



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 11, 2015

CALL TO ORDER:

Chair Thompson called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, June Pujo, and Deborah L. Schwartz.

Commissioner Deborah Schwartz arrived at 1:02 P.M.

STAFF PRESENT:

Beatriz Gularte, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Andrew Stuffer, Chief Building Official
 Pat McElroy, Fire Department Chief
 Lee Waldron, Fire Battalion Chief
 Chris Mailes, Fire Department Training Captain
 Tony Pighetti, Fire Captain
 Steven Greer, Project Planner/Environmental Analyst
 Bradley Klinzing, Public Works Project Planner
 Kelly Brodison, Assistant Planner
 Julie Rodriguez, Planning Commission Secretary
 Michael Pighett, Fire Captain, and Chief Lee Waldron.

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

None.

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

Chair Thompson opened the public hearing at 1:00 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEMS:

ACTUAL TIME: 1:00 P.M.

- A. **APPLICATION OF BRAD KLINZING, APPLICANT FOR CITY OF SANTA BARBARA, 4 S. CALLE CESAR CHAVEZ, APN 017-113-023, OM-1 / SD-3 (OCEAN-ORIENTED LIGHT MANUFACTURING / COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: INSTITUTIONAL, LOCAL COASTAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2014-00554)**

The project consists of the installation of two pre-fabricated steel structures totaling 1,170 square feet at the existing City Fire Training Facility, located on a two-acre parcel within the City's El Estero Wastewater Treatment Facility property. One structure would be a one-story, 240 square-foot structure with a maximum height of 8-½ feet, and the second structure would be a two-story, 930 square-foot structure with a maximum height of 17 feet. The structures would be utilized for fire observation and fire training purposes. The project also proposes on-site drainage improvements, consistent with the City's Tier 3 Storm Water Management Plan requirements. The project also includes the legalization of several "as-built" structures that were previously developed on site and total approximately 3,476 square feet.

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 4,646 square feet of nonresidential development (SBMC Chapter 28.85);
2. A Conditional Use Permit to allow the construction of 4,646 square feet of nonresidential development for use as a Fire Training Facility in the OM-1/SD-3 zone (SBMC §28.94.030(x)); and
3. A Coastal Development Permit (CDP2015-00006) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning.

Contact: Steven Greer, Project Planner
Email: SGreer@SantaBarbaraCA.gov

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

Steven Greer, Project Planner, gave the Staff presentation, joined by Brad Klining, Public Works Project Engineer; Pat McElroy, Santa Barbara Fire Department Chief; Chris Mailes, Fire Training Captain; Tony Pighetti, Fire Captain; and Lee Waldron, Fire Battalion Chief.

Chair Thompson opened the public hearing at 1:30 P.M., and with no one wishing to speak, the public hearing was closed.

MOTION: Jordon/Lodge

Assigned Resolution No. 010-15

Approved the project, making the findings for the Development Plan, Conditional Use Permit, and Coastal Development Permit as outlined in the Staff Report, dated June 4, 2015, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Add a condition for Neighborhood Notification that the Fire Department will continue the current practice of notifying surrounding properties of when a training operation is occurring.
2. Add a condition that states that this is a Fire Training Facility available to the City Fire Department and other agencies at the Fire Chief's discretion.

This motion carried by the following vote:

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

Chair Thompson announced the ten calendar day appeal period.

ACTUAL TIME: 1:56 P.M.

B. APPLICATION OF ALICIA HARRISON, AGENT FOR JACQUES HABRA, 3425 SEA LEDGE LANE, APN 047-083-012, A-1/SD-3 ZONES, LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL 1 DU/ACRE (MST2014-00537)

The project consists of a proposal to construct a new 400 square-foot pool and spa with associated pool equipment and safety fencing on a 17,490 square-foot lot in the Hillside Design District. This proposal is an amendment to the recent Coastal Development Permit dated May 2, 2013, and revised on August 8, 2014, under MST2012-00135, which approved 2,508 square feet of one- and two-story additions, the demolition of the existing garage, and the conversion of 488 of existing habitable floor area into a new two-car garage.

The discretionary application required for this project is an Amendment to a Coastal Development Permit (CDP2012-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

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

Guidelines Section 15303, New Construction or Conversion of Small Structures, which allows for the construction of accessory structures including swimming pools.

Contact: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

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

Kelly Brodison, Assistant Planner, gave the Staff presentation. Andrew Stuffer, Chief Building Official was available to answer any of the Commission's questions.

