular media filter complex, and ancillary equipment, then construct a new 5,300 square foot complex, including a 2,900 square foot canopy. Construction and installation of replacement facilities will occur within the current tertiary filtration plant operations footprint. The new tertiary system will utilize microfiltration / ultrafiltration technology. The project will also include upgrades to chemical containment areas, the electrical system and the reclaimed water chlorine contact basin. The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2013-00010) to allow the proposed project 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(c) (Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity).

Case Planner: Steven Greer, Project Planner

Email: SGreer@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4558.

Steven Greer, Project Planner, gave the Staff presentation. Rebecca Bjork, Acting Public Works Director, and Joshua Haggmark, Acting Water Resources Manager, were available to answer Planning Commission questions.

Don Cutler, PE, BCEE, CDM Smith, consultant for the City, along with Sara Iza, Public Works Project Planner, gave the Applicant presentation.

Chair Jordan opened the public hearing at 1:34 P.M.

The following people spoke in support of the project:

1. Hillary Hauser, Heal the Ocean, submitted written comments.

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

1. Dr. Edo McGowan, summarized his many written comments submitted and asked the Commission to seek a higher level of environmental review.
2. Dr. John Acherman, concurred with Dr. McGowan and referenced his comments recently published in the *Santa Barbara Sentinel*.

With no one else wishing to speak, the public hearing was closed at 1:51 P.M.

MOTION: Pujo/Lodge

Assigned Resolution No. 018-13

Approved the Coastal Development Permit, making the findings as outlined in the Staff Report, dated December 12, 2013, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revision to the Conditions of Approval:

1. An exterior lighting plan for tertiary plant operations shall be included for review by the ABR. The plan shall minimize potential impacts to dark sky and light shed to the adjacent Laguna Channel riparian habitat.
2. Include protection and maintenance of willows that were recently planted for screening along Laguna Channel west bank.
3. Final plans shall include a delineation of edge of the Laguna Channel riparian corridor boundary.
4. Project development shall be in conformance with the plans approved by the Architectural Board of Review.
5. All mechanical equipment shall be insulated and sound at the property line of any adjacent parcel used or zoned for residential, institutional or park purposes shall not exceed sixty A-weighted decibels using the Community Noise Equivalent Level (60 dB(A) CNEL).
6. Amend condition D.1.a. to reflect that the Master Drainage Plan shall be approved by the Creeks Division prior to final inspection of the project.

This motion carried by the following vote:

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

Dr McGowan's work was acknowledged by the Commission. Commissioners Lodge and Thompson requested Staff to participate in additional research regarding the concerns expressed by Dr. McGowan and to explore what may be feasible in the future.

Chair Jordan announced the ten calendar day appeal period and the extension of the appeal period due to the city's holiday closure to the end of day, Monday, January 6, 2014.

Chair Jordan announced a recess at 2:49 P.M. and reconvened at 3:04 P.M.

IV. **DISCUSSION ITEM CONTINUED FROM DECEMBER 12, 2013**

ACTUAL TIME: 3:04 P.M.

AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM

Staff will continue discussing with the Planning Commission the three process review options presented December 12, 2013, for rental projects developed under the Average Unit Size Density Incentive Program (AUD). The Planning Commission will forward a recommendation to the City Council.

Case Planner: Bettie Weiss, City Planner

Email: BWeiss@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5509.

Chair Jordan re-opened the public hearing at 3:04 P.M.

Lisa Plowman, SB4ALL, submitted and read written comments into the record.

With no one else wishing to speak, the public hearing was closed at 3:06 P.M.

Irma Unzueta, Project Planner, gave the Staff presentation.

Commissioner's comments on the scope of review of AUD projects: Commissioners Pujo, Campanella, and Jordan felt Planning Commission review of AUD projects should be limited to high density and priority housing overlay density tiers.

- Commissioners Bartlett and Thompson preferred no automatic triggers, but if AUD projects come to the Planning Commission, they should be limited to high density and priority housing overlay projects, and only for projects requesting modifications.
- Commissioner Lodge would like to see all AUD density tiers come to the Planning Commission.
- Most Commissioners agreed that not all high density and priority housing overlay projects should come for Planning Commission review.

