



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 029-14

1130 STATE STREET
DEVELOPMENT PLAN
NOVEMBER 20, 2014

**APPLICATION OF TRISH ALLEN, AGENT FOR SANTA BARBARA MUSEUM OF ART,
1130 STATE STREET, APN 039-232-020 AND -021, C-2 (COMMERCIAL) ZONE, GENERAL PLAN
DESIGNATION: INSTITUTIONAL (MST2013-00237)**

The proposed project involves a 7,944 net new square-foot addition, primarily within the existing building footprint, and renovation of the existing two- and three-story Santa Barbara Museum of Art building. Also proposed is a new, approximately 1,420 unenclosed square-foot public rooftop pavilion creating a fourth floor, garden and terrace area with associated access elevator and stairway, new roof structure, replacement of rooftop mechanical systems, seismic retrofit of existing masonry walls, a new art receiving facility adding 320 square feet to the building footprint, and landscape and hardscape improvements. Miscellaneous site structure demolition will occur to support implementation of the proposed design. Two coast live oak trees are proposed for removal with replacement of one oak tree on-site and two oak trees off-site at the Santa Barbara County Bowl property. A new electrical power transformer would be located on the nearby City Public Parking Lot No. 7 property. The 7,944 square feet of net new floor area will result in a total of 72,455 net square feet of development on the site, built over two separate lots. Construction staging would occur on-site and on a portion of the adjacent City Central Library grounds.

The building is on the City's List of Potential Historic Resources: "Santa Barbara Museum of Art." City Council deemed this a Community Benefit Project, granting 8,990 square feet of nonresidential floor area under that category in 2013.

The discretionary application required for this project is a Development Plan to allow the construction of 7,994 square feet of nonresidential development (SBMC Chapter 28.85). The Planning Commission must also consider required findings for a Community Benefit Project to allow a portion of the building addition to exceed 45 feet in height (SBMC §28.66.050.B).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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

WHEREAS, 5 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

Staff Report with Attachments, November 13, 2014.

Site Plans

Correspondence received in support of the project:

- a. Peter MacDougall, via email
- b. Marshall & Gretchen Milligan, via email

- c. Joan Davidson, via email
- d. Susan Bowey, via email
- e. Gwen & Henry Baker, via email
- f. Helene Segal, via email
- g. J. Paul Longanbach, via email
- h. Penny Jenkins, via email
- i. Michael & Anne Towbes, via email
- j. Betsy Hannaford, via email
- k. Frank Goss, via email
- l. First District Supervisor Salud Carbajal, via email
- m. Antoinette Gump Amorteguy, Santa Barbara, CA
- n. Dwight Coffin, via email

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

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

A. CEQA ENVIRONMENTAL DETERMINATION

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

B. DEVELOPMENT PLAN APPROVAL (SBMC §28.85)

1. The proposed development complies with all provision of SBMC Title 28.

As discussed in Section VI. of the staff report, the proposed nonresidential use conforms to the allowed used of the C-2 (Commercial) Zone and, if the necessary findings are made regarding building height, the proposed development complies with all provisions of the Zoning Ordinance.

2. The proposed development is consistent with the principles of sound community planning.

The proposed development is consistent with the principles of sound community planning as determined by the project's consistency with the City's General Plan land use designation and applicable land use, economic, historic and environmental resource policies discussed in Section VI.

3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.22.145 or 22.68.045 of the Municipal Code.

The building has been an important feature of the downtown corridor for 100 years. Since the original building was constructed in 1914, and the Santa Barbara Museum of

Art began occupying the site in 1941, five separate additions between 1942 and 1996 have expanded the building to its current size. Approximately one-third (~ 2,700 square feet) of the additional net square footage would be added to the existing building interior and just over half (~4,300 square feet) of the additional net square footage added as new building volume primarily on the Upper Level. The project was reviewed by the Historic Landmarks Commission which found the additions acceptable and made the Compatibility Analysis Criteria findings on June 18, 2014.