Alicia Harrison, Agent, gave the Applicant presentation. The project team of Adam Simmons, Engineering Geologist; Tom Henson, Project Architect, Peter Becker Architect; Allen Cooper, Pool Contractor, Pinfado Pools, were also available to answer any of the Commission's questions.

Commissioner Schwartz left the dais at 2:28 P.M. and returned at 2:31 P.M.

Chair Thompson opened the public hearing at 3:24 P.M.

Chris Krach-Bastian, adjacent neighbor below, submitted written comment expressing concern with the area's prior slides and the potential for future slides that could impact her home. She was also concerned with approving pool construction during the drought, and her recourse if her property were to be impacted by a future slide.

With no one else wishing to speak, the public hearing was closed at 3:28 P.M.

Commissioner Lodge had to leave the remainder of the hearing at 3:33 P.M. and stated she could support the spa, but not the pool.

Commissioner Higgins left the dais at 3:43 P.M. and returned at 3:46 P.M.

Commissioner Schwartz left the dais at 3:56 P.M. and returned at 3:58 P.M.

MOTION: Jordon/Pujo

Assigned Resolution No. 011-15

Approved the project, making the findings for the Amendment to the Coastal Development Permit, as outlined in the Staff Report dated June 4, 2015, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

- a. Accept date revision to Condition E. 2. Geologic Investigation for pool and spa.
- b. Add to Section B, the Recorded Conditions Agreement, a condition on pool leakage that states upon the observation of a leak from the French drain, the Property Owner shall have an investigation conducted by an appropriate professional who will prepare a report to the Chief Building Official detailing the results of the investigation with a recommended response. If the investigation determines that a condition threatens the

stability of the pool foundation or the retaining wall foundation, the pool shall be drained by truck until repairs have been affected and the stability of the foundation systems is confirmed by the Chief Building Official.

- c. Add Condition E. 7. Construction Monitoring, that states construction monitoring of the integrity of the existing retaining wall will be looked at during construction, post filling the pool, and six months after pool completion by a licensed geologist with the results submitted to the City's Community Development Director.
- d. Add a Condition that the construction of the project is to be conducted and completed during the dry season.

This motion carried by the following vote:

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

Commissioner Schwartz could not support the motion.

Chair Thompson announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:18 P.M.

D. Committee and Liaison Reports

- 1. Staff Hearing Officer Liaison Report
 - a. Commissioner Jordan reported on the Staff Hearing Officer meeting of June 10, 2015.
- 2. Other Committee and Liaison Reports
 - a. Commissioner Schwartz reported on the Water Commission Hearing of June 8, 2015.
 - b. Commissioner Campanella reported on the Downtown Parking Committee meeting of June 11, 2015.

V. ADJOURNMENT

Chair Thompson adjourned the meeting at 4:28 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-15

4 S. CALLE CESAR CHAVEZ

DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT

JUNE 11, 2015

APPLICATION OF BRAD KLINZING, APPLICANT FOR CITY OF SANTA BARBARA, 4 S. CALLE CESAR CHAVEZ, APN 017-113-023, OM-1 / SD-3 (OCEAN-ORIENTED LIGHT MANUFACTURING / COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: INSTITUTIONAL, LOCAL COASTAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2014-00554)

The project consists of the installation of two pre-fabricated steel structures totaling 1,170 square feet at the existing City Fire Training Facility, located on a two-acre parcel within the City's El Estero Wastewater Treatment Facility property. One structure would be a one-story, 240 square-foot structure with a maximum height of 8-½ feet, and the second structure would be a two-story, 930 square-foot structure with a maximum height of 17 feet. The structures would be utilized for fire observation and fire training purposes. The project also proposes on-site drainage improvements, consistent with the City's Tier 3 Storm Water Management Plan requirements. The project also includes the legalization of several "as-built" structures that were previously developed on site and total approximately 3,476 square feet.

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 4,646 square feet of nonresidential development (SBMC Chapter 28.85);
2. A Conditional Use Permit to allow the construction of 4,646 square feet of nonresidential development for use as a Fire Training Facility in the OM-1/SD-3 zone (SBMC §28.94.030(x)); and
3. A Coastal Development Permit (CDP2015-00006) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning.

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

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

1. Staff Report with Attachments, June 4 2015.
2. Site Plans

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

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

A. ENVIRONMENTAL REVIEW

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

B. DEVELOPMENT PLAN (SBMC §28.85.040)

1. The proposed development complies with all provisions of the Zoning Ordinance.

As identified in Section VI.A of the staff report, with approval of a Conditional Use Permit for the use and striping of parking as required by the conditions of approval, the project complies with all provisions of the Zoning Ordinance.