Commissioner's comments on automatic triggers for Planning Commission review:

Number of Units:

- Commissioner Campanella felt that ten units should be the trigger.
- Commissioner Lodge could support eight units as the trigger.
- Commissioners Pujo, Bartlett, and Jordan could not support number of units as a trigger.

Size of Property:

- Commissioner Thompson and Bartlett did not support size of property as a trigger since there are not many vacant half acre and larger properties.
- Commissioner Lodge could support reviewing project sites of 10,000 square feet.
- Commissioner Pujo was in support of size of property because it is a fixed variable. Would like to see the trigger able to catch at least 20 % of the available inventory.
- Commissioner Jordan was in support of size of property as a trigger, but would like to have the trigger reach at least 25-30 % of the available inventory.
- Commissioner Campanella could support a quarter acre or 10,000 square foot lot. He does not support an automatic trigger, but felt that the Planning Commission should not review anything smaller than 10,000 square feet.

Staff provided clarification on the square footage of a third acre as being able to accommodate approximately eight units. In response to the four vacant properties identified by Commissioner Campanella, Staff clarified that there are vacant and underdeveloped properties in the inventory that allow for more projects to qualify for review.

Four Stories

- Commissioner Lodge was in support of reviewing four story AUD projects.
- Commissioner Bartlett felt that this trigger was not needed since the Planning Commission already reviews any project over 45'.
- Commissioner Pujo did not support four stories as a trigger.

Environmental/Historic Constraints:

- Commissioner Pujo did not support this as a trigger and felt that the Historic Landmarks Commission (HLC) would be more appropriate for historic review.
- Commissioner Campanella felt that if a project required a full Environmental Impact Report (EIR) then the Planning Commission should review the full project.
- Commissioner Bartlett could support this trigger if a review board wanted to refer the project to the Planning Commission for review in balancing housing resources with historic resources.

Applicant Request:

- The majority of the Commissioners supported the Applicant's request for a Planning Commission review as a trigger.

Suspension (like Staff Hearing Officer):

- Commissioner Thompson did not support 'suspension' or 'pulling up prior to action' as triggers.

- Commissioner Bartlett did not support this trigger.
- Commissioner Jordan did not support this trigger; preferred a Planning Commissioner Liaison to the AUD process that could bring projects to the Planning Commission, similar to what exists for the Staff Hearing Officer.

“Pulling-up” prior to action

- Commissioner Bartlett did not support this trigger.
- Commissioner Pujo did not support this trigger and felt that only the applicant and the review board should be able to ‘bump up’ a project to the Planning Commission. Commissioner Jordan concurred.

Staff clarified that the existing ordinance gives the design review boards the ability to refer projects to the Planning Commission. The applicant also has the ability to take a project to the Planning Commission for concept review.

Commissioner’s comments on the action to be taken by the Planning Commission in a review:

- A majority of the Commissioners felt that the Planning Commission should offer comments only and not approval.
- Commissioner Lodge supported Planning Commission approval with specific findings.
- Commissioner Thompson did not support either action option and suggested that if the Council would like Planning Commission review, then AUD decisions made by the design review boards should be appealable to the Planning Commission action. Commissioner Jordan concurred.

Commissioner’s comments on when a Planning Commission review should occur:

- A majority of the Commission supported concept review prior to Planning Commission review.
- Commissioner Bartlett advocated for a joint review between the design review board and the Planning Commission.

Based on preliminary assessment of the Commission’s comments, Staff felt that the Commission was more closely aligned with Option One, on page 3, in the Planning Commission Staff Report dated December 5, 2013.

Commissioner’s comments on having an automatic trigger:

- Commissioners Lodge, Pujo, and Jordan were in support of having an automatic trigger.

- Commissioners Campanella, Thompson, and Bartlett were not in support of having an automatic trigger.

Commissioner's comments on appeals:

- Commissioners Campanella and Thompson felt that a third party appeal should come to the Planning Commission.
- Commissioner Thompson felt that any Planning Commission appeals could be appealed to City Council.
- The Commission was evenly split on whether or not the Planning Commission should hear appeals only on an intermediary basis.

