



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 005-16

251 S. HOPE AVENUE

RECOMMENDATIONS TO CITY COUNCIL, SPECIFIC PLAN AMENDMENT,  
ZONE CHANGE, AND MODIFICATIONS

FEBRUARY 18 2016

**APPLICATION OF RRM DESIGN GROUP, ARCHITECT FOR THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA, 251 S. HOPE AVENUE, APN 051-240-008, E-3/PD/SP-4/SD-2 (ONE-FAMILY RESIDENCE, PLANNED DEVELOPMENT, RANCHO ARROYO SPECIFIC PLAN AND UPPER STATE STREET AREA OVERLAY) ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) (MST2014-00142)**

The project consists of a proposal by the Housing Authority of the City of Santa Barbara for a new, four-story affordable housing development for very-low and low income senior residents on a vacant 1.76 acre lot adjacent to Arroyo Burro Creek. The proposal would be developed under the City's Average Unit-Size Density (AUD) Incentive Program and the City's Density Bonus Program with a proposed density of 51 dwelling units per acre. The project includes 89 studio apartments, one-bedroom manager's unit, kitchen, dining facilities, storage, and common areas (lobby/reception area, conference room, offices, gift shop, salon, and gym). The total building area is 52,858 square feet (gross). The average unit size is 332.5 square feet. The proposal included 34 uncovered vehicular parking spaces and 5 bicycle lockers.

The discretionary applications required for this project are:

1. A Recommendation to City Council for an Amendment to the Rancho Arroyo Specific Plan to allow Community Benefit Housing and Recreation/Open Space as the uses in Area A-2 (SBMC §28.08.010);
2. A Recommendation to City Council for a Zone Change for the Rancho Arroyo Specific Plan Area A-2 from E-3/PD/SP-4/SD-2 (One-Family Residence, Planned Development, Rancho Arroyo Specific Plan and Upper State Street Area Overlay) Zones to R-3/SP-4/SD-2 (Limited Multiple-Family Residence Zone, Rancho Arroyo Specific Plan and Upper State Street Area Overlay) Zones (SBMC Chapters 28.10 and 28.92);
3. A Front Setback Modification to allow the building to encroach into the required front setback (based on AUD requirements for R-3) (SBMC §28.92.110);
4. An Interior Setback Modification to allow uncovered parking to encroach into the required interior setback (based on AUD requirements for R-3) (SBMC §28.92.110);
5. A Lot Area Modification to allow 89 affordable residential units and one manager's unit instead of 47 residential units on the subject property (SBMC §28.92.110 and SBMC §28.87.400);
6. A Parking Modification to allow 34 vehicle and 5 bicycle parking spaces instead of the required 90 vehicle and 90 bicycle parking spaces required for AUD projects (SBMC §28.92.110); and
7. Design Review Approval by the Architectural Board of Review (SBMC §22.68.020).

The project requires an environmental finding for a CEQA Guidelines Section 15183 Exemption (Projects Consistent with the General Plan).

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

**WHEREAS**, 6 people appeared to speak in favor of the application, and 5 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 11, 2016
2. Site Plans
3. Correspondence received in support of the project:
  - a. Vicki St. Martin, via email
4. Correspondence received in opposition to the project, or with concerns:
  - a. Dr. Kiumarss Nasser, via email
  - b. Jim Souza, via email
  - c. Mrs. M.E. Skaar, via email
  - d. Robert Grubb, via email

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

- I. Recommends that City Council approve the Amendment to the Specific Plan and the Zone Change based on the General Plan Consistency Analysis discussed in Sections VIII and X, and approve the project, making the following findings and determinations:
  - A. **ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)** The proposed project qualifies for an exemption from further environmental review under CEQA guidelines section 15183, based on city staff analysis and the CEQA certificate of determination on file for this project.
  - B. **MODIFICATIONS (SBMC §28.92.110 and SBMC §28.87.400)**
    1. The Lot Area Modification is consistent with the purposes and intent of the Zoning Ordinance, is necessary to secure an appropriate improvement on a lot and is necessary to construct a housing development containing affordable dwelling units rented and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures, as described in Section VII of this Staff Report.
    2. The Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot, as described in Section VII of this Staff Report, as the purpose of the encroachment is to move the proposed development closer to the street in order to provide a greater creek setback along Arroyo Burro Creek.
    3. The Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot, as described in Section VII of this Staff Report, as the one-foot encroachment is balanced with sufficient landscaping to provide a buffer from adjacent commercial development.
    4. The Parking Modification is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space

in the immediate area because the parking demand will be met onsite with 34 vehicle parking spaces and 5 bicycle parking spaces, as described in Section VII of this 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 additional land use approvals. Refer to condition B "Approval Contingent upon Amendment of Specific Plan and Zone Change."
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
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. **Approval Contingent Upon Amendment of Specific Plan and Zone Change.** Approval of the subject project is contingent upon approval of the Specific Plan Amendment and Zone Change by the City Council.

C. **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 February 18, 2016 is limited to the proposal by the Housing Authority of the City of Santa Barbara for a new, four-story affordable housing development for very-low and low income senior residents developed under the City's Average Unit-Size Density (AUD) Incentive Program and the City's Density Bonus Program. The project includes 89 studio apartments, one-bedroom manager's unit, kitchen, dining facilities, storage, common areas, 34 uncovered vehicular parking spaces, 5 bicycle lockers 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. **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. **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.

4. **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan and included in the Creekside Native Habitat Enhancement Plan (Storrer, November 30, 2015) shall be preserved, protected, and maintained.
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. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the creek setback area, which drains directly into Arroyo Burro Creek.
7. **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.
8. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.
9. **Parking.**
  - a. The Owner shall limit vehicle ownership so that the parking demand does not exceed the 34 parking spaces provided onsite as described in the Sight Distance Analysis and Parking Study (Associated Transportation Engineers, December 2, 2015).