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

The proposed development would not be visible to the public and is a use that has been existing at the site for more than 30 years. The use is an important aspect of public safety training and helps to ensure public safety, an integral component of sound community planning.

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 proposed development is not visible from public vantage points. The development has been reviewed by the City's Architectural Board of Review who found the project to be appropriate for the site in terms of size, bulk and scale.

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.

The proposed development is located within the Downtown Area, as identified in the Traffic Management Strategy and is an allowed category of development. The project is not anticipated to significantly increase traffic compared to the existing development because the additional buildings serve as fire training structures and not occupied space.

C. CONDITIONAL USE PERMIT FINDINGS (SBMC §28.94.020 & SBMC §28.73.030)

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The use as a Fire Training Facility was established more than 30 years ago and provides an essential use relative to public welfare and safety. This facility is used by the City Fire Department and other area fire departments for valuable training opportunities, and will enhance the emergency response and life-saving skills and abilities of local firefighting personnel. The project is in harmony with applicable policies of the Santa Barbara General Plan, as discussed in Section VI.B of the staff report.

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

The use as a Fire Training Facility has been operational in this location for more than 30 years and will not be detrimental to or affect property values in the neighborhood. Surrounding parcels are zoned for ocean-oriented light manufacturing use and are developed primarily with industrial-type uses, including the City's wastewater treatment facility.

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

The one-acre project site is located within a two-acre parcel that is not adjacent to any streets and is screened from public view. Existing and proposed structures are low-scale and set back from the drainage to avoid detrimental impacts on surrounding properties.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

Access to the site is via an easement from Calle Cesar Chavez. Adequate space is available on-site for required parking, as identified in Section VI.A of the staff report, as well as the less formal parking for fire vehicles that occurs during fire training. Therefore, parking demands for the development are adequately met on-site. The project site is not adjacent to any public streets and therefore, the project will not negatively alter the character of the public streets.

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

The site is not visible from public areas. The scale of building on-site is modest and consistent with adjacent development. The project has been reviewed by the Architectural Board of Review to ensure consistency with applicable design and landscape guidelines.

6. Compliance with any additional specific requirements for a conditional use permit.

The project is also consistent with the specific requirements/findings for a conditional use permit to allow an M-1 Use in the OM-1 Zone (SBMC §28.73.030), as identified below.

- a. The use is compatible with ocean-dependent or ocean-related uses.

The site has been used as a fire training facility for more than 30 years, prior to adoption of the OM-1 Zone. The use would not conflict with or impact existing or future ocean-dependent or ocean-related uses as it is an intermittent use and does not generate significant noise, smoke or traffic. Due to design and operational characteristics of the Draeger training structures, the generation of smoke will be greatly reduced from the previous use of training tower for similar uses.

- b. The property would have no feasible economic value if limited to ocean-dependent or ocean-related uses. This finding shall be substantiated by competent evidence determined by the Planning Commission to be objective which includes no present or future demand for ocean-dependent or ocean-related uses.

The subject property is owned by the City of Santa Barbara, and the City's wastewater treatment facility occupies the majority of the site. The portion of the site currently used as a fire training facility currently has no economic value because the City has no intention of leasing this portion of the site to any private entity due to potential conflicts with the existing wastewater treatment facility. There is currently no demand from any City enterprises for an ocean-related or ocean-dependent use of the remaining one-acre portion of the site.

D. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it protects environmentally sensitive habitat areas, does not alter the existing drainage ditch and protects visual resources, as described in Section VI.D 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, as described in Section VI.C of the Staff Report. This includes, but is not limited to, consistency with LCP Policies 6.8, 6.9 and 6.10 which serve to protect biological productivity and water quality of the City's riparian resources and LCP Policy 9.1, which protects views to, from, and along the ocean and scenic coastal areas.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 1. Obtain all required design review approvals.
 2. 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."
 3. Prepare and execute any required documents (see Written Conditions Document section).
 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 Building Permit (BLD) for as-built construction previously developed on-site.

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

- B. **Written Conditions Document.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on June 4, 2015 is limited to approximately 4,646 square feet of building area, consisting of two new pre-fabricated structures and several as-built structures for use as a Fire Training Facility, 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. The plans shall be revised to incorporate formal parking lot striping for 13 parking spaces.
 2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. 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 ABR, the owner is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state 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 shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 6. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Parking.** Parking for a total of thirteen vehicles, including one van accessible space, shall be delineated on the project plans.
 2. **Screened Backflow Device.** The backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view, as approved by the ABR.
- 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 Community Development Department 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.
- a. **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. The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater 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, or groundwater pollutants would result from the project.

