



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 13, 2014

CALL TO ORDER:

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

I. ROLL CALL

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

STAFF PRESENT:

Renee Brooke, Senior Planner
N. Scott Vincent, Assistant City Attorney
Cameron Benson, Creeks Manager
Tim Burgess, Water Resources Specialist
Laura Yanez, Project Engineer
Kelly Brodison, Assistant 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 February 13, 2014

MOTION: Lodge/Thompson

Approve the minutes.

This motion carried by the following vote:

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

2. Resolution 005-14

Recommendation to City Council for Air Quality Design Standards for Development near Highway 101

MOTION: Lodge/Thompson

Approve Resolution 005-14..

This motion carried by the following vote:

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

Commissioner Jordan was absent at the February 13, 2104 meeting but stated that he would have voted in favor of the motion had he been present.

- 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 Council will be hearing the Mission Canyon Community Plan on March 18, 2014.
2. City Council will be hearing the Ordinance Amendments related to Fences, Screens, Walls and Hedges on March 25, 2014.
3. The ABR project at 510 N. Salsipuedes was previously appealed and has been appealed again, and is tentatively scheduled to be heard by City Council on April 29, 2014.

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

Chair Schwartz opened the public hearing at 1:05 P.M. and, with no one wishing to speak, closed the hearing.

III. DISCUSSION ITEM:

ACTUAL TIME: 1:05 P.M.

PERMEABLE PAVERS PROJECTS

Staff will provide an update on the Creek Division's Permeable Pavers Projects and answer questions.

Case Planner: Cameron Benson, Creeks Manager

Email: CBenson@SantaBarbaraCA.gov

Phone: (805) 897-2508.

Cameron Benson, Creeks Manager, gave the Staff presentation, joined by Tim Burgess, Water Resources Specialist, and Laura Yanez, Project Engineer.

The Commission acknowledged the good work done by the Creek's Division Staff that has received wide acclaim as a model referenced by other municipalities and is saving money on installation and maintenance of infrastructure.

Chair Schwartz called a recess at 2:10 PM. and reconvened the meeting at 2:17 P.M.

IV. **NEW ITEM:**

ACTUAL TIME: 2:17 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Jordan recused himself from hearing this item due to living in close proximity to the project, and left the dais at 2:17 P.M.

APPLICATION OF JIM ZIMMERMAN, ARCHITECT FOR MICHAEL SMULSKI, 2345 EDGEWATER WAY, APN 041-350-001, E-3/SD-3 ONE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN AND LCP LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2013-00341).

The subject project is a proposal for the demolition of the existing, two-story, 2,171 square foot, single-family residence, and construction of a two-story, 2,816 square foot, single-family residence, including an attached 420 square foot, two-car garage. The project includes the removal of two existing palm trees on-site, new site walls and fencing, a new pool and spa, new hardscape and site landscaping on a 25,265 square foot, blufftop lot in the Hillside Design District.

The discretionary application required for this project is a Coastal Development Permit (CDP2013-000012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4531.

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Jim Zimmerman, Architect, gave the Applicant presentation.

Chair Schwartz opened the public hearing at 2:30 P.M.

Denise Woolery, Chair of the Single Family Design Board (SFDB) stated that SFDB had made the findings for neighborhood compatibility and forwarded the project to the Planning Commission.

The following people spoke in support of the project:

1. Sam Ryan

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

1. Dominick Namnath, neighbor, was concerned with neighborhood compatibility.
2. Luciana Richard, neighbor, was concerned with the project's height and neighborhood compatibility.

Michael Smulski, Owner, stated to the Commission his desire to live and develop his project in Santa Barbara and the challenges he has faced in the development process.

With no one else wishing to speak, the public hearing was closed at 2:42 P.M.

MOTION: Lodge/Pujo

Assigned Resolution No. 006-14

Approved the project, making the findings for the Coastal Development Permit outlined in the Staff Report, dated March 6, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:15 P.M.

E. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

1. Commissioner Lodge reported on the Historic Landmarks Committee meeting of March 12, 2014.
2. Commissioner Pujo announced that the Architectural Foundation of Santa Barbara will be hosting a free Kids Draw Architecture event at the Santa Barbara Mission on April 5, 2014 and at the Music Academy of the West on April 12, 2014.
3. Commissioner Thompson reported on the Single Family Design Board meeting of March 10, 2014.
4. Commissioner Schwartz reported on the Water Commission meeting of March 10, 2014.
5. Commissioner Schwartz announced that People's Self Help Housing will have a grand opening of their Carpinteria project on April 10, 2014.

6. Commissioner Campanella reported on the Architectural Board of Review meeting of March 3, 2014.
7. Commissioner Campanella reported on the Sustainability Council Meeting on March 11, 2014.
8. Commissioner Campanella reported on today's Downtown Parking Committee meeting.
9. Chair Schwartz announced that the March 20, 2014 Planning Commission meeting will hear the El Estero Wastewater Treatment Plant project at 520 E. Yanonali Street.

VI. ADJOURNMENT

Chair Schwartz adjourned the meeting at 3:30 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-14
2345 EDGEWATER WAY
COASTAL DEVELOPMENT PERMIT
MARCH 13, 2014

APPLICATION OF JIM ZIMMERMAN, ARCHITECT FOR MICHAEL SMULSKI, 2345 EDGEWATER WAY, APN 041-350-001, E-3/SD-3 ONE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN AND LCP LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2013-00341).

The subject project is a proposal for the demolition of the existing, two-story, 2,171 square foot, single-family residence, and construction of a two-story, 2,816 square foot, single-family residence, including an attached 420 square foot, two-car garage. The project includes the removal of two existing palm trees on-site, new site walls and fencing, a new pool and spa, new hardscape and site landscaping on a 25,265 square foot, blufftop lot in the Hillside Design District.

The discretionary application required for this project is a Coastal Development Permit (CDP2013-000012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

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

WHEREAS, 2 people appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 6, 2014
2. Site Plans
3. Correspondence received in support of the project:
 - a. Jeff Barrens, via email
 - b. Russell Ruiz, via email
4. Correspondence received in opposition or with concerns about the project:
 - a. Dominic Namnath, via email
 - b. Claire and Andrew Bacher, via email
 - c. Cathie McCammon, La Mesa Neighborhood Association, via email
 - d. Kymberlee Ruff, via email
 - e. Kevin and Luciana Richard, via email

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 does not result in any adverse affects related to coastal resources, including public views and access and the proposed addition is located outside of the 75-year seacliff retreat line, as described in Section V.C. of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the addition is compatible with the surrounding single-family bluff top neighborhood, will not impact views from public view corridors, will not impact public access, is not an archaeologically sensitive site and would improve potential safety and drainage hazards on the bluff, as described in Section V.C. of the Staff Report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all 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 March 13, 2014 is limited to the demolition of the existing, two-story, 2,171 square foot, single-family residence, and construction of a two-story, 2,816 square foot, single-family residence, including an attached, 420 square foot, two-car garage. The project includes the removal of two existing palm trees on-site, new site walls and fencing, a new pool and spa, new hardscape and site landscaping 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. **Development Restrictions.** New structures are prohibited seaward of the “75-year structural setback” line as noted on the plans and as recommended by Adam Simmons in the report titled “Preliminary Geologic Investigation,” dated April 19, 2013. Heavy, shallow rooted plants (e.g., ice plant) and high water use plants (including lawn) are also prohibited seaward of the same “75-year structural setback line.”
3. **Future Threats to Development.** By acceptance of this permit, the applicant and landowner further agrees, on behalf of himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, pool, spa and foundations if any government agency has ordered that the structure(s) is not to be occupied in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other coastal hazards in the future. In the event that portions of the development fall to the beach before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a Coastal Development Permit.
4. **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.
5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual. Should any of the project’s surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the 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.

8. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
 9. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
 2. **Landscaping on Bluff Top Properties.** The Single Family Design Board (SFDB) shall review any new landscaping, irrigation and/or improvements to said landscaping north of the top of bluff setback. Per the Geologic Investigation prepared by Adam Simmons, dated April 19, 2013, the use of deep rooted, drought tolerant plants is recommended in the southern portions of the property to minimize the potential for over-saturation and erosion. Thick and deep rooted plant varieties help to stabilize the slope and keep it in a state of under-saturation. The re-vegetation program (in areas where the existing vegetation is sparse or to be removed) should be implemented as soon as practical after the rough grading process. Heavy, shallow rooted plants (e.g., ice plant) and high water use plants (including lawn) are also prohibited seaward of the "75-year structural setback line." All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.

3. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
 4. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
 5. **Location of Dry Utilities.** Dry utilities (e.g., above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.d. "Edgewater Way Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.
 - b. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. *Engineering Division Staff prepares said agreement for the Owner's signature.*
 - c. **Drainage and Water Quality.** Drainage improvements shall be shown on the Landscape Plan and Site Plan and shall be installed per the Preliminary Geologic Investigation prepared by Adam Simmons, dated April 19, 2013, and the Hydrologic Water Runoff Calculations prepared by Adam Simmons, Consulting Geologist, dated November 13, 2013, and shall consist of: All runoff water from impervious areas such as roofs, patios, decks, French drains, and driveways shall be captured and directed into the two proposed 27 cubic foot infiltration gravel pits located on the north side of the property via four- inch diameter drainage pipes; replacing the existing driveway with permeable pavers; and infiltration beds and replacement of the existing lawn area with drought tolerant species approved by the Single Family Design Board.
 - d. **Edgewater Way Public Improvements.** The Owner shall submit Public Works plans for construction of improvements. Plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following: Installation of a new

16-foot wide driveway apron, approximately 45 linear feet of curb and gutter, 16 linear feet of sidewalk at back of driveway with a minimum of 48" width (per City Standard Details); a 48" minimum wide decomposed granite walkway per Pedestrian Master Plan (PMP), Chapter 8; installation of a new 4" sewer lateral and wye on the existing 8" sewer main (VCP) in front of site address on Edgewater Way; abandonment of the two existing 4" sewer laterals and approximately 185 linear feet of 6" sewer main (VCP) along the property in the utility easement to the west of the property (Mesa Lane steps) – verify in field prior to abandonment.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- d. **New Pool.** The proposed pool shall be equipped with a waterproof liner and/or an upgraded waterproofed pool design that reduces or eliminates the potential for leakage from the pool. A pool drainage system shall be constructed with a French drain in a gravel bed with a sump pump shall be included and the pump may deliver any gathered water seepage and or perched ground water to an existing surface drainage pipe that directs the water to the north away from the sea bluff.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor's name, and telephone number, 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. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).
 4. **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.
5. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological

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

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

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

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

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC Chapter 22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.

5. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

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 13th day of March, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 20, 2014

CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:04 P.M.

I. ROLL CALL

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

STAFF PRESENT:

Renee Brooke, Senior Planner
N. Scott Vincent, Assistant City Attorney
Steven Greer, Project Planner
Christopher Toth, Waste Water Systems Manager
Sara Iza, Project Planner
Lisa Arroyo, Project Engineer
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

None were made.

- B. Announcements and appeals.

None were made.

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

Chair Schwartz opened the public hearing at 1:04 P.M. and, with no one wishing to speak, closed the hearing.

III. **NEW ITEM:**

ACTUAL TIME: 1:05 P.M.

APPLICATION FOR THE CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, 520 E. YANONALI ST., APN 017-540-005, OCEAN-ORIENTED LIGHT MANUFACTURING (OM-1) /COASTAL OVERLAY (S-D-3) ZONES, LOCAL COASTAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTION, MST2013-00482; CDP2013-00011

The proposed project consists of upgrades/improvements to the existing secondary treatment facilities located at the El Estero Wastewater Treatment Plant, so that secondary effluent can be more effectively filtered for recycled water production and to address longstanding operational issues. With the exception of replacement/installation of underground piping, the project will occur entirely within the existing secondary treatment facilities structure. The discretionary application required for this project is a Coastal Development Permit (CDP2013-00011) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);

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, led the Staff presentation.

Lisa Arroyo, Project Engineer, gave the Applicant presentation. Sara Iza, Project Planner, and Christopher Toth, Waste Water Systems Manager, were available to answer any questions.

Chair Schwartz opened the public hearing at 1:30 P.M.