Additional Commissioner's comments:

- Commissioner Pujo did not support having many triggers and preferred a clean, up-front expectation of Planning Commission review on some projects.
- Commissioner Thompson agreed that additional staff support, such as staff reports and site visits, should continue to be given to ABR and HLC.
- Commissioner Bartlett recommended that applicants be able to voluntarily request a joint Planning Commission and design review board concept review meeting.
- Commissioner Bartlett requested that any changes to the review process not be made retroactive to projects currently being processed.
- Commissioner Pujo requested keeping timelines and additional AUD cost as low as possible.
- Commissioner Thompson asked that we keep operating under the current process until City Council directs otherwise.

Commissioner Jordan offered to represent the Planning Commission's position when this item goes before City Council.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:27 P.M.

E. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of December 18, 2013.**

- b. Commissioner Thomson reported on the Single Family Design Review Board meeting of December 16, 2013.
- c. Commissioner Thomson reported on the Architectural Board of Review meeting of December 17, 2013.

VI. ADJOURNMENT

Chair Jordan adjourned the meeting at 5:30 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 018-13
520 E. YANONALI STREET
COASTAL DEVELOPMENT PERMIT
DECEMBER 19, 2013

APPLICATION OF THE CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, 520 E. YANONALI ST., APN 017-113-016 & 017-113-019, OM-1/OCEAN-ORIENTED MANUFACTURING AND S-D-3/COASTAL OVERLAY ZONES, LOCAL COASTAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2013-00388)

The project consists of the replacement of the existing Tertiary Filtration Plant for the production of recycled water at the El Estero Wastewater Treatment Plant. The existing tertiary filtration plant and related facilities encompass approximately 10,000 square feet of area. The project will demolish the existing 2,200 square foot granular media filter complex, and ancillary equipment, then construct a new 5,300 square foot complex, including a 2,900 square foot canopy. Construction and installation of replacement facilities will occur within the current tertiary filtration plant operations footprint. The new tertiary system will utilize microfiltration / ultrafiltration technology. The project will also include upgrades to chemical containment areas, the electrical system and the reclaimed water chlorine contact basin. The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2013-00010) to allow the proposed project 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(c) (Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity).

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 2 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 12, 2013.
2. Correspondence received in support of the project:
 - a. Hillary Hauser, Heal the Ocean
3. Correspondence received in opposition to the project:
 - a. Dr. Edo McGowan, 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:
 - A. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act, as described in Section VII (D) of the Staff Report. This includes, but is not limited to, consistency with requirements that environmentally sensitive habitat areas (ESHA) be protected and that proposed development should neither preclude services to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, nor preclude public recreation, commercial recreation, or visitor-serving land uses. The project would be consistent with these policies.
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, as described in Section VII (C) of the Staff Report. This includes, but is not limited to, consistency with LCP Policies 6.8, 6.9 and 6.10 which serve to protect biological productivity and water quality of the City's riparian resources and LCP Policy 9, which protects views to, from, and along the ocean and scenic coastal areas.

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. Permits - Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
4. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."

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

B. **Written Agreement.** The Applicant shall submit a letter to the Planning Division indicating the following:

1. **Approved Development.** The development approved by the Planning Commission on December 19, 2013 is limited to demolishing the existing 2,200 square foot granular media filter complex and ancillary equipment, and construction a new 5,300 square foot facility, including a 2,900 square foot canopy, and the related 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.
2. **Use Limitations.** Due to the proximity to biological resources, uses other than those related to tertiary plant operations are not permitted at this location without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Applicant shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

3. **Storm Water Pollution Control and Drainage System Maintenance.** The owner/applicant shall implement and 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 Public Works Division shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Public Works Division 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.
 4. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee of the El Estero Waste Water Treatment Plant by the Applicant/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.
- C. **Biological Resources Minimization Measures.** The following minimization measures, recommended in the Biological Resource Study prepared for the proposed project (Dudek, October 2013), shall be included as part of the project description:
1. **Pre-construction Nesting Bird Survey. (BIO-1)** A pre-construction survey for nesting birds shall be conducted by a qualified biologist to determine if active nests of special-status birds, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, are present in the construction zone or within 300 feet of the construction zone. The survey shall be conducted within one week prior to construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 30).
 2. **Nesting Bird Buffers and Requirements. (BIO-2)** If active nests are found, a no construction buffer shall be established at a minimum of 100-foot (this distance may be greater depending on the bird species and construction activity, as determined by the biologist) around the nest site where it overlaps with work areas. Clearing and construction within no-construction buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. In addition, all active nests shall be mapped with a GPS unit and nest locations with 100-foot buffers overlain on aerial photographs to provide regular updated maps to inform the Project manager/engineer and construction crew of areas to avoid. The City approved biologist should also serve as a construction monitor during the breeding season to ensure that there are no inadvertent impacts to nesting birds.

