



City of Santa Barbara California

PLANNING COMMISSION

STAFF REPORT

REPORT DATE: July 10, 2014
AGENDA DATE: July 17, 2014
PROJECT ADDRESS: 500 Ninos Drive (MST2013-00465)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4531
 Renee Brooke, AICP, Senior Planner *RLB*
 Kelly Brodison, Assistant Planner *KPB*

I. PROJECT DESCRIPTION

The project consists of a new 1,300 square foot giraffe barn at the Santa Barbara Zoo. The structural steel and plaster enclosure will be 24'-8" tall with two sliding entry doors and sliding panels at the top of two walls for ventilation. The structure will be heated with gas-powered space heaters and illuminated by low impact security lighting. No grading will be required and the existing concrete pad adjacent to the existing giraffe barn will be reused in its current location. The project also includes an approximately 8,000 square foot bio-infiltration/filtration system to address on-site storm water management.

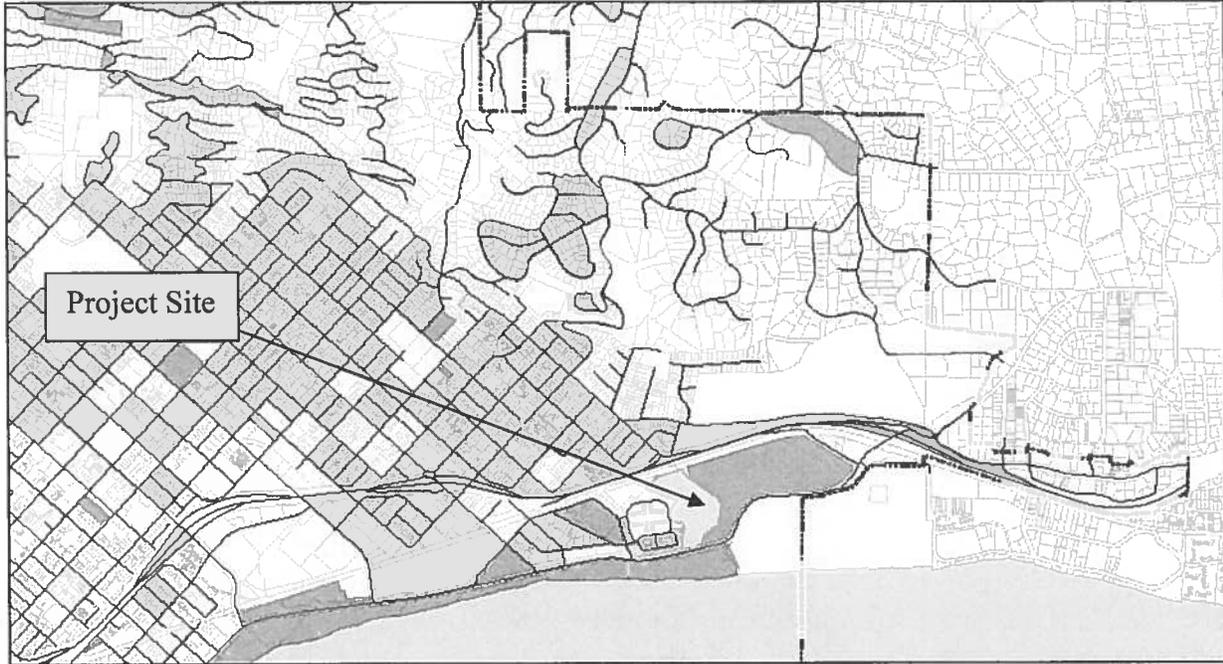
II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

APPLICATION DEEMED COMPLETE: May 28, 2014
DATE ACTION REQUIRED: July 27, 2014

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the proposed giraffe barn are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.



500 Ninos Drive – Vicinity Map



Aerial Photo

IV. BACKGROUND

The Santa Barbara Zoo (Zoo) includes several parcels leased from the City of Santa Barbara. As an allowed use in the P-R Zone, the Zoo receives approximately 425,000 to 450,000 visitors annually.

In 2006, a Zoo Master Plan was approved, consisting of six project components: 1) the California Condor Exhibit; 2) the Lemur/Langur Exhibit Renovation; 3) the Discovery Pavilion; 4) the Wave Banquet Facility; 5) the Service Yard Facilities; and 6) the Channel Island Fox Renovation. In addition, the Planning Commission approved a Coastal Development Permit for development considered in the Zoo Master Plan and a Development Plan for the construction of non-residential square footage associated with the Discovery Pavilion (Exhibit F).

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Cameron Carey, Tynan Group	
Property Owner:	City of Santa Barbara	
Lessee:	Santa Barbara Zoological Gardens	
Site Information		
Parcel Number: 017-362-005, 017-363-001 & 002; 017-372-001; & 017-382-001 & 002	Lot Area:	23.6 acres
General Plan: Parks/Open Space	Zoning: PR/SD-3 Park & Recreation, and Coastal Overlay Zones	
Local Coastal Plan: Open Space/Regional Park		
Existing Use: Zoo	Topography:	Varying topography
Adjacent Land Uses		
North – Union Pacific Railroad; Highway 101 East – Andree Clark Bird Refuge South – Residential condominiums; Cabrillo Boulevard; East Beach West – Residential condominiums; Dwight Murphy Park		

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. GENERAL PLAN CONSISTENCY

The project site is located in the East Beach Neighborhood, which is bounded on the north by Highway 101; on the south by Cabrillo Boulevard; on the east by the City Limits; and on the west by Santa Barbara Street. The East Beach Neighborhood is one of the more diverse neighborhoods in the City from a land use perspective. The new giraffe barn is consistent with the continuing use of this property as a zoo facility within this neighborhood.

B. LOCAL COASTAL PLAN CONSISTENCY

The project site is located within the Coastal Zone and therefore must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project site is located in Component 6 of the LCP, which extends from U.S. 101 to the north, and east to west from Punta Gorda to the City limit at the point where U.S. 101 and Cabrillo Boulevard meet. Sycamore Creek runs through this portion of the coastal zone, west of the Zoo. While in a generally low-lying terrain, the elevation rises to about 65 feet in the area of the Zoo and the Clark Estate is approximately 90 feet above sea level.

Local Coastal Plan issues and policies applicable to this project include water and marine environments, hazards and visual quality.

1. Water and Marine Environments

Policy 6.8 of the LCP states that "the riparian resources, biological productivity, and water quality of the City's coastal zone creeks shall be maintained, preserved, enhanced, and, where feasible, restored." In order to manage stormwater runoff, the proposed project incorporates a bio-infiltration/filtration system, which will filter storm water of silts, oils, metals and other unwanted materials before leaving the site and, therefore, there would be no water quality impact to the marine environment from this project. The applicant is required to submit a complete drainage plan demonstrating that storm water from all animal enclosures is discharged to the sewer system or treated/retained on site and prevented from entering the storm drain system or the adjacent Andree Clark Bird Refuge. The drainage plan must also demonstrate that storm water flowing into the drop inlet located in the southwest section of the Zoo will be diverted to the existing vegetated swale along Cabrillo Boulevard.

Policy 6.14 of the LCP states that "development adjacent to the Andree Clark Bird Refuge shall be designed and constructed in such a manner as to be compatible in terms of building location, character and intensity. Furthermore, new development in this area shall protect, and, where feasible, enhance the sensitive habitat of the Andree Clark Bird Refuge, specifically addressing issues of drainage, traffic, noise and aesthetics." The proposed giraffe barn has been designed to be sensitive to the adjacent Bird Refuge by including compatible types of landscaping and appropriate screening of the structure.

2. Hazards

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas susceptible to high geologic activity, flood, and fire hazard. The types of hazards that could impact this area of the City are potential tsunami and sea level rise.