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

As described above, the project includes 7,944 net new square feet of commercial area. Staff used the City of Santa Barbara traffic model rates for institutional uses to calculate the anticipated amount of additional traffic generated as a result of the proposed project. If approved, the project will result in the addition of a negligible amount of additional traffic to area streets and is not anticipated to result in any project-specific traffic impacts.

C. BUILDING HEIGHT (SBMC §28.66.050)

1. The applicant has adequately demonstrated a need for the project to exceed 45 feet in building height that is related to the project's benefit to the community.

The new pavilion on the roof would support the continuing operation of the Santa Barbara Museum of Art, a City Council designated Community Benefit Project.

2. The project will be exemplary in its design.

The Santa Barbara Museum of Art building is listed on the City of Santa Barbara Potential Historic Structures/Sites List and determined eligible for listing in the California Register of Historical Resources. The Historic Landmarks Commission accepted the Phase 1-2 Historic Structures/Sites Report which determined that the proposed alterations and additions would not result in significant cumulative impacts to significant historic resources and the HLC also made the findings that the project meets the Compatibility Analysis Criteria per SBMC §22.22.145.B.

3. The project design will complement the setting and the character of the neighboring properties with sensitivity to an adjacent federal, state, and City Landmarks or any nearby designated Historic Resources, including City-designated Structures of Merit.

The Santa Barbara Museum of Art building is listed on the City of Santa Barbara Potential Historic Structures/Sites List and determined eligible for listing in the California Register of Historical Resources. To the west and south of the project site stand the San Marcos Court Building and La Arcada Court complex respectively, both listed on the California Inventory of Historic Resources. Adjacent on the east is the Central Library building constructed in 1917 which is listed on the State Inventory and which also shares City Landmark designation with the Faulkner Gallery constructed in 1931 and five Eucalyptus citriodora trees planted in 1931.

The Historic Landmarks Commission accepted the Phase 1-2 Historic Structures/Sites Report which determined that the proposed alterations and additions would not result in significant cumulative impacts to significant historic resources.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee (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.
 4. Submit an application for a Public Works Permit (PBW) for any Public Improvements.
 5. Record any required documents (see Recorded Conditions Agreement section).
 6. Permits.

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

- B. **Recorded Conditions Agreement.** The Owner or Museum (also referred to as the Santa Barbara Museum of Art) shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 20, 2014 is limited to approximately 7,944 square feet of building additions, a new approximately 1,420 square foot unenclosed rooftop pavilion, garden and terrace area with associated access elevator and stairway, a new 5-foot long wall at the northeast corner of the property encroaching onto City Central Library property (APN 039-232-002), 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 Owner or Museum shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement. A landscaping plan for the library side of the project on the museum property along the paseo would be completed and installed prior to occupancy.
3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner or Museum 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 Owner or Museum shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner or Museum shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner or Museum 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. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
 5. **Public Paseo.** The existing public Paseo extending from E. Anapamu Street to E. Figueroa Street and that borders the eastern elevation of the Santa Barbara Museum of Art building (as shown on the City of Santa Barbara Pedestrian Master Plan, Paseos Plan, Map VII-2 Downtown Core Area, March 27, 2005) shall remain open and unobstructed at all times including during events and shall not be blocked for purposes of Museum of Art parking or un/loading unless issued a Public Works permit for un/loading activity.
 6. **Loading/Unloading Restrictions on Anapamu Street.** Delivery vehicles larger than forty feet (40') in overall length may utilize the designated bus stop along the eastbound lane of the 00 block of East Anapamu Street for loading/unloading between the hours of the last scheduled bus stop of the day and the first scheduled bus stop of the next day in that location.
 7. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to facility operations management and staff and BMP information shall be provided to all other staff 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. **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. **Tree Removal and Replacement.** The two California Live Oak trees along the Museum's northerly frontage, as shown on the project plans, are to be removed and one (1) 60-inch box California Live Oak tree will be replaced on-site and maintained; and two (2) 15-gallon California Live Oak trees will be planted and maintained on the Santa Barbara County Bowl property (APN 029-202-001). An annual report assessing the