3. **Revised Chemical Delivery, Storage, and Usage Plan. (BIO-4)** Revise the *El Estero Wastewater Treatment Plant Hazmat Business Plan*, as appropriate. The plan shall identify all hazardous material transported, stored and used during wastewater treatment processing. The plan shall also identify designated access routes for delivery and transport of chemicals. Storage areas shall be identified and equipped with secondary containment, spill response measures, spill response kits, and notifications to authorities. Chemical usage shall be documented and usage areas shall be monitored for leaks and an emergency cleanup plan shall be incorporated. Measures ensuring that spill will not enter tidewater goby and Pacific pond turtle habitat are essential. These include the aquatic habitats of Laguna Channel and El Estero Swale, which shall be addressed thoroughly and included in the Plan. Storm drains are the most direct route to aquatic habitats.
- D. **Requirements Prior to Permit Issuance.** The Applicant 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. **Creeks Division.**
 - a. **Master Drainage System Plan.** The Applicant shall submit a master drainage system plan to the Creeks Division and the Building and Safety Division. The plan shall include modifications to the existing drainage system that will convey all storm water run-off to the “front end” of the plant as influent to be treated prior to discharge. The Master Drainage System Plan shall be completed prior to final inspection of the project.
 - b. As a component of implementation of the Master Drainage System Plan, rerouting of the two existing drain inlets adjacent to the Laguna Creek Channel to the “front end” of the plant shall occur prior to final inspection for the project.
 - c. **Stormwater Pollution Prevention Plan (SWPPP). (BIO-3)** The Applicant shall retain a Qualified SWPPP Developer (QSD) to prepare and submit a SWPPP to minimize the potential for discharge of pollutants from the project during construction and operational activities. The SWPPP shall be designed to meet the requirements of the City and RWQCB’s General Construction Permit (GCP). The SWPPP shall include both structural and non-structural best management practices (BMPs) including straw wattles around storm drains, silt fencing and or other physical controls to diver flows from exposed soil, spill prevention methods, and clean housekeeping methods for storing and refueling machinery.
 - e-d. Plans submitted for project approval shall include delineation of the edge of the riparian corridor boundary along Laguna Channel
 2. **Community Development Department.**
 - a. **Written Agreement.** Provide the written instrument that includes all of the conditions identified in Condition B “Written Agreement” to the Community Development Department prior to issuance of any building permits.

- b. **Contract with Biologist.** Submit a contract with a City approved qualified biologist for monitoring and reporting 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 Biological Assessment Report prepared for this site by Dudek, dated October 28, 2013. The contract shall be subject to the review and approval of the Environmental Analyst.
- c. The scope of the biologist’s monitoring and reporting contract shall include the provisions identified in “Conclusions and Recommendations” from the Biological Assessment Report referenced above.
- d. **No-Rise Certificate.** The Applicant shall provide a Base Flood Elevation and show compliance with applicable flood proofing as required by SBMC §22.24.160 prior to issuance of a Building Permit.
- e. **Contractor and Subcontractor Notification.** The Applicant 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.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Master Drainage System Plan submitted to Creeks Division for review). 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.
- g. Signed:

Applicant		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 Applicant and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Riparian Protection. (BIO-5)** All construction-related activities, including, but not limited to demolition, construction, staging area, and access routes shall be located a minimum of 50-feet from riparian habitat associated with Laguna Channel and El Estero

Swale, when possible. In locations where the construction activities encroach within this buffer, it is important to provide further protection to riparian vegetation and the wetland and aquatic habitats of Laguna Channel to the greatest extent possible. Specifically, these protection measures shall include the following:

- a. The Contractor shall establish a temporary barrier between riparian habitat using highly visible construction fencing to ensure that trees and other vegetation are visible during construction. It is recommended that the fencing be placed along the access road, just to the west of the curb.
 - b. The Contractor shall install road signs along the western access route that notify drivers of sizeable vehicles/construction equipment (cranes, drilling rigs, water and concrete trucks, etc.) that sensitive riparian trees and vegetation occur adjacent to the road and work site.
 - c. When sizeable construction equipment is working near riparian vegetation, it is highly encouraged that flaggers are utilized to assist in equipment positioning to avoid riparian impacts during construction activities.
 - d. If direct impacts to riparian vegetation cannot be avoided, a CDFW Streambed Alteration Agreement (SAA) pursuant to Section 1600 et seq. of the California Fish and Game Code should be acquired before initiation of construction.
 - e. An exterior lighting plan for tertiary plant operations shall be included for review by the ABR. The plan shall minimize potential impacts to dark sky and light shed to the adjacent Laguna Channel riparian habitat.
2. **Best Management Practices (BMPs). (BIO-6)** The Contractor shall install appropriate BMPs to control sediment, coarse particles, concrete, and other materials exposed during demolition and drilling to protect aquatic, wetland, and riparian habitats adjacent to construction site. Erosion control measures should be implemented to prevent runoff of these materials into Laguna Channel and El Estero Swale. Silt fencing, straw bales, and/or sand bags should be used in conjunction with other methods to prevent turbid waters from entering stream channels.
- During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing will not be allowed in locations where the tainted water could enter Laguna Channel or El Estero Swale.
3. **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 (see condition No. E.4 below), shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Creeks Division, the approved Biologist, Contractor and each Subcontractor.
4. **Workers Educational Training. (BIO-8)** Prior to the initiation of any site disturbance and/or construction activities, all personnel associated with the project shall attend a

worker education training program (program) conducted by a qualified biologist. In general, it is recommended that the program discuss tidewater goby and Pacific pond turtle habitat preference(s), occupied habitat in the area, life histories, law and regulations, as well as potential construction impacts and protection measures, and project limits. Protections and regulations for the Laguna Channel, the riparian habitat, and nesting birds shall also be included in the program. It is recommended that a species and habitat fact sheet also be developed prior to the training program and distributed at the training program to all contractors, employers and other personnel involved with the construction of the Projects. Specifically, the program should also include:

- a. Measures to prevent indirect impacts during construction activities should be covered, including delivery, storage, and usage of construction materials and chemicals as they relate to the protection of adjacent aquatic habitat.
- b. Training materials should include laws and regulations that protect sensitive biological resources, the consequences of non-compliance with those laws and regulations and a contact person (i.e. construction manager, biological monitor, and City's Project manager) in the event that protected biological resources are affected.

The City shall notify the approved biologist in advance of the kick-off meeting and any subsequent meetings that may take place if additional contractors are employed during additional construction projects of the project. A sign in sheet will be circulated for signatures to all personal that attend the workers educational training to confirm that program materials were received and that they understand information presented.

5. **Construction Storage/Staging.** Construction vehicle/equipment/materials storage and staging shall be done on-site. No parking or storage shall be permitted within the identified "no disturbance buffer" adjacent to the Laguna Creek Channel, unless specifically permitted by the Creeks Division.
6. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site.
7. **Noise Level.** All mechanical equipment shall be insulated and sound at the property line of any adjacent parcel used or zoned for residential, institutional or park purposes shall not exceed sixty A-weighted decibels using the Community Noise Equivalent Level (60 dB(A) CNEL).
- 6.8. **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 is 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.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

~~7.9.~~ **Asbestos & Lead-Containing Materials.** Pursuant to Air Pollution Control District (APCD) Rule 1001, the applicant is required to complete and submit an Asbestos Demolition / Renovation Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.

~~8.10.~~ **Biological Resources Minimization Monitoring Compliance Reports.** The City-approved biologist shall submit monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding required Minimization Measures compliance to the Community Development Department.

~~9.11.~~ **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 Applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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.

F. **Prior to Final Inspection.** Prior to performance of the Final Inspection by Building & Safety staff, the Owner of the Real Property shall complete the following:

1. The two existing drain inlets adjacent to the Laguna Creek Channel, in proximity of the project, shall be rerouted to the "front end" of the plant prior to final inspection.

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 and any amendments thereto (16 Uq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **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.
- ~~2.3.~~ **Willow Channel, Main enance and Protection.** The willows planted for visual screening on the West Bank Laguna Channel shall be protected and maintained by the Public Works Department for the life of the project.

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 19th 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 (Schwartz)

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.