Potential Tsunami Impacts

The site is identified in the City's MEA as within the tsunami "run-up" area. Available data indicates that the probability of significant tsunami event in the Santa Barbara coastal area is low. In 2009, the California Emergency Management Agency (CalEMA) and the California Geological Survey completed inundation maps for all the at-risk portions of the California coastline. These maps show the maximum inundation

predicted from an event, either historical or based on a scenario, from many different sources. Assumptions included credible source scenarios for both distant and local events, at mean high tide, to produce a worst case scenario inundation line. Run-ups go to about 10 feet in elevation onshore for the maximum distant event, and up to 20+ feet from a potential local off-shore earthquake/landslide source. Based on these projections and review of local topography, it is highly unlikely that a tsunami generated from either a distant or local off-shore event would reach the site of the proposed giraffe barn, as it is located at approximately 26 feet above sea level.

Sea Level Rise Potential Impacts

Additionally, sea level rise (SLR) has been a growing concern at both a global and local level. Staff is assuming a 75-year life expectancy for the proposed giraffe barn because, while animal enclosures at the Zoo are continually in a state of maintenance and modification, the structure of the giraffe barn itself will most likely remain in place for a long time. Between now and the year 2090, the rise in sea level is estimated to range from a minimum of 14 inches to a maximum of 56 inches (National Resource Council 2012 & Ocean Protection Council 2013). Based on these projections and review of local SLR mapping, although there would likely be an increase in occurrences of significant storm events over the next 75 years, the site would not be significantly impacted by sea level rise because the site is approximately 26 feet above sea level.

3. Visual Quality

Section 30251 of the Coastal Act states that scenic and visual qualities of coastal areas shall be protected. LCP Policy 9.1 states that existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. Permitted development shall be sited to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

The applicant provided photographic view studies to the Historic Landmarks Commission per PC Resolution 054-06 (Exhibit F). These photographs were submitted in order to determine the potential effects on views of the harbor, mountains and Andree Clark Bird Refuge as seen from the "Hilltop Lawn," "Cabrillo Lawn" and walkway located between the California Condor Exhibit and the Andree Clark Bird Refuge on the Zoo property. The photos demonstrated that, with the new materials and proposed screening, the new design of the giraffe barn would be less visible from Cabrillo Boulevard and will not have a significant impact on views of the ocean or views of the mountains from Cabrillo Boulevard. Further, the HLC found the project appropriately sized and compatible with the surrounding area. Therefore, the project is consistent with the applicable policies of the California Coastal Act and LCP, and all implementing guidelines.

C. PARK & RECREATION ZONE

The property is located in the Park and Recreation (PR) Zone. The PR Zone defines what types of uses and improvements are allowed in City parks based on the category of park or recreation facility. The Zoo is classified as a Regional Park, which includes facilities where major organized events occur that draw people from throughout the region. Regional Parks may also include areas of diverse environmental, cultural, education or scientific quality with a variety of opportunities for both active and passive activities.

The proposed giraffe barn is considered a “minor building” and the Planning Commission is the decision making body (as opposed to the Parks and Recreation Commission) for this new facility because of its location within the Coastal Zone.

The proposed giraffe barn is consistent with the allowed uses in the PR Zone because it is an enhancement to the existing Zoo, which provides recreational and educational opportunities for the region.

VII. ENVIRONMENTAL REVIEW

Oak Tree Protection

The existing giraffe enclosure consists of a concrete slab surrounded by a 10’ tall sand slurry, sandstone finish rockwork wall and a welded wire mesh fence, and is used by the Zoo Staff to temporarily isolate giraffes when needed. This existing enclosure will be replaced in the same location by the new giraffe enclosure which will be supported by caissons (approximately 24” in diameter and more than 10’ deep).

No trees are proposed to be removed as part of this project; however, there is a healthy 13” diameter California Live Oak growing on the east side of the giraffe enclosure. Through the last few decades, this oak has grown to lean on the existing sandstone wall, using it for support. An arborist report prepared by Bill Spiewak, Consulting Arborist, dated March 1, 2014, provides specific recommendations to protect the existing oak during construction, including installing a “deadman” to support the tree after removal of the sandstone wall. These recommendations have been added as conditions of approval for the proposed giraffe barn. The report also states that installation of the caissons more than 10’ from the trunk will not affect the root zone of the oak tree.

Archaeological Resources

The project site is located in a prehistoric watercourse cultural resources sensitivity area. A Comprehensive Archaeological Resources Assessment (Assessment) was prepared for the entire Zoo facility by SAIC in July 2003 and accepted by the Historic Landmarks Commission. The Assessment provides a comprehensive overview of previous archaeological research, estimated sensitivity zones (Low, Medium, High), and guidelines for each sensitivity zone that include mitigation measures to be employed depending on the nature of proposed construction projects. The guidelines were designed to streamline the review of future construction projects within the Zoo, and ensure a consistent approach to addressing potential impacts to archaeological resources on the property; thereby protecting remaining resources on the site.

The location of the giraffe barn is in an area of medium archaeological sensitivity within the Zoo. Based on the Assessment, a City-qualified archaeologist and City-qualified Chumash

observer shall be retained to monitor all ground disturbing activities during construction and conditions of approval have been included to address this requirement.

Conclusion

With the above analysis, Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion of Small Structures), which allows for the construction of new, small structures such as the giraffe barn.

VIII. STORM WATER MANAGEMENT PLAN (SWMP) COMPLIANCE

The project is required to comply with Tier 3 Storm Water Management Plan requirements and, therefore, must include storm water Best Management Practices (BMPs) onsite that will meet the treatment, volume reduction and peak runoff reduction requirements. Typically, projects subject to Tier 3 SWMP requirements must treat and retain storm water for the entire parcel. However, this parcel is over 23 acres and the area disturbed is relatively small (1,300 square feet). Chapter 22.87 of the Santa Barbara Municipal Code allows the area subject to Tier 3 requirements to be determined on a case-by-case basis for projects located on public property. For this project, only the area of the new giraffe barn must comply with Tier 3 requirements.

In order to comply, the applicant is proposing to clear an 8,000 square foot area of vegetation to the east of the proposed structure (no trees will be removed). The area will then be excavated to install a bio-infiltration/filtration system designed to hold and percolate the 1" storm event. All water from the roof of the giraffe barn will be captured by roof gutters and downspouts and conveyed to the bio-infiltration system through a new drain pipe. Storm water will flow through the 8,000 square foot vegetated area to filter the water of silts, solids, metals and other unwanted materials before percolating through a layer of gravel below. The layer of gravel will be covered by a geo-textile similar to fabric, which keeps soil particles above the gravel but still allows water to percolate.

In addition, prior to building permit final approval being granted by the Building & Safety Division, the applicant is required to submit a drainage plan demonstrating that storm water from all animal enclosures is either being discharged to the sewer system or treated/retained on site to prevent all animal waste from entering the storm drain system and the Bird Refuge. The drainage plan must also demonstrate that storm water flowing into the drop inlet located in the southwest section of the Zoo will be diverted to the existing vegetated swale along Cabrillo Boulevard.

IX. DESIGN REVIEW

This project was reviewed by the Historic Landmarks Commission (HLC) on two separate occasions (meeting minutes are attached as Exhibit D). On November 20, 2013, the HLC requested that the applicant consider a more organic shape to the proposed barn and consider eliminating the green screen in favor of more willow and sycamore plantings.

On June 4, 2014, the project returned to the HLC at Staff's request. The reason for this request review was to allow the HLC to review photographic view studies in order to demonstrate that there would be no significant view impacts due to the new giraffe barn. The Commission

reviewed the photos and determined that the new design would be not be visible from Cabrillo Boulevard. Also, the Commission found the project consistent with the Project Compatibility Analysis Criteria and forwarded the proposal to the Planning Commission. The project will return to the HLC for Project Design and Final Approvals after PC action on the project.