growth and condition of the trees, and including images, shall be prepared by a certified arborist and submitted to the Planning Division for review and acceptance for the first five (5) years during establishment. Replacement California Live Oak trees shall be derived from South Coastal Santa Barbara County stock. All other trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees. If the replacement of the 60 inch box tree is not successfully established within the first five years, the tree monitoring period shall be extended or the tree shall be replaced and a five year monitoring program shall be reinstated.

2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved site plan / landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval. The following protection measures shall be employed for the two existing California Live Oak (*Quercus agrifolia*) trees on the Central Library Grounds (40 E. Anapamu Street) and as described in the Tree Assessment and Protection Plan for the Art Receiving Facility (ARF) at the Santa Barbara Museum of Art, by Bill Spiewak-Consulting Arborist, dated September 26, 2014:
 1. A pre-construction meeting shall be held with the project arborist, contractors and the City Arborist, prior to commencement of work to discuss tree protection measures.
 2. Install chain link fencing to establish a tree protection zone (TPZ). This TPZ shall be around the two oak trees, along the edges of the concrete retaining walls.
 3. The TPZ shall be void of all activities, including parking, equipment use, material storage and dumping (including temporary spoils from excavation).
 4. Demolition of the hardscape, excavation and trenching adjacent to the oak trees shall be monitored by an arborist.
 5. Any excavation on Central Library property, within the critical root zone of the oak trees, shall be done by hand in order to expose any potential roots that need to be cut without inflicting damage from mechanical devices.
 6. Any roots encountered that are ½-inch and greater shall be cleanly cut and sealed with a tree seal compound.
 7. Pruning of the one major tree limb identified in the report shall be supervised by a qualified Certified Arborist and work shall not commence until authorized by the City Arborist. Tree workers shall be knowledgeable of

International Society of Arboriculture (ISA) Best Management Practices for Tree Pruning.

8. The Central Library oak trees shall be deep watered once per month until commencement of seasonal rainfall with the goal to moisten the soil to a depth of at least 3 inches.
 9. The project arborist shall monitor tree protection measures periodically, as appropriate, for the duration that project construction activities (including construction staging) may affect the protected trees.
- b. **Landscaping Under Trees.** Landscaping under the 60-inch box, *Quercus agrifolia* tree to be planted in the raised planter along the Museum's Anapamu Street frontage shall be compatible with the preservation of the tree, as determined by the HLC.
- c. **Oak Trees.** The following additional provisions shall apply to existing oak trees on site:
1. No irrigation system shall be installed within three feet of the dripline of any oak tree or the anticipated future dripline of any oak tree that will continue to mature.
 2. Oak trees, other than the two identified and approved for removal along the Anapamu Street frontage, greater than four inches (4") in diameter at four feet (4') above grade inadvertently damaged and/or removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 3. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
 4. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
- d. **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations/conditions contained in the arborist's report / Tree Assessment and Protection Plan prepared by Bill Spiewak, dated September 26, 2014, shall be implemented.
3. **Screened Backflow Device.** The backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
 4. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by HLC. Width of walkway will be maintained in the redesign and bicycle parking replaced and equipment will be screened.

5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity 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.