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.
 - b. **Design Review Requirements.** Plans shall show all parking, design and landscape elements, as approved by the ABR and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
 - c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
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 Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name and telephone number(s), to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
3. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material 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.
4. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
 - d. The Fire Training Facility shall be available to City Fire Department, and other agencies at the discretion of the City Fire Chief.
3. **Neighborhood Notification.**
 - e.a. The Fire Department will continue the current practice of notifying surrounding properties of when a training operation is occurring.

III. **NOTICE OF CONDITIONAL USE PERMIT APPROVAL TIME LIMITS:**

The Planning Commission action approving the Conditional Use Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

IV. NOTICE OF 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 applicant 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.

V. 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.

VI. 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.

PLANNING COMMISSION RESOLUTION No. 010-15
4 S. CALLE CESAR CHAVEZ
JUNE 11, 2015
PAGE 11

This motion was passed and adopted on the 11th day of June, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 011-15

3425 SEA LEDGE LANE

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

JUNE 11 2015

APPLICATION OF ALICIA HARRISON, AGENT FOR JACQUES HABRA, 3425 SEA LEDGE LANE, APN 047-083-012, A-1/SD-3 ZONES, LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL 1 DU/ACRE (MST2014-00537)

The project consists of a proposal to construct a new 400 square-foot pool and spa with associated pool equipment and safety fencing on a 17,490 square-foot lot in the Hillside Design District. This proposal is an amendment to the recent Coastal Development Permit dated May 2, 2013, and revised on August 8, 2014, under MST2012-00135, which approved 2,508 square feet of one- and two-story additions, the demolition of the existing garage, and the conversion of 488 of existing habitable floor area into a new two-car garage.

The discretionary application required for this project is an Amendment to a Coastal Development Permit (CDP2012-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures, which allows for the construction of accessory structures including swimming pools.

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 one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 4, 2015.
2. Site Plans
3. Correspondence received in support of the project:
 - a. The Gerlachs, via email
 - b. Maria and Norman Bremer, via email
4. Correspondence received in opposition to the project:
 - a. Chris Krach-Bastian, via email
 - b. Leon and Joyce Lunt, via email and USPS

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)**

The project is consistent with the policies of the California Coastal Act, with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and all applicable provisions of the Municipal Code. Therefore, Staff recommends that the Planning Commission approve the Coastal Development Permit, subject to the Conditions of Approval in Exhibit A and make the following findings for the project.

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse affects related to coastal resources, including views and public access, and the proposed addition is located outside of the 75-year seacliff retreat line as described in Section VI.A. 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 pool, spa deck and safety fencing is compatible with the surrounding bluff top neighborhood, will not impact views from public view corridors, will not impact public access, is not an archaeologically sensitive site, and addresses the potential for drainage hazards on the bluff as described in Section VI.A. of the Staff Report.

II. Said approval is subject to the following conditions:

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

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee. The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid 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 condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

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

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 2, 2013, and revised on August 8, 2014, is limited to a remodel and addition to an existing single-family residence resulting in an approximately 3,608 square foot two-story residence and a 488 square foot garage, a new pool, spa, deck

and required safety fencing and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Development Restrictions.** Habitable structures are prohibited within the 15-foot “structural setback,” as noted on the plans and as recommended by Adam Simmons in the report titled “Seacliff Retreat Project – Addendum,” dated April 17, 2013. Improvements, including, new pool, spa, deck and required safety fencing, drought-tolerant landscaping and limited hardscape improvements, are allowed between the existing retaining wall and the 15-foot “structural setback,” as noted on the plans.
3. **Parking.** Add and maintain a “no parking” sign in the designated Fire Department turn-around area located between 3425 and 3407 Sea Ledge Lane.
4. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Maintenance of Drainage System.** Owner 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 Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the 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.
6. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
7. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project’s surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will

preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

9. **Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
10. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
11. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- ~~11.12.~~ **Leakage:** Upon the observation of a leak from the french drain, the Property Owner shall conduct an investigation by appropriate professionals who will prepare a report for submitting to the Chief Building Official detailing the results of the investigation and recommending a response. If the investigation determines that a condition threatens the stability of the pool foundation or the retaining wall foundation, the pool shall be drained by truck until repairs have been affected and the stability of the foundation systems is confirmed by the Chief Building Official.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Landscaping on Bluff Top Properties.** The Single Family Design Board (SFDB) shall review any new landscaping, irrigation and/or improvements to said landscaping north of

the top of bluff setback. Per the Geologic Investigation prepared by Adam Simmons, dated November 28, 2012, the existing deep rooted, drought tolerant plants should be maintained on the sloping areas of the property in order to minimize the potential for over-saturation and erosion. Thick and deep rooted plant varieties help to stabilize the slope and keep it in a state of under-saturation. The re-vegetation program (in areas where the existing vegetation is sparse or to be removed) should be implemented as soon as practical after the construction, if necessary. Minimize the planting of high water use plants (including lawn) within 20 feet of the slope south of the retaining wall. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.