X. FINDINGS

The Planning Commission finds the following:

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 effects related to water and marine environments, hazards and visual quality, as described in Section VI.B of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the project will not degrade nearby water and marine environments, will not increase hazards or have a significant negative impact on views along Cabrillo Boulevard or to, from, and along the ocean and scenic coastal areas, as described in Section VI.B of the Staff Report.

B. PARK AND RECREATION FINDINGS (SBMC §28.37.010.B AND §28.37.010.C)

1. The proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors. *The proposed giraffe barn is appropriate for the benefit of the community and visitors, since the project would result in improved facilities for the Zoo animals and visitors;*
2. The proposed park and recreation facilities, including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood. *The existing zoo facility and the proposed giraffe barn will be compatible with the character of the neighborhood. The project was reviewed by the HLC for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting;*
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties. *The total area of the site and the setbacks of all existing facilities would not change and the new giraffe barn will be sufficiently set back from the property lines and the street, to avoid significant negative effects on surrounding properties;*
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood. *The intensity of the existing facility and its continued use as a zoo is appropriate and compatible with the character of the neighborhood. The proposed project is a minor improvement to the existing facility;*
5. That the proposed park and recreation facilities are compatible with the scenic character of the City. *The existing zoo facility will remain compatible with the scenic character of*

the City. Photographic studies submitted to the HLC demonstrate that the project would not change existing skyline views as seen from Highway 101, nor would it significantly obstruct or change scenic views of the mountains, ocean and hillside areas of the City; and

6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. *The proposed giraffe barn is compatible with the neighborhood in terms of size, bulk, and scale or location. The new structure was reviewed by the HLC and found consistent with surrounding area and the existing zoo facility.*

Therefore, the proposed project is consistent with the requirements of the Park and Recreation Zone.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated March 31, 2014
- D. HLC Minutes
- E. Applicable Local Coastal Plan Policies
- F. PC Resolution #054-06

PLANNING COMMISSION CONDITIONS OF APPROVAL

500 NINOS DRIVE
COASTAL DEVELOPMENT PERMIT
JULY 17, 2014

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

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 (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with Section E "Construction Implementation Requirements."
4. 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. **Written Agreement.** The Applicant, Santa Barbara Zoological Gardens (also referred to as "the Zoo"), 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, indicating the following:

1. **Approved Development.** The development approved by the Planning Commission on July 17, 2014 is limited to an approximately 1,300 square-foot giraffe barn at the Santa Barbara Zoo and the 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. **Landscape Plan Compliance.** The Zoo 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 Zoo is responsible for its immediate replacement.

3. **Oak Tree Protection.** The existing oak tree shown on the site plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 1, 2014.
 4. **Solids Disposal.** All solid excrement generated from inhabitants of the Giraffe exhibit shall be manually removed and disposed of off-site by Zoo staff.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** The Zoo 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 and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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 Zoo 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 Zoo 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 Zoo 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. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted California Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground and away from the Andree Clarke Bird Refuge adjacent to the project site.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Lighting.** Lighting design shall conform with City Lighting Ordinance requirements, including shielding and directing to the ground and away from the Andree Clark Bird Refuge to avoid off-site lighting and glare effects.
 2. **Oak Tree Protection Measures.** The following provisions, as described in the Arborist Report prepared by Bill Spiewak, dated March 1, 2014, shall be incorporated into the plans submitted to the Building & Safety Department for a building permit and shall be implemented during construction to preserve the existing oak tree closest to the proposed construction area:
 - a. Prior to wall removal, install a deadman in the ground on the north side of the tree opposite the lean.
 - b. Place the deadman as far as possible from tree (as reasonable) for the greatest mechanical advantage.

- c. Attach a sling around the trunk of the oak. Be sure to place the sling as high as possible for the greatest mechanical advantage, but use a sound portion of the upper trunk.
- d. Attach a steel cable of appropriate thickness between the deadman and the sling. Make sure the sling is firm but without tension.
- e. Slowly chip away at wall monitoring any tension increase in cable. The cable may need a slight release if tension builds. If determined to be necessary, lighten limbs to the south to reduce weight.
- f. Annually inspect and adjust sling up or down the trunk a few inches, to avoid girdling.
- g. The project arborist should be involved in the design of the support system and direct all procedures with this tree.

D. **Requirements Prior to Permit Issuance.** The Zoo 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 Zoo shall submit an executed written instrument, identified in condition B, 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 Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The project shall comply with the drainage and water quality report prepared by Michael Viettone Civil Engineering, dated February 2014. The project includes an 8,000 square foot area which is proposed to be cleared of existing vegetation (not trees) and excavated, and the construction of a bio-infiltration/filtration System consisting of a gravel area located beneath a vegetated area.

In addition, prior to building permit final approval being granted by the Building & Safety Division, the applicant is required to submit a drainage plan demonstrating that storm water from all animal enclosures is either being discharged to the sewer system or treated/retained on site to prevent all animal waste from entering the storm drain system and the Bird Refuge.

The drainage plan must also demonstrate that storm water flowing into the drop inlet located in the southwest section of the Zoo will be diverted to the existing vegetated swale along Cabrillo Blvd.

- c. **Contractor and Subcontractor Notification.** The Zoo shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- d. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist and Chumash observer from the most current City Qualified Lists 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 project area as identified in the Comprehensive Archaeological Resources Assessment (Assessment) prepared by SAIC in July 2003. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Zoo shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Zoo shall retain 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, the Zoo shall retain 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. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and outlined in Condition C "Design Review," and all elements/specifications shall be implemented on-site.

- f. **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:

Lessee (Zoo)	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 Zoo and/or Contractor for the duration of the project construction, including demolition and grading.
1. **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 Public Works Director with a Public Works permit.
 2. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
 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 are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
 - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
 - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
 - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines

- shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - 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.
- F. **Prior to Final Inspection.** Prior to obtaining approval of the Final Inspection, the Zoo 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. **Drainage Plan.** The Zoo shall complete the following:
 - a. Submit a complete drainage plan demonstrating that storm water from all animal enclosures is discharged to the sewer or treated/retained on site and prevented from entering the storm drain system and the Bird Refuge.
 - b. Demonstrate that storm water flowing into the drop inlet located in the southwest section of the Zoo will be diverted to the existing vegetated swale along Cabrillo Boulevard.
 - 3. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
 - 4. **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 Final Inspection, whichever is earlier.

5. **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. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 054-06.
2. **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.
3. **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.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant 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 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 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 fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing

contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF 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.



**Santa Barbara
Zoological
Gardens:
Giraffe Barn**

500 Morse Drive
Santa Barbara, CA 93103
805.962.5230

This site plan was prepared by Blackbird Architects, Inc. for the Santa Barbara Zoological Gardens. The drawings herein and all other drawings prepared by Blackbird Architects, Inc. are the property of Blackbird Architects, Inc. and shall remain the property of Blackbird Architects, Inc. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Blackbird Architects, Inc.

NOT FOR
CONSTRUCTION

Site Plan
Site

A1.1
Landscape Design 05.18.2014



Proposed Planting List:	
	Upper Slope Planting: Quercus agrifolia - Coast Live Oak
	Mid - Lower Slope Planting: Platanus racemosa - California Sycamore
	Stable landscape - Arroyo Willow

EXHIBIT B



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NOT FOR
CONSTRUCTION

Phase
Floor Plan



Floor Plan 1

A2-1
06.18.2014





March 31st, 2014

Planning Staff
City Planning Department
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
APR 07 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

RE: MST2013-00465, 500 Ninos Drive; 17-382-002; P-R/SD3

The Santa Barbara Zoological Gardens opened to the public in 1963. Since that time, millions of visitors have experienced the Zoo's collection of wildlife ambassadors and have strolled through the beautiful gardens and landscape that dominate the Zoo grounds. The Santa Barbara Zoo is committed to maintaining the highest standards in animal care, grounds maintenance and guest experience. Because of this commitment, the Zoo has become a great Santa Barbara asset appreciated by residents and tourists alike.