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

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.b “Public Improvements (Anapamu Street)” shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

- b. **Public Improvements (Anapamu Street).** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Anapamu Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: A bulb out and mid block crossing traffic control system that is acceptable to the City’s Traffic Engineer so that eastbound vehicle drivers are able to see the traffic signals while a bus or truck is un/loading on-street on the eastbound lane; drainage for the bulb-out acceptable to Engineering Division Staff; relocation of the MTD bus stop to the location shown on the drawing by Penfield and Smith dated September 19, 2014 subject to approval by MTD; installation of the bus benches and associated amenities with the bus stop as required and approved by MTD; signage for the bus and loading area that prohibits loading in the area during the time that the bus is operating; paint the curb the appropriate color for the shared use of bus and loading zone, and; provide a temporary construction traffic and pedestrian detour plan acceptable to the City Traffic Engineer minimizing sidewalk closure. The Planning Commission requests that the Traffic Engineer exhaust all other design opportunities prior to implementing a mast arm design. The Southern California Edison vault proposed on City Public Parking Lot No. 7 property (APN 039-232-019) shall be approved to size and location by the City of Santa Barbara Public Works Director.

c. **Central Library Property**

1. **Proposed and Existing Exits.** The Museum's existing and proposed staff exit(s) and service yard access on the east elevation onto City Central Library property shall conform to the proposed elevation, as provided by the City, of the Library Plaza Project paseo design (MST2011-00428). The service yard floor elevation shall also be designed to function with the existing grades and final grades of the Library Plaza Project and shall be shown on the building permit plans. Any encroachment of the exit landings onto City Central Library property shall be permitted only by execution of a license agreement with the City. Because the Museum's exits and service yard access may need to accommodate the existing grade on an interim basis until the Library Plaza Project proceeds, any modifications needed to, or on, the Museum property for exits, landings, door swings and service yard elevations due to construction of the Library Plaza Project on the City property shall be the Owner or Museum's Owner or Museum's responsibility to modify to maintain function and building code requirements at the cost of the Owner or Museum.
2. **Paseo Planters.** Modification to planters may be made for exits in accordance with D.1.c.(1) above. Owner or Museum shall be responsible for demolition of planters, design and construction and shall show modification to planters as part of building permit plans. Planters shall also comply with approvals by HLC for the Library Plaza Project.
3. **Staging of Construction.** Staging of construction on Central Library property is restricted to the open area west of and adjacent to the Library Plaza fountain, further described in, and allowed by issuance of a City Permit and limited to 90-day intervals with options for renewal. Contractor shall conform to all conditions of the permit and Owner or Museum shall restore property to the satisfaction of the Public Works Director.
4. **Coordination of Construction.** The construction of this development permit shall not interfere with the start and completion of the construction of the Library Plaza Project on the City property.
5. **Edison Service.** Owner or Museum shall be responsible for obtaining electrical service for their building. If the transformer or electrical service is to be located on City property, Owner or Museum shall obtain the appropriate authorization for use of City property prior to the installation. Owner or Museum shall continue to coordinate with the City and Southern California Edison (SCE) to establish an appropriate location to install an Edison transformer. If any trenching occurs on City property, Owner or Museum shall repair the affected area to the satisfaction of the City Engineer.

- d. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
- e. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.
- f. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate reviewed by the Owner or Museum, signed and stamped by a registered civil engineer, and securities for construction of improvements limited to those specified in these project conditions prior to execution of the Agreement.
- g. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **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 historic Lockwood de Forest landscaping qualifies for an infeasibility waiver and storm water from this area is not required to be treated. The Owner shall submit a final storm water quality report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, storm water facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, pesticides, bacteria, etc.), or groundwater pollutants would result from the project.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be

reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

If proprietary treatment devices are proposed that are not capable of treating all of the relevant pollutants of concern, replacement of the installed BMPs with those that are capable of treating all of the pollutants shall be required once they are commercially available. In addition, if the proposed proprietary treatment devices are not capable of treating for pesticides and herbicides, the use of all pesticides and herbicides is prohibited on the exterior of the building and all other exterior areas.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

- c. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this project by David Stone, M.A., RPA of Dudek, dated August 2014. 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 D.2.e "Requirement for Archaeological Resources" below.

- d. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan and landscape plans for the oak tree planting at the Santa Barbara County Bowl site (APN 029-110-023), if no grading 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, (if the resource is prehistoric) etc.