2. **Drainage.** Drainage improvements shall be shown on the Landscape Plan and Site Plan and shall be installed per the Drainage Analysis and Hydrology Report prepared by LaChaine & Associates, dated November 12, 2012, and the Bio-Retention Planter Box calculations, dated March 11, 2013, and the Geologic Investigation prepared by Adam Simmons, dated November 28, 2012, to include:
 - a. Installation of a 60 square foot bioretention planter box, to aid in removing sediment from storm water runoff generated by the subject property, at the eastern corner of the property between the rock bench and the driveway.
 - b. Installation of two new site drains/drop inlets to the east side of the house pad.
 - c. All runoff water from impervious areas such as roofs, patios, decks, French Drains (for basement) and driveways shall be captured and directed via an impervious conduit to an appropriate disposal area. No surface water or captured subsurface water shall be allowed to pass in an uncontrolled manner onto the surrounding slopes below. The collected water shall be transported to the base of slope via the existing non-perforated drainage pipes.
 - d. A French drain system will be placed below the proposed pool.
 3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
- 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. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan for treatment, rate and volume. The Owner shall comply with the Drainage Analysis and Hydrology Report prepared by Lachaine & Associates, Inc., dated November 12, 2012, and the Bio-Retention Planter Box calculations prepared by Lachaine & Associates, Inc., dated March 11, 2013, as described in Condition C.2. The new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater 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 significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
 - c. **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. The Haul Routes shall be approved by the Transportation Manager.
 - d. **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.
2. **Community Development Department.**
- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
 - b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
 - c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. 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:

Property Owner		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 Owner and/or Contractor for the duration of the project construction, including demolition and grading.
1. **Preliminary Geotechnical Investigation.** All recommendations in the Preliminary Geotechnical Investigation Report prepared by GSI Soils, Inc. dated June 20, 2012 shall be incorporated into the project plans and specifications.
 2. **Geologic Investigation for pool and spa.** All recommendations in the Geologic Investigation Report prepared by Adam Simmons, ~~dated October 19, 2014,~~ and April 14, 2015 shall be incorporated into the project plans and specifications.
 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, and 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 Storage/Staging.** A minimum width of 16' along the private Sea Ledge Lane shall remain clear and unobstructed for ingress/egress and emergency access during construction. The applicant shall provide 48 hour notice to adjacent neighbors if Sea Ledge Lane ever needs to be blocked for a temporary basis. Construction vehicle/equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit. Said permit shall specify that workers are to park on the north side of Cliff Drive and be shuttled to Sea Ledge Lane.
 5. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

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

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

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.

- 4.6. **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. All construction of the pool shall be done during the dry season only.
 - c. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - de. 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.
 - ed. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - fe. 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.

- gf. 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.
- hg. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- ih. 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.
- ji. 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.
- kj. 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.
- lk. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- ml. 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.
- nm. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- on. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- pe. The engine size of construction equipment shall be the minimum practical size.
- qp. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

5-7. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological

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

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

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

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

- a. **Construction Monitoring.** Construction monitoring of the integrity of the existing retaining wall will be looked at during construction of the pool, post filling the pool, and six months after pool completion by a licensed geologist with the results submitted to the City.

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

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

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered

Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

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

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

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

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

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

A. **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 11th day of June, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (Schwartz) ABSTAIN: 0 ABSENT: 1 (Lodge)

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

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 18, 2015

CALL TO ORDER:

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

I. ROLL CALL

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, June Pujo, and Deborah L. Schwartz.

Absent: Commissioner June Pujo

STAFF PRESENT:

Beatriz Gularte, Senior Planner
N. Scott Vincent, Assistant City Attorney
Suzanne Riegle, Associate Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Senior Planner Beatriz Gularte announced that the Planning Commission will be holding an Open House and Workshop for the New Zoning Ordinance Effort on Thursday, June 25, 2015 in the David Gebhard Public Meeting Room to present and receive the Commission and Public's input on Use Classifications. The Open House begins at 1:30 P.M. The Workshop begins at 3:00 P.M.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. Minutes of June 4, 2015
2. PC Resolution No. 009-15
3517 State Street

MOTION: Lodge/Schwartz

Approve the minutes and resolution as corrected.

