



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

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

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

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

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15302(c) (Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity).

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

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

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

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

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

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act, as described in Section VII.C of the Staff Report. This includes, but is not limited to, consistency with requirements that environmentally sensitive habitat areas (ESHA) be protected and that proposed development should neither preclude services to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, nor preclude public recreation, commercial recreation, or visitor-serving land uses. The project would be consistent with these policies.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Sections VII.A and B of the Staff Report. This includes, but is not limited to, consistency with LCP Policies 6.8, 6.9 and 6.10 which serve to protect biological productivity and water quality of the City's riparian resources and LCP Policy 9, which protects views to, from, and along the ocean and scenic coastal areas.

II. Said approval is subject to the following conditions:

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

1. Pay Land Development Team Recovery Fee.
2. Permits - Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."

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

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

1. **Approved Development.** The development approved by the Planning Commission on March 20, 2014 is limited to upgrades to the existing EEWTP secondary treatment complex, and the related improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Use Limitations.** Due to the proximity to biological resources, uses other than those related to secondary treatment operations or uses previously established are not permitted at this location without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Applicant shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
3. **Storm Water Pollution Control and Drainage System Maintenance.** The owner/applicant shall implement and maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Public Works Division shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Public Works Division is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

4. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee of the El Estero Waste Water Treatment Plant by the Applicant/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.

- C. **Biological Resources Minimization Measures.** The following minimization measures, recommended in the Biological Resource Study prepared for the proposed project (Dudek, October 2013), shall be included as part of the project description:

1. **Pre-construction Nesting Bird Survey. (BIO-1)** A pre-construction survey for nesting birds shall be conducted by a qualified biologist to determine if active nests of special-status birds, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, are present in the construction zone or within 300 feet of the construction zone. The survey shall be conducted within one week prior to construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 30).

2. **Nesting Bird Buffers and Requirements.** If active nests are found, a no construction buffer shall be established at a minimum of 100-foot (this distance may be greater depending on the bird species and construction activity, as determined by the biologist) around the nest site where it overlaps with exterior work areas. Clearing and construction within no-construction buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting.

- D. **Requirements Prior to Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Creeks Division.**

- a. **Construction Staging Area Plan.** The Applicant shall submit a plan to the Creeks Division identifying a construction staging area. The plan shall include measures (i.e. construction fencing) to protect the adjacent Laguna Channel riparian habitat. The plan shall be approved prior to construction activities commencing.

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

- b. **Stormwater Pollution Prevention Plan (SWPPP).** The Applicant shall retain a Qualified SWPPP Developer (QSD) to prepare and submit a SWPPP to minimize the potential for discharge of pollutants from the project during construction and operational activities. The SWPPP shall be designed to meet the requirements of the City and RWQCB's General Construction Permit (GCP). The SWPPP shall include both structural and non-structural best management practices (BMPs) including straw wattles around storm drains, silt fencing and or other physical controls to divert flows from exposed soil, spill prevention methods, and clean housekeeping methods for storing and refueling machinery.
- c. Filter/treatment inserts shall be installed on all storm drain inlets that have not been routed to the plant/sewer for treatment and shall be maintained per the manufacturer's specifications until the storm drain inlets are routed to the plant for treatment.

2. **Community Development Department.**

- a. **Written Agreement.** Provide the written instrument that includes all of the conditions identified in Condition B "Written Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Archaeological Survey Report prepared for this site by Dudek, dated December 2013. The contract shall be subject to the review and approval of the Environmental Analyst.

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

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

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

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

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

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

- d. **No-Rise Certificate.** The Applicant shall provide a Base Flood Elevation and show compliance with applicable flood proofing as required by SBMC §22.24.160 prior to issuance of a Building Permit.
- e. **Contractor and Subcontractor Notification.** The Applicant shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Construction Staging Plan submitted to Creeks Division for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.
- g. Signed:

Applicant		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

- 1. **Riparian Protection.** All construction-related activities, including, but not limited to demolition, construction, staging area, and access routes shall be located a minimum of 50 feet from riparian habitat associated with Laguna Channel and El Estero Swale, when possible. In locations where the construction or staging activities encroach within this buffer, it is important to provide further protection to riparian vegetation and the wetland

and aquatic habitats of Laguna Channel to the greatest extent possible. Specifically, these protection measures shall include the following:

- a. The Contractor shall establish a temporary barrier between riparian habitat using highly visible construction fencing to ensure that trees and other vegetation are visible during construction.
 - b. If direct impacts to riparian vegetation cannot be avoided, a CDFW Streambed Alteration Agreement (SAA) pursuant to Section 1600 et seq. of the California Fish and Game Code should be acquired before initiation of construction.
2. **Best Management Practices (BMPs).** The Contractor shall install appropriate BMPs to control sediment, coarse particles, concrete, and other materials exposed during construction and staging to protect aquatic, wetland, and riparian habitats adjacent to construction site. Erosion control measures should be implemented to prevent runoff of these materials into Laguna Channel. Silt fencing, straw bales, and/or sand bags should be used in conjunction with other methods to prevent turbid waters from entering stream channels.

During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing will not be allowed in locations where the tainted water could enter Laguna Channel or El Estero Swale.

3. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements (see condition No. E.4 below), shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Creeks Division, Contractor and each Subcontractor.
4. **Construction Storage/Staging.** Construction vehicle/equipment/materials storage and staging shall be done on-site. No parking or storage shall be permitted within the identified "no disturbance buffer" adjacent to the Laguna Creek Channel, unless specifically permitted by the Creeks Division.
5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site.
6. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

- b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

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

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

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

F. **General Conditions**

- 1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 Uq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
- 2. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

III. **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

- 1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
- 2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
- 3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no

changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 20th day of March, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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



Julie Rodriguez, Planning Commission Secretary

4/03/14

Date

PLEASE BE ADVISED:

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