At this time, the Santa Barbara Zoological Gardens is requesting a Coastal Development Permit for the Giraffe Side Yard Barn which will be used to separate and house the adult male giraffes from newborn and young giraffes during the early stages of their development.

Site Conditions

The 23.6-acre site of the Santa Barbara Zoological Gardens is located at the southeast end of the City of Santa Barbara on Ninos Drive. The site is bounded on the east by the Andree Clark Bird Refuge, which is managed by the City of Santa Barbara, Department of Parks and Recreation. Cabrillo Boulevard and the Pacific Ocean form the southern border. The Southern Pacific Railroad tracks and U.S. Highway 101 flank the northern boundary of the Zoo. To the west is the Dwight Murphy Park, the El Escorial townhomes and the East Beach Condominiums.

Most of the Zoo site is a large knoll that rises to a point 60 feet above sea level. The lowest point of the site is adjacent to the railroad tracks next to the Andree Clark Bird Refuge. This area is approximately three feet above sea level. The existing parking lot of 346 spaces, is in a low area that was once swampy land bordering Sycamore Creek. This area was filled during the 1960's. The slope of the site is gradual from the parking area on Ninos Drive to the top of the hill. The slope is much more radical and steep on the eastern side where it falls away towards the Bird Refuge.

The Zoo site contains approximately 32 structures with an estimated combined footprint of 27,569 s.f. of mainly one story buildings. There are six two-story structures. There are 69 animal exhibits, of which 41 are "open landscaped." Approximately 30% of the site is used for animal exhibits and public viewing areas. Another 30% is for visitors' services and park maintenance areas. A full 20% of the site is in gardens, lawns, and picnic areas. The

EXHIBIT C

remaining 20% of the Zoo site is undeveloped. The presence of Native American archaeological sites makes future development in these areas questionable.

Plans for the Giraffe Side Yard Barn

An existing 10' sand slurry, sandstone finish rockwork wall and a welded wire mesh fence surround what is called the Giraffe Hard Yard. The Hard Yard is an exterior concrete slab with surface drains and is used by Zoo Staff to temporarily isolate giraffes when needed. With the births of two giraffes over the past years, the Zoo has discovered that a change in animal management is needed. In order to protect the newborns within the exhibit, the Zoo will now begin to isolate them from the larger adult males. The Zoo would like to ensure that the newborns are not harmed as the adults run around the exhibit.

The proposed solution is to add a pole barn structure over the existing concrete Hard Yard area. This will allow the Zoo Staff to house male giraffes in a heated environment. Here are some relevant project statistics and data:

- 1,300 sf of existing hardscape will be covered with a pole barn
- The existing rockwork wall will be removed.
- Demolition will consist of removing the existing rockwork wall and wire fence.
- Runoff will be routed to a bio swale.
- The site grade will not be altered as the existing finish floor elevation will be retained.

Reviews, Reports & Studies

The Zoo's Master Plan which was approved in 2006 included archaeological, biological and parking & traffic studies.

- **Archaeology:** The Giraffe Hard Yard area while already being developed is located in an area of medium archaeological sensitivity. The ensuing monitoring requirements will be included as part of the project.
- **Biological:** While no trees are to be removed as part of the project, there is one Oak tree adjacent to the project which may require some trimming. Bill Spiewak has provided an assessment which is attached. Bird nesting at the Zoo has historically taken place in eucalyptus trees located near the elephant and channel island fox exhibits per the Master Plan assessment prepared by SAIC. There are no known nests in the vicinity of the Giraffe Barn.
- **Parking & Traffic:** Per the Master Plan approval, the Zoo maintains 346 parking spaces. As the Giraffe Exhibit is existing, this project will require no additional Zoo Staff nor attract additional visitors to the Zoo.
- A DART SWMP Checklist has been prepared by Mike Viettone.
- HLC reviewed and provided positive comments 11/20/2013.
- The Santa Barbara Parks & Recreation Dept. has approved this project.

Visual Impact

The existing Giraffe Hard Yard rockwork wall is visible from Cabrillo Blvd. As the new pole barn will replace portions of the rockwork, it too will be visible from Cabrillo Blvd. HLC comments regarding the use of landscape to mitigate any impacts will be incorporated into the project.

Project Timing

This project has become time sensitive for the Zoo as there are up to two giraffes expected to be born October of 2014. The ability of the Zoo to have this barn structure in place by that time is critical to the care of the coming newborns. The Zoo would that the City of Santa Barbara would be a partner in this by stream lining the process.

Sincerely,



Cameron Carey
Project Manager
TynanGroup, Inc.

Historic Landmarks Commission

Minutes

November 20, 2013

First Conceptual Review:

Present: Richard Block, CEO, Santa Barbara Zoo; Ken Radtkey, Principal Architect, Blackbird Architects, Inc.; and Cameron Carey, Agent, Tynan Group, Inc.

Kellam de Forest, local resident, expressed appreciation for the applicant's efforts to conceal the new structure, and commented on the possible removal of the artificial rock wall.

Motion: Continued indefinitely to the Planning Commission with positive comments:

1. Consider a more organic shape to the proposed barn.
2. Consider eliminating the green screen in favor of more willow and sycamore plantings.

June 4, 2014

Applicant returned to HLC at Staff's Request:

Motion: Continued indefinitely to the Planning Commission with positive comments:

1. Photographic view studies were reviewed and found to be acceptable.
2. The project will not be visible from the street.
3. The Commission has reviewed the proposed project and Compatibility Analysis Criteria have been generally met for this project (per SBMC 22.22.145.B. and 22.68.045.B.) as follows:
 - a.) Compliance: The proposed design complies with all City Regulations and is consistent with Design Guidelines.
 - b.) Compatibility: The proposed design is compatible with the character of the City and neighborhood.
 - c.) Appropriate size, mass, bulk, height, and scale: The proposed size, bulk, height, and scale are appropriate for the neighborhood.
 - d.) Sensitive to Adjacent Historic Resources: The proposed design is sensitive to adjacent landmarks and historic resources.
 - e.) Public views: The proposed design does not affect public views of the ocean and mountains.
 - f.) Open Space/Landscaping: The proposed design provides an appropriate amount of open space and landscape.

500 NINOS
RELEVANT COASTAL ACT & LOCAL COASTAL PLAN POLICIES

GENERAL POLICIES

The general policies of the Land Use Plan for the City's coastal zone are as follows:

Policy 1.1

The City adopts the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as the guiding policies of the land use plan.

Policy 1.2

Where policies within the land use plan overlap, the policy which is the most protective of resources, i.e. land, water, air, etc., shall take precedence.

Policy 1.3

Where there are conflicts between the policies set forth in the land use plan and those set forth in any other element of the City's existing General Plan or existing regulations, the policies of the land use plan take precedence.

WATER AND MARINE ENVIRONMENTS

Creek Environments

Existing policies relating to creeks have been cited in this section and the section relating to "Hazards". The following recommendations serve to augment those already in effect.

Policy 6.8

The riparian resources, biological productivity, and water quality of the City's coastal zone creeks shall be maintained, preserved, enhanced, and, where feasible, restored.

Policy 6.14

Development adjacent to the Andree Clark Bird Refuge shall be designed and constructed in such a manner as to be compatible in terms of building location, character and intensity. Furthermore, new development in this area shall protect, and, where feasible, enhance the sensitive habitat of the Andree Clark Bird Refuge, specifically addressing issues of drainage, traffic, noise and aesthetics.