This motion carried by the following vote:

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

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

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

III. NEW ITEM:

ACTUAL TIME: 1:05 P.M.

EX PARTE COMMUNICATION:

Commissioner Higgins disclosed an ex parte communication with the Applicant regarding an independent site visit he shared with the Applicant the evening before the meeting.

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ALASTAIR WINN, 340 E. LOS OLIVOS STREET, APN 025-261-004, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 3 DU/AC) (MST2013-00340)

The 13,510 square-foot site is developed with a 5,203 square-foot, three-story residence, a 408 square-foot detached garage with a 244 square-foot storage loft, and a 167 square-foot, detached accessory building. The proposed project includes permitting 501 square feet of "as-built" additions on the second and third floors of the residence, permitting a 120 square-foot, "as-built" addition to the accessory building, relocation and 60 square-foot addition to the garage, and demolition of the storage loft within the garage. Additional on site improvements include a 540 square-foot brick driveway with an integrated brick inlaid vehicular turntable and the "as-built" replacement of brick walkways.

This project will address violations identified within enforcement case ENF2013-00546 including "as-built" additions to the residence and the detached accessory building and the removal of other "as-built" structures. The permitted site development totals 6,002 square-feet and the proposed site development totals 6,439 square feet. The proposed project is 149% of the required floor-to-lot area ratio (FAR). This property is on the City's List of Potential Historic Resources: "Edwards/Dole House."

This project requires approval by the Planning Commission because the applicant is requesting a Net Floor Area (Floor to Lot Area Ratio) Modification that does not fall under the Staff Hearing Officer's review authority (see below).

The discretionary applications required for this project are:

1. Two Front Setback Modifications to permit "as-built" alterations to the detached accessory building to be located within a front yard and within the required thirty-

foot front setbacks off Laguna and East Los Olivos Streets. (SBMC §28.15.060, §28.87.160, and SBMC §28.92.110);

2. An Interior Setback Modification to allow the relocated garage to encroach into the required ten-foot interior setback. (SBMC §28.15.060 and SBMC §28.92.110); and
3. A Net Floor Area (Floor to Lot Area Ratio) Modification of the net floor area standards imposed by SBMC §28.15.083 that would otherwise be precluded by operation of subparagraph 28.15.083.D. (SBMC §28.15.083, 28.87.030, and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

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

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

Suzanne Riegler, Associate Planner, gave the Staff presentation.

Trish Allen, Susan Elledge Planning and Permitting Services, gave the Applicant presentation. Tim Hazeltine, Post Hazeltine and Associates, was available to answer questions on the historic aspects of the project.

Chair Thompson opened the public hearing at 1:46 P.M.

Kent Mixon, Agent for the adjacent 333 Junipero Plaza neighbor, submitted written comments and opposes the size, mass, and location of the garage structure in relation to the property line.

With no one else wishing to speak, the public hearing was closed at 1:50 P.M.

MOTION: Lodge/Higgins

Assigned Resolution No. 012-15

Approved the project, making the findings for the two Front Setback Modifications, Interior Setback Modification, and Net Floor Area Modification as outlined in the Staff Report, dated June 11, 2015, subject to the Revised Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

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

Chair Thompson announced the ten calendar day appeal period.

Commissioner Schwartz left the dais at 2:18 P.M. and returned at 2:20 P.M.

IV. **DISCUSSION ITEM**

ACTUAL TIME: 2:18 P.M.

CONSTRUCTION UPDATE FOR SANTA BARBARA COTTAGE HOSPITAL (SBCH), 400 WEST PUEBLO STREET (FORMERLY KNOWN AS 320 WEST PUEBLO STREET), APNS: 025-100-001; 025-061-015; & 025-171-050; SP-8 HOSPITAL ZONE, GENERAL PLAN DESIGNATION: INSTITUTIONAL (MST2003-00152)

Staff presented an annual update on the status and effectiveness of construction related mitigations and monitoring for the Cottage Hospital Modernization and Seismic Compliance Project. The project was approved by the Planning Commission on March 24, 2005 (Resolution No. 020-05), and by the City Council on April 25, 2005 (Amended PC Resolution No. 020-05). The City Council certified the Final Environmental Impact Report (FEIR) for the project on March 24, 2005 pursuant to California Environmental Quality Act Guidelines Section 15091. **No formal action on the project was taken during this discussion item.**

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

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

Suzanne Riegler, Associate Planner, gave the Staff presentation.

Ron Biscaro, Vice President for Project Management, Santa Barbara Cottage Hospital, gave the Applicant presentation joined by Tom Thomson, Project Manager, and Heidi Jones, Suzanne Elledge Planning and Permitting Services.