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

1. Dr. Edo McGowan also submitted written comments and expressed concern about aerosolized bacteria.
2. Kenneth Warfield requested an Environmental Review to assess human health impacts of pathogens produced.

With no one else wishing to speak, the public hearing was closed at 1:34 P.M.

MOTION: Jordan/Thompson

Assigned Resolution No. 007-14

Approved the project, making the findings for the Coastal Development Permit outlined in the Staff Report, dated March 13, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Under Construction Implementation Requirements, add condition E.8., to state that night construction lighting shall be directed downward and away from adjacent properties and the riparian corridor.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:26 P.M.

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported on the Staff Hearing Officer meetings held on March 5, 2014 and March 19, 2014.

2. Other Committee and Liaison Reports

a. Commissioners Schwartz and Thompson reported on attending the Semi-Annual Chair and Vice Chair Committee meeting on March 19, 2014.

3. Report from the Chair.

a. The Parks and Recreation Community Foundation will hold a benefit event on Sunday April 22, 2014 at the Carrillo Recreation Center Ballroom. More information can be found at PARCSB.org.

b. Distributed a phone list of City of Santa Barbara services.

c. Announced that the Planning Commission will meet on April 3, 2014 and will review the Sandman Inn redevelopment project at 3714 – 3744 State Street.

V. ADJOURNMENT

Chair Schwartz adjourned the meeting at 2:33 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-14
520 E. YANONALI STREET
COASTAL DEVELOPMENT PERMIT
MARCH 20, 2014

APPLICATION FOR THE CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, 520 E. YANONALI ST., APN 017-540-005, OCEAN-ORIENTED LIGHT MANUFACTURING (OM-1)/COASTAL OVERLAY (S-D-3) ZONES, LOCAL COASTAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTION, MST2013-00482; CDP2013-00011

The proposed project consists of upgrades/improvements to the existing secondary treatment facilities located at the El Estero Wastewater Treatment Plant, so that secondary effluent can be more effectively filtered for recycled water production and to address longstanding operational issues. With the exception of replacement/installation of underground piping, the project will occur entirely within the existing secondary treatment facilities structure. The discretionary application required for this project is a Coastal Development Permit (CDP2013-00011) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);

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, no one appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 13, 2014.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Dr. Edo McGowan, via email

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.C 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 Sections VII.A and B 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. Pay Land Development Team Recovery Fee.
2. Permits - Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
3. 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 March 20, 2014 is limited to upgrades to the existing EEWWTP secondary treatment complex, and the related improvements shown on the plans signed by the chairperson 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 secondary treatment operations or uses previously established 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 Applicant 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.** 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 exterior 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.
- 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. **Construction Staging Area Plan.** The Applicant shall submit a plan to the Creeks Division identifying a construction staging area. The plan shall include measures (i.e. construction fencing) to protect the adjacent Laguna Channel riparian habitat. The plan shall be approved prior to construction activities commencing.

As a component of the plan, silt fencing, straw wattles, and/or sand bags should be used in conjunction with other methods to prevent turbid waters or other contaminants from entering adjacent stream channel (see SWPPP requirements below).

- b. **Stormwater Pollution Prevention Plan (SWPPP).** 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 divert flows from exposed soil, spill prevention methods, and clean housekeeping methods for storing and refueling machinery.
- c. Filter/treatment inserts shall be installed on all storm drain inlets that have not been routed to the plant/sewer for treatment and shall be maintained per the manufacturer's specifications until the storm drain inlets are routed to the plant for treatment.

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. **Archaeological Monitoring Contract.** Submit to the Planning Division 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 Archaeological Survey Report prepared for this site by Dudek, dated December 2011. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition F.2.c "Requirement for Archaeological Resources" below.

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

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

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be

retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

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

- d. **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., Construction Staging 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.** 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 or staging 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.
 - b. 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.
2. **Best Management Practices (BMPs).** The Contractor shall install appropriate BMPs to control sediment, coarse particles, concrete, and other materials exposed during construction and staging 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. 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, Contractor and each Subcontractor.
4. **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.
5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site.
6. **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. **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.

7.8. **Night Construction Lighting.** Night construction lighting shall be directed downward and away from adjacent properties and the riparian corridor

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 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.

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 20th day of March, 2014 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.