HAZARDS

The Coastal Act contains policy intended to reduce potential risks to new development from hazards present in the coastal zone.

Section 30253. New Development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural conditions along bluffs and cliffs.

EXHIBIT E

VISUAL QUALITY

The Coastal Act Policy related to visual quality states:

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LCP POLICIES

Policy 9.1

The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

- (1) Acquisition of land for parks and open space;
- (2) Requiring view easements or corridors in new developments;
- (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;
- (4) Developing a system to evaluate view impairment of new development in the review process.

Policy 9.3

All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 054-06

500 NIÑOS DRIVE

CDP, P&R FINDINGS, DPA, MOD, AND REC TO CC

DECEMBER 21, 2006

APPLICATION OF CAMERON CAREY, AGENT FOR SANTA BARBARA ZOOLOGICAL GARDENS (TENANT); 500 NIÑOS DRIVE, (017-362-005, 017-363-001 & -002; 017-372-001, & 017-382-001 & -002); PR/SD-3 PARK AND RECREATION, AND COASTAL OVERLAY ZONES; GENERAL PLAN DESIGNATION: OPEN SPACE, COMMUNITY PARK, PUBLIC PARKING (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330)

The zoo includes several parcels leased from the City of Santa Barbara. The applicant proposes an updated Master Plan for the Santa Barbara Zoo for the next five years. This consists of six components: 1) the California Condor Exhibit; 2) the Lemur/Langur Exhibit Renovation; 3) the Discovery Pavilion; 4) the Wave; 5) the Service Yard; and 6) the Channel Island Fox Renovation.

The new **California Condor Exhibit** and holding area would be located on the site of the original Bald Eagle exhibit between the existing Channel Island Foxes and Bald Eagle Exhibits.

The existing **Lemur/Langur Complex** would be renovated to conform with new federal regulations and would include demolition of the existing animal holding and exhibit spaces and replacing them with two new holding buildings and exhibit spaces.

The **Discovery Pavilion** facility is proposed as a place for conservation education and the exploration of science in two flexible classroom spaces, as well as administrative offices. Phase I is designed to accommodate 18-20 existing staff members including education, collections and animal food preparation, consolidating them with the Zoo's administrative staff. Many of these staff and facilities are currently located in temporary trailers on site. These trailers will be removed upon completion of the project. Proposed construction consists of two separate phases of renovation and addition to existing one and two story administration and staff lounge buildings.

The first phase will require removal of two single-story keeper offices and two animal holding cages. The existing single-story Staff Lounge building will be renovated. The staff lounge facilities will be relocated to an existing feed storage enclosure which includes a small addition and reconfiguration of the adjacent outdoor patio spaces. New staff restrooms would be built within an addition to the adjacent Administration Building. A new 7,500 sq. ft. single story addition will accommodate two new multi-purpose classrooms of 60 students each, exhibit rooms, animal food kitchen with feed storage, and new education staff administrative office space.

Phase II of the Discovery Pavilion will include renovation of the 5,800 sq. ft., two-story Administration and Retail building and construction of new offices. Also included will be the addition of an exterior second-story building linkage and accessible elevator. Completion of both phases of the Discovery Pavilion will result in a net increase of approximately 9,100 sq. ft.

The Wave Banquet Facility: The Zoo proposes to demolish the existing building and trellis courtyard. The new structure will house a concessions facility, catering room, restrooms, storage, and a bridal changing room with an approximate total of 1,500 sq. ft.

The **Service Yard Facilities** project would consolidate and better organize Zoo service facilities, maintenance, and public program storage at the existing service yard. It includes the removal of several temporary storage containers from various locations on the Zoo site, and construction of new storage units, relocation of the existing wood and metal shops and existing office space, a new employee restroom, relocation of the train barn from the northern part of the campus to the service yard, landscape and exhibit materials storage areas and a new estate wall along portions of the Zoo's Cabrillo Blvd. frontage. *Please note that the Service Yard Facilities (Phase 3) project is limited to environmental review at this time. It will return for project approval at a later date.*

The **Channel Island Fox Exhibit** first opened in 1999. The outdoor enclosure needs a complete renovation. The proposed exhibit spaces will be approximately 880 sq. ft. and 1,170 sq. ft. respectively. They will also upgrade the mesh enclosure to a finely woven 1"x1" steel mesh.

Master Plan Phasing: The Master Plan will be implemented in three phases.

Phase 1: The applicant estimates beginning construction of the Wave, Condor and Channel Island Fox projects in early 2007. It is anticipated that these projects will be done concurrently and should be completed by Spring 2008. Project staging and construction parking would occur on-site.

Phase 2: The second phase of construction will begin at the end of the first, Spring of 2008 and will continue through the Fall of 2009. Projects included in this phase will be the Discovery Pavilion and Lemur/Langur.

Phase 3: The third construction phase in the late 2009 or early 2010. This phase will include the construction of the Service Facilities Yard.

The following discretionary approvals are required:

1. A Coastal Development Permit for new development in the Appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009);
2. PR Park & Recreation Zone Findings for the new development (SBMC §28.37.010) by the Planning Commission, and the Park and Recreation Commission;
3. A Development Plan for construction of non-residential square footage from the Community Priority Category (SBMC §28.87.300);
4. A Modification to allow encroachments into the required setbacks in the PR Zone (SBMC §28.37.040).
5. A Recommendation to City Council for a final Community Priority Designation from the Community Priority Category. (SBMC §28.87.300); and
6. A Final Community Priority Designation from the City Council pursuant to SBMC §28.87.300.

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

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

WHEREAS, two people appeared to speak in favor of the application, and one person appeared to express concerns thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 21, 2006.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Barbara J. Ross, 5817 Encina Road #105, Goleta, CA 93117
 - b. Jean von Wittenburg (via email)
 - c. Kim DeVenne, (via email)
 - d. Jeffrey Dinkin, 432 Foxen Drive, Santa Barbara, CA 93105
 - e. Eldon Shiffman (via email)
 - f. David Kuehn, 105 Coronada Circle, Santa Barbara, CA 93101 (via email)
 - g. Melinda Mars, 605 San Ysidro Road, Santa Barbara, CA 93108
 - h. Chip Turner, 200 E. Carrillo Street, Ste 202, Santa Barbara, CA 93101 (via email)
 - i. J. Terry Schwartz, 200 E. Carrillo Street, Ste 400, Santa Barbara, CA 93101 (via email)
 - j. Karen Rasmussen Foster, Ph.D., 525 Anacapa Street, Santa Barbara, CA 93101
 - k. Patricia Griffin, Village Properties, 1250 Coast Village Road, Santa Barbara, CA 93108
 - l. Paulette Posch (via email)
 - m. Vincent Armenta, Chairman for the Santa Ynez Band of Chumash Indians, P.O. Box 517, Santa Ynez, CA 93460
4. Correspondence received expressing concern regarding the project:

Kathleen Weinheimer, 420 Alameda Padre Serra, Santa Barbara, CA 93103

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

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

The Planning Commission makes the findings for the following five projects of the Santa Barbara Zoological Gardens at 500 Niños Drive: 1) California Condor Exhibit,

2) Lemur/Langur Complex, 3) Discovery Pavilion Exhibit, 4) the Wave Banquet Facility, and 5) the Channel Island Fox Exhibit.

A. ENVIRONMENTAL REVIEW

1. Mitigated Negative Declaration Findings pursuant to California Public Resources Code §21080(c) and 2108.6, and California Code of Regulations §15074

The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated December 14, 2006, for 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330), and comments received during the public review process. The proposed Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330).