Chair Thompson opened the public hearing at 2:42 P.M., and with no one wishing to speak, the public hearing was closed.

The Commission enjoyed the video presentation and was appreciative of the update on the project as well as the commendable job that Cottage Hospital has undertaken with the project and with keeping the hospital open during construction. Commissioner Lodge added her appreciation of the care that was given to the Morton Bay Fig Tree during this phase.

V. **ADMINISTRATIVE AGENDA**

ACTUAL TIME: 2:44 P.M.

E. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports
 - a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of June 17, 2015.
 - b. Commissioner Campanella reported on the Sustainability Council Committee meeting of June 15, 2015..

VI. ADJOURNMENT

Chair Thompson adjourned the meeting at 2:47 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 012-15
340 E. LOS OLIVOS STREET
SETBACK AND FLOOR AREA MODIFICATIONS
JUNE 18, 2015

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ALASTAIR WINN, 340 E. LOS OLIVOS STREET, APN 025-261-004, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 3 DU/AC) (MST2013-00340)

The 13,510 square-foot site is developed with a 5,203 square-foot, three-story residence, a 408 square-foot detached garage with a 244 square-foot storage loft, and a 167 square-foot, detached accessory building. The proposed project includes permitting 501 square feet of "as-built" additions on the second and third floors of the residence, permitting a 120 square-foot, "as-built" addition to the accessory building, relocation and 60 square-foot addition to the garage, and demolition of the storage loft within the garage. Additional on site improvements include a 540 square-foot brick driveway with an integrated brick inlaid vehicular turntable and the "as-built" replacement of brick walkways.

This project will address violations identified within enforcement case ENF2013-00546 including "as-built" additions to the residence and the detached accessory building and the removal of other "as-built" structures. The permitted site development totals 6,002 square-feet and the proposed site development totals 6,439 square feet. The proposed project is 149% of the required floor-to-lot area ratio (FAR). This property is on the City's List of Potential Historic Resources: "Edwards/Dole House."

This project requires approval by the Planning Commission because the applicant is requesting a Net Floor Area (Floor to Lot Area Ratio) Modification that does not fall under the Staff Hearing Officer's review authority (see below).

The discretionary applications required for this project are:

1. Two Front Setback Modifications to permit "as-built" alterations to the detached accessory building to be located within a front yard and within the required thirty-foot front setbacks off Laguna and East Los Olivos Streets. (SBMC §28.15.060, §28.87.160, and SBMC §28.92.110);
2. An Interior Setback Modification to allow the relocated garage to encroach into the required ten-foot interior setback. (SBMC §28.15.060 and SBMC §28.92.110); and
3. A Net Floor Area (Floor to Lot Area Ratio) Modification of the net floor area standards imposed by SBMC §28.15.083 that would otherwise be precluded by operation of subparagraph 28.15.083.D. (SBMC §28.15.083, 28.87.030, and SBMC §28.92.110).

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 1 person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 11, 2015.

2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Kent Mixon, Agent for neighbor, Santa Barbara, CA

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

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

A. FRONT SETBACK MODIFICATIONS (SBMC §28.15.060, §28.87.160, and §28.92.110)

The Planning Commission finds that the Modifications to allow the additions and alterations to the existing accessory structure within the front yard and the required thirty-foot front setbacks are consistent with the purposes and intent of the Zoning Ordinance, creates a uniform improvement, and is necessary to secure an appropriate improvement on the lot. The proposed additions and alterations are appropriate because they result in a uniform addition to the accessory building that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors. The corner lot is constrained by the required setbacks and the location of the existing development. Due to the location of the existing accessory building, with the required front setbacks there is no opportunity for a conforming addition to the structure outside of the required setbacks.

B. INTERIOR SETBACK MODIFICATION (SBMC §28.15.060 and §28.92.110)

The Planning Commission finds that the Interior Setback Modification to allow the reconstruction, addition, and relocation of the existing garage structure within the required ten-foot interior setback is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot. The proposed relocation, addition, and alterations are appropriate because the relocation and the addition will result in a garage with adequate interior width to park two standard size vehicles in a garage that aligns with the existing driveway apron and is consistent in size with the zoning requirement. The garage will be located outside of the required front setback improving the visual openness of the public street frontage making the building less visible from the street frontage and is not anticipated to adversely impact the adjacent neighbors. Due to the location of the existing driveway apron, the historic Mission Aqueduct, and the “no-build” easement, the garage could not be relocated to the east.