- b. The Owner shall provide additional covered and secured bicycle spaces if requested by the residents.
- D. **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. **Creekside Native Habitat Enhancement Plan.** A Creekside Native Habitat Enhancement Plan, including a Creek Restoration Maintenance and Monitoring Program (CMMP), shall be subject to the approval of the Creeks Division.
  2. **Screened Backflow Device.** The backflow devices for irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
  3. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they will require a Public Works permit, shall be painted "Malaga Green," and if feasible, shall be screened as approved by ABR.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
    - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.d. "Hope Avenue Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements*.
    - b. **Dedications.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
      - (1) Provide the dedication of easement for the future transportation connection as identified in the Upper State Street Study.
    - c. **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.
    - d. **Hope Avenue Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Hope Avenue. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works

Department, the improvements shall include new and/or remove and replace to City standards, the following: curb extensions, replace broken or uplifted sidewalk, curb and gutter, driveway apron to meet Title 24 requirements, asphalt concrete or concrete pavement on aggregate base or crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to and/or relocation or extension of water and sewer mains and utilities, installation of new residential/commercial fire hydrant(s), public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City or County storm drain, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling, new street trees and tree grates per approval of the Parks and Recreation Commission and provide adequate positive drainage from site. Trail improvements shall be shown on the public improvement plans and constructed to City Standards. Any work in the public right-of-way requires a Public Works Permit.

- e. **Work within a Watercourse.** A separate Public Works permit is required for any work within a watercourse in accordance with SBMC Chapter 14.56.
- f. **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.
- g. **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.
- h. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- i. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Conservation Easement.** The applicant shall dedicate and record a permanent conservation easement, in a form acceptable to the City Attorney, for the benefit of the City of Santa Barbara. The conservation easement shall be generally 60 to 80

feet wide measured easterly from the western property line (as depicted on Exhibit K to the Planning Commission Staff Report, dated February 11, 2016), in order to allow for future restoration of Arroyo Burro Creek. All proposed improvements in the conservation easement shown on the proposed site plan depicted on Exhibit K shall be allowed to remain at the time any future restoration project is constructed. The conservation easement depicted on Exhibit K shall be shown on plans submitted for building permit, and dedicated before issuance of the first project building permit.

- c. **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 a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, 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.

- d. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- e. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition F.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

- f. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition F.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- 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 D "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:

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

- B. **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.
  - 2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
  - 3. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions shall be held by the General Contractor. The conference shall include representatives from the Public Works Department (Engineering and Transportation Divisions), Community Development Department (Building and Planning Divisions), the Property Owner, Architect, Landscape Architect, Biologist, Contractor and each Subcontractor.



4. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
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:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*
- \*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.
6. 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.
7. **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.
8. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
9. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nests(s).

10. **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](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
  - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be

used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.

- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
11. **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.

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

2. **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.
3. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

D. **General Conditions.**

2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/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.

The following motions were passed and adopted on the 18th day of February, 2016 by the Planning Commission of the City of Santa Barbara, by the following votes:

1. A Recommendation to City Council for an Amendment to the Rancho Arroyo Specific Plan to allow Community Benefit Housing and Recreation/Open Space as the uses in Area A-2 (SBMC §28.08.010); and A Recommendation to City Council for a Zone Change for the Rancho Arroyo Specific Plan Area A-2 from E-3/PD/SP-4/SD-2 (One-Family Residence, Planned Development, Rancho Arroyo Specific Plan and Upper State Street Area Overlay) Zones to R-3/SP-4/SD-2 (Limited Multiple-Family Residence Zone, Rancho Arroyo Specific Plan and Upper State Street Area Overlay) Zones (SBMC Chapters 28.10 and 28.92).

This motion carried by the following vote:

AYES: 4 NOES: 1 (Jordan) ABSTAIN: 0 ABSENT: 2 (Campanella, Lodge)

2. Approve the project, making the findings for the Interior Setback Modification, Lot Area Modification, and Parking Modification, as outlined in the Staff Report, dated February 11, 2016, including the CEQA Exemption, subject to the Conditions of Approval in Exhibit A of the Staff Report.

The Commission deliberated and the motion was revised by the motion makers to include the following revisions to the Conditions of Approval:

1. Remove C.6. Senior Housing Restrictions and C.7. Required Redesign if Senior Housing Not Used.
2. Revise D.1. Creekside Native Habitat Enhancement Plan to read: A Creekside Native Habitat Enhancement Plan, including a Creek Restoration Maintenance and Monitoring Program (CMMP), shall be subject to the approval of the Creeks Division.
3. Revise E.2.b. Conservation Easement to read: The applicant shall dedicate and record a permanent conservation easement, in a form acceptable to the City Attorney, for the benefit

of the City of Santa Barbara. The conservation easement shall be generally 60 to 80 feet wide measured easterly from the western property line (as depicted on Exhibit K to the Planning Commission Staff Report), in order to allow for future restoration of Arroyo Burro Creek. All proposed improvements in the conservation easement shown on the proposed site, depicted on Exhibit K, shall be allowed to remain at the time any future restoration project is constructed. The conservation easement shall be shown, as depicted on Exhibit K, on plans submitted for building permit, and dedicated before issuance of the first project building permit.

This motion carried by the following vote:

AYES: 4 NOES: 1 (Jordan) ABSTAIN: 0 ABSENT: 2 (Campanella, Lodge)

3. Approve the project, making the finding for the Front Setback Modification, as outlined in the Staff Report, Section XI.B.2, dated February 11, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

AYES: 3 NOES: 2 (Thompson, Jordan) ABSTAIN: 0 ABSENT: 2 (Campanella, 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.**