- a. Mitigation measures identified in the Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the projects, which would avoid or reduce all potentially significant impacts to less than significant levels. Additional mitigation measures would be applied as conditions of approval to minimize adverse but less than significant environmental effects. Please refer to the Final Mitigated Negative Declaration for a detailed discussion (*Exhibit E*). In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated December 14, 2006, is hereby adopted.
 - b. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code §21081.6, is included in the Final Mitigated Negative Declaration for 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) and is hereby adopted.
 - c. The location and custodian of documents associated with the environmental review process and decision for 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
2. Findings For Exemption From Fish & Game Code

- a. An Initial Study has been conducted by the lead agency, which has evaluated the potential for the proposed 500 Niños Dr. (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330) to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." (Section 711.2 Fish and Game Code)
- b. There is no evidence that the proposed project would have any potential for adverse effect on wildlife resources because it is located in a developed, urbanized area.

B. COASTAL DEVELOPMENT PERMITS (SBMC §28.45.009.6.H)

The project is consistent with the policies of the California Coastal Act. The project is consistent with all applicable policies of the City's Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. The project is consistent with Chapter 3 (commencing with Section 30200) of the Coastal Act (Visitor Serving, Access and Recreation). The Master Plan is comprised of components proposed to enhance the existing recreational and educational opportunities provided at the Zoo. An Initial Study was prepared and concluded that no significant adverse impacts will result as part of the implementation of the Master Plan.

C. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance since with the modification can be found consistent with the purpose and intent and the proposed project is an appropriate use for the neighborhood; and
2. The proposed development is consistent with the principles of sound community planning because the proposed project is consistent with the surrounding development in the immediate area. The improvements to the structures will provide major upgrades to the aesthetic and functional quality of the existing uses and provide better services to the users of the Zoo; and
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood. The project will enhance the aesthetic quality of the existing development and will remain compatible in size, bulk and scale with surrounding properties; and
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock because the no housing is being displaced and the implementation of the Master Plan will result in a minimal increase of personnel; and

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources because the City currently has a sufficient dependable water supply to serve this project; and
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic because the proposed use will meet its parking demand for the site with the restriping of the parking lot and implementation of a transportation and parking management plan.

D. PARK AND RECREATION FINDINGS (SBMC §28.37.010.B AND §28.37.010.C)

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors, since the projects would result in improved services for the Zoo visitors;
2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood. All proposed Zoo Master Plan project components are subject to approval by the HLC for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting;
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood. The proposed projects are improvements to existing facilities. The additional events proposed at the Discovery Pavilion are limited both in occurrence and in size;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City. Photographic studies submitted show that the project would not change existing skyline views as seen from Highway 101 nor would it significantly obstruct or change scenic views of the mountains and hillside areas of the City; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk, and scale or location. All proposed Zoo Master Plan project components are subject to approval by the HLC for consistency with design guidelines for visual aesthetics and neighborhood compatibility.

E. INTERIOR YARD SETBACK MODIFICATION (SBMC §28.15.060 & 28.90)

The modification is necessary to promote uniformity of improvement and secure an appropriate improvement on the property and is consistent with the purposes and intent of the Zoning Ordinance. Approval of the modification will allow for additions to be made to existing buildings in the existing footprints thereby minimizing impacts.

F. RECOMMENDATION TO THE CITY COUNCIL

The Planning Commission recommends that the City Council make a finding that the proposed expansion of the Discovery Pavilion and the Wave Banquet Facility meet the criteria for a Community Priority Designation.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Santa Barbara Zoological Gardens (also referred to as "the Zoo") shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Zoo shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Zoo is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 21, 2006 is limited to 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 for the following projects of the Santa Barbara Zoological Gardens at 500 Niños Drive: California Condor Exhibit, Lemur/Langur Complex, Discovery Pavilion, the Wave Banquet Facility, and the Channel Island Fox Exhibit.
 3. **View Corridors.** Photographic studies will be required with future development proposals on this site to determine the effects on views of the harbor, mountains and Andree Clark Bird Refuge as seen from the "Hilltop Lawn," "Cabrillo Lawn" and walkway located between the California Condor Exhibit and the Andree Clark Bird Refuge on the Zoo property. The applicant shall provide the Historic Landmarks Commission (HLC) with topographic site plans, elevations and photographic studies so that the HLC can consider the views from the Zoo.
 4. **Landscape Plan Compliance.** The Zoo 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.

5. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted California Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
6. **Transportation Demand Management.** The Zoo shall implement a Transportation and Parking Management Plan as described in the "Traffic and Parking Assessment for the Santa Barbara Zoological Gardens Master Plan" (prepared by Associated Transportation Engineers), dated May 2, 2006, and subject to approval from the Transportation Manager. **(T-4)**
7. **Employee Parking.** Santa Barbara Zoological Gardens employees shall be required to park onsite.
8. **Discovery Pavilion Events.** The events at the Discovery Pavilion are limited as identified in the "Traffic and Parking Assessment for the Santa Barbara Zoological Gardens Master Plan" (prepared by Associated Transportation Engineers), dated May 2, 2006, and as outlined below: **(T-5)**
Children's Classes - 1 teacher/class, 40 students/class, 20 classes/month.
Operating March – June, Mon-Fri 9:00 AM – 1:00 PM
Children's Workshop - 1 teacher/class, 5 students/class, 12 workshops/month.
Operating 3 times per week, Tue-Sat 9:00 AM – 1:00 PM and 1:00 PM – 4:00 PM
Lectures - 1 teacher/class, 100 guests/lecture, 5 lectures/year. Operating Mon-Fri 7:00 PM – 9:00 PM
Adult Education Classes - 1 teacher/class, 25 students/class, 5 classes/year.
Operating Mon-Fri 7:00 PM – 9:00 PM
Private Events – 100 guests/event, 10 events/year. Operating Mon-Fri 6:15 PM – 11:00 PM & Sat–Sun 4:15 PM – 10:00 PM
9. **Maintenance of Drainage System.** The Zoo shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Zoo 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 Building permit and/or Coastal Development Permit is required to authorize such work.
10. **Storm Water Pollution Control Systems Maintenance.** The Zoo(s) shall maintain the drainage system, storm drain water interceptor and other storm

water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Creeks Division, Building and Safety Division, and the Public Works Department.

11. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality: Trash containers shall have drainage from adjoining roofs and pavement diverted around the areas; and trash container areas shall be screened or walled to prevent off-site transport of trash. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The Zoo shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect at least annually and report to City annually. **(W-4)**
 12. **The Wave Banquet Facility Events.** The applicant shall submit a list of all events, including number of attendees at each event, held at the Wave Banquet Facility to Planning Staff. This shall become the baseline for all future activities at the Wave Banquet Facility.
- B. California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$850 for projects with Environmental Impact Reports and \$1,250 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- C. Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):
1. **Interpretive Historical Display.** Construct a memorial commemorating the Hobo Village. This should be placed as close to the location of the former village as possible, yet also in a prominent area accessible to the public. The memorial shall be subject to review and approval by the Historic Landmarks Commission as to location and design and shall be included on the building plans submitted for building permit review and approval for the Discovery Pavilion. **(CR-6)**

The interpretive display shall include a history of the Andree Clark Bird Refuge and the Olmstead Brothers contributions. The Historic Landmarks Commission shall consider the incorporation of interpretive mural panels along the train route

and possibly along a pedestrian pathway showing some of the original history of the site. Photographs from the Historic Structures report shall be incorporated into the memorial of the site.