C. FAR MODIFICATION (SBMC §28.15.083 and §28.92.110)

The Planning Commission finds the following with regard to the Modification of the net floor area standard imposed by SBMC Section 28.15.083, to allow a development that would otherwise be precluded by operation of Subsection 28.15.083.D:

- a. Not less than six (6) members of the Historic Landmarks Commission have voted in support of the modification following a concept review of the project.

On October 8, 2014, the HLC voted 8/0/0 in support of the FAR modification.

- b. The subject lot has a physical condition (such as the location, surroundings, topography, or the size of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood.

The residence, a potential City Landmark, is located on a corner lot and was developed prior to the adoption of the City’s first zoning ordinance. The corner lot is constrained by the location of

the existing development, the required setbacks, and the archaeological “no-build” easement to the west of the existing residence.

- c. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that complies with the net floor area standard.

The existing residence was constructed in 1911, was the first residence on the block, and is non-conforming to building height. The subject lot is situated in a neighborhood with a wide range of lot and house sizes. Eight of the 20 closest lots exceed 100% of the maximum required floor area ratio. The proposed project square-footage is consistent with development on comparable lot sizes within the neighborhood. The 437 square-foot, “as-built” additions represent a net increase of 9% of the existing floor area.

In addition, the “as-built” additions are well integrated into the overall design of the residence and with the size of residences within this neighborhood. The “as-built” additions at the rear of the residence and to the existing accessory building would not exceed the maximum 30 feet building height and are not readily visible from the public right-of-way.

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. 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.”
 3. Record any required documents (see Recorded Conditions Agreement section).
 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. Recorded Conditions Agreement. The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on **TBD** is limited to an approximately 5,704 square-foot, three-story, single-family residence, a 267 square-foot detached accessory building, and a 468 square-foot garage, a brick driveway with an integrated vehicular turntable, and brick walkways 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. **Development Restriction.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved plans in order that those portions of the Real Property remain in their natural state. A 5-foot wide no-build area extending from the 2-foot wide aqueduct segment and projected aqueduct corridor extending southward through the project site shall be established to preserve the aqueduct resource in perpetuity. No ground disturbances shall be allowed within this 5-foot wide area. The restricted areas shall be shown on the site and landscape plans. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
 3. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Historic Landmarks Commission (HLC).
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state 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 shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 6. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- 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. The HLC should consider a garage door design that is consistent with the American Colonial Revival Style.
- 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. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

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 Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater 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, 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.

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 site by Dudek, dated July 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.d "Requirement for Archaeological Resources" below.

d. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans and/or site plan:

- (1) The 8-foot long, 2-foot wide aqueduct segment and projected aqueduct corridor CA-SBA-4072/H extending southward through the project site shall be protected by plastic fencing during construction placed a minimum of 5 feet from the edge of the aqueduct segment and project corridor to ensure no inadvertent disturbances occur to the resource.
- (2) All construction activities within 30 feet of the 8-foot long, 2-foot wide aqueduct segment and projected aqueduct corridor extending southward through the project site shall be monitored by a qualified archaeologist to ensure that the fenced buffer adjacent to the aqueduct is maintained.
- (3) A 5-foot wide no-build area extending from the 2-foot wide aqueduct segment and projected aqueduct corridor extending southward through the project site shall be established to preserve the aqueduct resource in perpetuity. No ground disturbances shall be allowed within this 5-foot wide area.
- (4) If cultural resources are encountered or suspected during construction, work shall be halted immediately, and the City Environmental Analyst 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 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 Environmental Analyst grants authorization. If the discovery consists of possible prehistoric or Native American artifacts, materials, or human remains, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. The archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric or historic remains, consistent with a Phase 3 Data Recovery

excavation as defined in City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.

- e. **Zoning Compliance Declaration.** The Owner shall file a Zoning Compliance Declaration to ensure that the residence shall remain a single-family residence. The detached accessory building may not be used as a separate dwelling unit.
- f. **Modification Validity.** Said approval is subject to the condition that if the building is demolished beyond what is shown on the Planning Commission approved plans, then the construction of the project shall be halted, and the applicant and/or property owner shall contact Planning Division Staff for a determination on whether one, or both, front setback Modifications are still valid.
- g. **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.
- h. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

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

- 1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, 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 six square feet if in a single family zone.

2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
 3. **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
- F. Prior to Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Final Inspection.
- G. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
 2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
 3. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
 4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant

to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

III. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

IV. NOTICE OF 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 18th day of June, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

PLANNING COMMISSION RESOLUTION No. 012-15
340 E. LOS OLIVOS STREET
JUNE 18, 2015
PAGE 10

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

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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

DRAFT