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

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

- e. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work during construction associated with the protection of the oak trees on the City Central Library grounds as outlined in the Tree Assessment and Protection Plan for the Art Receiving Facility (ARF) at the Santa Barbara Museum of Art, by Bill Spiewak, Consulting Arborist, dated September 26, 2014. 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.
- f. **Agreement for Construction Staging on Central Library Grounds.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site and/or on the Central Library Grounds, APN 039-232-002. Prior to use of Central Library Grounds for storage or staging, the Owner or Museum shall execute a written agreement, prepared by Public Works Department staff, and reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director.
- g. **Lot Tie Agreement.** The building covers two parcels with ownership by the County of Santa Barbara and the Santa Barbara Museum of Art. A Lot Tie Agreement shall be provided with the initial building permit submittal for review and acceptance by the Building and Safety Division before a building permit is issued. A Lot Tie Agreement shall not be required if building exterior walls shall comply with the Fire Separation Distance requirements in Table 705.8, 2013 California Building Code.
- h. **Contractor and Subcontractor Notification.** The Owner 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.
- i. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- j. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.

- k. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
- l. **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., Final Map submitted to Public Works Department 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.

Signed:

		Date
Property Owner		
		Date
Contractor		License No.
		Date
Architect		License No.
		Date
Engineer		License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner or Museum and/or Contractor for the duration of the project construction, including demolition and grading.
 - 1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
 - 2. **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, and construction conditions 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 Property Owner or Museum, Archaeologist, Architect, Arborist, Landscape Architect, Project Engineer, and each Subcontractor.

3. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor's name, contractor's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
4. **Construction Hours.** Exterior construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	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.

Interior construction activity may occur between the hours of 7:00 a.m. and 8:00 p.m. on all days of the week.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

5. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site and/or on the Central Library Grounds, APN 039-232-002 pursuant to the executed agreement with the City of Santa Barbara and consistent with the approved plans. 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.
6. **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. City's Downtown Parking Staff will not issue monthly permits to the contractor due to a high demand for parking in the area. Additionally, there shall be

no loading or staging of materials in the Downtown parking facilities. Off-site parking permits may be available for the Carrillo Commuter parking lot.

7. **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 nests(s).
8. **General Tree Protection.** Excepting the two oak trees on the City Central Library property (APN 039-232-002) for which tree protection measures have been specifically developed, and the trees approved for removal on the Santa Barbara Museum of Art property, the following measures shall be applied:
 - a. All trees, including street trees, within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection, or closer if approved by the City Arborist.
 - b. No grading shall occur within three feet of the dripline of the existing trees.
 - c. A qualified Arborist shall be present during any excavation beneath the driplines of any trees which are required to be protected. Hand digging shall occur initially to expose any tree roots within the canopy of trees to remain. If assessment by the qualified Arborist determines the impact to the trees would be acceptable given the constraints of the project, a determination will be made where mechanical digging will be allowed.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - f. No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within five (5) feet of the dripline of any oak tree.
 - g. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplanted is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
9. **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.

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

- 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree

roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **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 / Final Inspection, whichever is earlier.
4. **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.
5. **Oak Tree Assessment by City Arborist.** Following completion of construction work and construction staging in the vicinity of the existing oak trees on the Central Library grounds, Owner or Museum shall request a damage/health assessment of the oak trees by the City Arborist.
6. **Oak Tree Final Assessment.** A final assessment of the condition of these two oak trees shall occur three years after removal of the tree protection measures or prior to the installation of the Library Plaza tree protection measures, whichever time frame is shorter.

G. General Conditions.

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolution 022-96.
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, Owner or Museum 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”). Owner or Museum 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.

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

III. NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, 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. The Community Development Director grants an extension of the development plan approval upon finding that the Owner or Museum has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

IV. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

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

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

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



Julie Rodriguez, Planning Commission Secretary



Date

PLEASE BE ADVISED:

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