2. **Lighting.** Lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects, and shall be approved by the Historic Landmarks Commission. (A-2)
 3. **Tree Protection Measures.** The landscape and grading plans shall include the following tree protection measures:
 - a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - c. **Biologist's Report.** Include a note on the plans that recommendations/conditions contained in the biologist's report prepared by Science Applications International Corporation, dated July 2003, shall be implemented.
 4. **Existing Tree Preservation.** The existing tree(s) shown on the approved site plans to be saved shall be preserved and protected and fenced during construction.
 5. **The Wave Banquet Facility.** The Historic Landmarks Commission shall review the following in more detail:
 - a. Improvements to the exterior lighting to enhance its aesthetic appearance.
 - b. The best location for a seating area with views to the Santa Ynez mountains.
 6. **Discovery Pavilion.** Solar panels shall be incorporated into the design.
- D. Public Works Requirements Prior to Building Permit Issuance.** The Zoo shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 2. **Improvement Plans.** The Zoo shall submit building plans for construction of improvements along the subject property road frontage on Niños Drive prior to the issuance of building permits for the Discovery Pavilion project. As determined by the Public Works Department, the improvements shall include

one City standard Type "B" commercial streetlight with the final location to be determined by City Facilities Maintenance, widen the existing public sidewalk (where the bus stop is located) to 8 feet with a railing along the creek side of the sidewalk, preserve and/or reset contractor stamp(s) and/or survey monument(s), and a bus shelter on Niños Drive. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.

3. **Restriping Plan.** The applicant shall restripe the existing curb parking area on site that is used for bus parking on weekdays (subject to Transportation Staff approval) to create 20 new parking spaces for weekend use. (T-3)
 4. **Hydrology Report.** Submit to the Land Development Engineer any revisions to the preliminary drainage report dated June 30, 2006, prepared by Flowers and Associates, justifying that the onsite/offsite proposed and existing drainage conveyance system adequately convey a 25-year storm event.
 5. **Storm Drain Operation and Maintenance Plan Required.** The Zoo shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.
- E. Encroachment Permits.** Submit any encroachment permits from other jurisdictions (State, County Flood Control, County Roads, etc.) for the construction of improvements (including any required appurtenances) within their right of way (easement). Such permits shall be submitted to the Land Development Engineer.
- F. Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Design Review.** Prior to building permit issuance, proposed project grading and landform alteration, structural design, landscaping, and lighting is subject to preliminary and final review and approval by the Historic Landmarks Commission for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting. (A-1)
 2. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Zoo, approved by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.

- c. A list of reporting procedures, including the responsible party, and frequency.
- d. A list of other monitors to be hired, if applicable, and their qualifications.

The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

- 3. **Contractor and Subcontractor Notification.** The Zoo shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- 4. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist and Chumash observer from the most current City Qualified Lists 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 as identified in the various archaeological reports previously submitted and as required for the specific projects. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Zoo shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Zoo shall retain 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, the Zoo shall retain 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.

5. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work within the dripline of all trees to remain during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
 6. **Letter of Commitment for Pre-Construction Conference.** Prior to each of the three phases of construction for the Master Plan, the Zoo shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Zoo, the Archaeologist, the Architect, the Arborist, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
 7. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition has been or is to be met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- G. Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission.
 2. **Geotechnical Recommendations.** Site preparation and project construction related to soil conditions and seismic hazards shall be in accordance with the recommendations contained in the site-specific geotechnical engineering reports and as required by the Building and Safety Division. Compliance shall be demonstrated on plans submitted for grading and building permits. **(G-1)**
 3. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Zoo shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.

4. **Trash Enclosure Provision.** A trash enclosure with equal area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers. **(PS-1)**
5. **Recyclable Material Use and Collection.** Zoo operators shall provide sufficient and appropriate receptacles, such as recycling containers along public corridors, at special events, and in eatery operations. Recyclable material and green waste collection and pick-up areas shall be provided on-site for Zoo operations. **(PS-2)**
6. **Stormwater Detention Plan.** All stormwater runoff from any of the proposed Zoo Master Plan project components shall be detained on-site. Final design and building plans shall incorporate detention facilities in compliance with recommendations included in the Preliminary Drainage Analysis, prepared by Flowers & Associates and dated May 22, 2006. **(W-1)**
7. **Drainage Facilities.** Install on-site pollution prevention interceptor devices and/or bio-swales and provide adequate positive drainage from site. Install engineered detention facilities to accommodate additional runoff as indicated in the preliminary drainage report dated June 30, 2006.
8. **Construction BMPs.** The Zoo shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.[move to construction implementation section]
9. **Construction Erosion/Sedimentation Control Plan.** Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the site preparation, earthwork, and construction process. The applicant shall submit and obtain Building Division and/or Public Works Department approval of a detailed erosion control plan for the project prepared by a licensed or certified professional soil erosion and sediment control specialist, a California licensed civil engineer, landscape architect, registered geologist, or a licensed architect. The erosion control plan shall specify appropriate best management practices to control erosion and sedimentation based on the Building & Safety Division's "Erosion/Sedimentation Control Policy" and the Public Works Department's "Procedures for the Control of Runoff into Storm Drains and Watercourses". City (Building Division and/or Public Works Department) staff will conduct periodic site inspections to ensure proper installation, ongoing implementation, maintenance and effectiveness of the approved plans, and may adjust requirements in the field if necessary to protect water quality. **(W-2)**
10. **Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of

concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The Zoo shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to City annually. (W-3)

11. **Trash Storage Area Design.** Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality: Trash containers shall have drainage from adjoining roofs and pavement diverted around the areas; and trash container areas shall be screened or walled to prevent off-site transport of trash. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste that incorporate long-term structural best management practices for trash storage areas to protect storm water quality. The Zoo shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect at least annually and report to City annually. (W-4)
12. **Conditions on Plans/Signatures.** The final Planning Commission 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., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Lessee	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- H. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.
 1. **Construction Materials Recycling.** Recycling and/or reuse of construction materials shall be carried out to achieve a 90% or greater goal, and containers

shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of an appropriately sized container for collection of demolition/construction materials. (PS-3)

2. **Construction Traffic.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through residential neighborhoods and minimize congestion. (T-1)
3. **Construction Parking.** Construction parking and vehicle/equipment/materials storage shall be provided as follows: (T-2)
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
 - b. On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited.
4. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
5. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number (including after work hours telephone numbers), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
6. **Aviary Habitat Protection.** The applicant shall implement all recommendations specified in the Biological Resource Assessment as listed below: (B-1)
 - a. Schedule tree removal at the Channel Island Fox and Condor Exhibits to occur between August 15 and March 1 to avoid the bird breeding season. If tree removal or pruning is to occur at any of the other project sites during the breeding season (April through August), survey the site immediately prior to any disturbances to ensure that no nests have been, or are in the process of being built in any of the trees proposed for removal.
 - b. Activities involving tree removal should not begin each day until all of the birds have left the roost sites.

- c. Replace the removed trees with species that provide the same functions as the eucalyptus tree. Replacement trees should eventually be of the same stature (e.g., over 30 feet tall), and contain an open canopy with exposed branches and be planted in the same vicinity as the removed trees and should not be located in any areas where a roost or rookery site could be later construed as a nuisance.
 - d. Conduct tree removal in a timely fashion to reduce noise impacts to birds nesting in the general area.
 - e. Conduct several nights of surveys at the cormorant roosting site within two weeks prior to tree removal activities to record the use of the trees at the time of the removal and to ensure that no nests have been built in the trees proposed for removal. Conduct periodic surveys of the rookery/roosting site during the tree removal activities to ensure that cormorants are continuing to use the site in the same fashion as they were prior to initiation of tree removal activity, and that there are no impacts on breeding activities such as nest abandonment. If noticeable changes occur, consult with biologist conducting surveys to modify activities to reduce effects. Surveys should also be conducted several times later in the breeding season to ensure that cormorants continues to nest at the site in numbers similar to pre-disturbance levels.
7. **Tree Protection.** All trees not indicated for removal on the site plans shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
8. **Tree Protection and Replacement.** The applicant shall implement all recommendations specified in the Biological Resource Assessment and Tree Protection Plan as listed below: **(B-2)**
- a. Construction areas will be designated. All ground disturbances including grading for buildings, access ways, easements, subsurface grading, etc., shall be prohibited outside construction envelopes.
 - b. Equipment storage and staging areas shall be designated on approved grading and building plans. No construction equipment shall be parked, stored or operated within six feet of any tree dripline.
 - c. No grading or development shall occur within the driplines of existing trees with the exception of those trees designated for removal. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand. Any construction activity required within three feet of a tree's dripline shall be done with hand tools.
 - d. All equipment, personnel and construction activities will be restricted to areas outside dripline of existing trees with the exception of those trees designated for removal.

- e. All trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to the Planning Division throughout all grading and construction activities. Designate the location and extent of dripline for all trees to be protected during construction with fencing or other suitable material. The fencing shall be installed six feet outside the dripline of each tree, and shall be staked every six feet.
 - f. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of all trees.
 - g. No artificial surface, pervious or impervious, shall be placed within six feet of the dripline of any trees.
 - h. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a Planning Division approved arborist/biologist.
 - i. Only designated trees shall be removed.
 - j. Any trees which are removed and/or damaged (more than 25% of the root zone disturbed) shall be replaced.
 - k. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted immediately after removal and shall be irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing (or other suitable material) and gopher fencing during the maintenance period.
 - l. Maintenance of trees shall be accomplished through water-conserving irrigation techniques.
 - m. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by the Planning Division. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation.
9. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
10. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available.

During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)

11. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-3)
12. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. (AQ-4)
13. **Construction Dust Control – Stockpiling.** 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. (AQ-5)
14. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by: (AQ-6)
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District.
15. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-7)
16. **Construction Dust Control – PEC.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)

17. **Construction Ozone Precursors.** The following shall be adhered to during project grading and construction to reduce NOx and PM2.5 emissions from construction equipment: (AQ-9)
 - a. **Diesel Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) shall be utilized wherever feasible.
 - b. **Engine Size.** The engine size of construction equipment shall be the minimum practical size.
 - c. **Equipment Use Management.** 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.
 - d. **Equipment Maintenance.** Construction equipment shall be maintained in tune per the manufacturer’s specifications.
 - e. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
 - f. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - g. **Low Sulfur Fuel.** All diesel-powered equipment shall use ultra low sulfur diesel fuel.
 - h. **Diesel Emission Reduction.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
 - i. **Diesel Equipment Replacement.** Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - j. **Idling.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
 - k. **Minimize Employee Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.
18. **Bio-diesel Fuels.** To the maximum extent feasible, diesel-powered construction equipment and vehicles used on site shall be fueled using bio-diesel fuels.
19. **Archaeological Resource Protection.** The following discovery measures shall be adhered to:
 - a. **Discovery Procedures and Mitigation.** Standard discovery measures shall be implemented on all projects per the City Master Environmental Assessment throughout grading and construction: (CR-1)

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 during any grading or construction on the site such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, further analysis and/or other mitigation shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission, and implemented by the project Work in the area may only proceed after the Environmental Analyst grants authorization.

If prehistoric or other Native American remains are encountered, a Native American representative shall be consulted, and the archaeologist and Native American representative shall monitor all further subsurface disturbances in the area of the find.

If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted.

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 the issuance of final City permits.

- b. **Channel Island Fox Exhibit.** The Channel Island Fox exhibit which is located in the Medium Sensitivity Zone is subject to the following:
(CR-2)

A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor all ground disturbing activities during construction. If intact archaeological materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following City MEA Guidelines for Archaeological and Historic Structures and Sites.

- c. **California Condor Exhibit.** The California Condor exhibit which is located in the Medium Sensitivity Zone is subject to the following:
(CR-3)

- (1) A City-qualified archaeologist shall be consulted to determine if the proposed project has the potential for impacting potentially significant archaeological deposits. This determination shall take into consideration the aerial extent and proposed depth of ground disturbance of the proposed project, any obvious soil disturbance within the project footprint (i.e., signs of past grading, presence of existing structures or utilities, relation to the footprint of the historic mansion), presence/absence of archaeological material on any exposed ground surface, and the results of any nearby archaeological excavations.
- (2) If it is highly unlikely that the proposed project would encounter a potentially significant archaeological deposit, then the following mitigation measure shall apply due to the possibility of encountering individual diagnostic artifacts in the disturbed deposits and due to the heritage value of the archaeological material to the Native American community and the potential presence of isolated human remains.

A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor all ground disturbing activities during construction. If intact archaeological materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following City MEA Guidelines for Archaeological and Historic Structures and Sites.

- (3) If the proposed project has the potential for encountering intact soil deposits that could contain significant archaeological remains, then the following mitigation measure shall apply:

A City-qualified archaeologist shall be retained to conduct Extended Phase 1 excavations to determine the presence and integrity of potential prehistoric deposits. If an archaeological resource is encountered, it shall be documented and its potential significance evaluated by a Phase 2 Significance Assessment investigation prior to any construction activities. A City-qualified Chumash observer shall monitor all archaeological excavations. Resources considered significant shall be avoided or subject to a Phase 3 Data Recovery program and construction monitoring, consistent with City MEA Guidelines for Archaeological and Historic Structures and Sites.

- d. **The Wave Banquet Facility.** The Wave Banquet Facility project which is located in the High Sensitivity Zone is subject to the following:
(CR-5)

- (1) A City-qualified archaeologist shall conduct an Artifact Analysis of all archaeological material that was recovered during the Extended Phase 1 excavations for the proposed Wave project. This shall include analyses of bone and shell to determine the range of species and habitats represented in the collection. The analyses shall be presented within the context of a research design that would relate the data to broader regional research questions about prehistoric occupants within South Coastal Santa Barbara County.
- (2) Project plans shall be designed to limit all construction-related ground disturbances to the maximum extent feasible.
- (3) A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor all ground disturbing activities. If intact archaeological materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst following City MEA Guidelines for Archaeological and Historic Structures and Sites.
- (4) If any portion of the proposed project, such as installation of utility lines, involves ground disturbance located beyond the existing barbecue facility footprint, then the following measure is required:

A City-qualified archaeologist shall be retained to conduct Extended Phase 1 test excavations to determine the presence and integrity of potential prehistoric deposits for any project component that involves ground disturbance located outside the existing barbecue facility. If an archaeological resource is encountered during testing, it shall be documented and its potential significance evaluated prior to any construction activities. Resources considered significant shall be avoided or subject to a Phase 3 Data Recovery program, consistent with Santa Barbara City MEA guidelines. A City-qualified Chumash observer shall monitor all archaeological excavations.

20. **Construction Notice.** At least 30 days prior to commencement of each of the three phases of the Master Plan construction, the contractor shall provide written notice to all property owners and building occupants within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided.

Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)

21. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays observed by the City as legal holidays: (N-2)

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

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

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. weekdays by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code). In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends and holidays.

22. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
23. **Sound Barriers.** As part of the building plan submittal, prepare and submit a sound control plan including devices and techniques such as noise shields and blankets in order to reduce noise impacts to surrounding sensitive noise receptors. (N-4)
24. **Rodent Control Measures.** Rodent control measures shall be incorporated during construction activities to minimize rodent migration to adjacent properties.
- I. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Zoo of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. 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 improvement/building plans, including utility undergrounding and installation of street trees.
 3. **Cross Connection Inspection.** The Zoo shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 4. **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 or Final Inspection, whichever is earlier.
 5. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
- J. Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Zoo 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/Zoo 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.

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

NOTICE OF DEVELOPMENT PLAN AND MODIFICATION TIME LIMITS:

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

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to

implement and complete the proposed project. No more than one (1) time extension may be granted.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire four (4) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 21st day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Larson, White)

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.

Kathleen Goo, Acting Planning Commission Secretary

Date

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