City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 033-16
800 E. CABRILLO BOULEVARD
COASTAL DEVELOPMENT PERMIT
DECEMBER 8, 2016

APPLICATION OF JUSTIN VAN MULLEM, PLANNER FOR CITY OF SANTA BARBARA PARKS AND RECREATION DEPARTMENT, 800 E. CABRILLO BLVD., APN 017-311-001, PARKS AND RECREATION (PR) AND COASTAL OVERLAY (S-D-3) ZONES, GENERAL PLAN: PARK/OPEN SPACE, LOCAL COASTAL PLAN LAND USE DESIGNATION: RECREATION/OPEN SPACE (MIST2016-00144)

The Cabrillo Ball Park Renovation Project (Project) includes redesigned park entries, outdoor fitness equipment stations, and a new pathway. Also proposed are new landscaping improvements, accessibility improvements, renovation of the ball field turf and irrigation, exterior lighting at the existing restrooms, and pedestrian lighting. Approximately nine (9) trees will be removed and 12 new trees installed. The primary objectives of the Project are to maintain and enhance the function of the park as a waterfront ball field, enhance active recreation opportunities, promote and maintain park safety, improve pedestrian access and accessibility, enhance park entries, open views to the park, upgrade park infrastructure, and enhance park aesthetics.

The five acre Cabrillo Ball Park is located at the intersections of Milpas Street, Cabrillo Boulevard and Calle Puerto Vallarta in the City’s East Beach Neighborhood. The park currently serves both adult and youth recreational and competitive sport programs as well as unscheduled drop-in use activities such as soccer, softball, and ultimate frisbee. The Cabrillo Ball Park has a park category of Sports Facility per City Council Resolution 97-140.

The discretionary application required for this project is a Coastal Development Permit to allow the proposed development in the Appealable and Non-Appealable Jurisdictions of the City’s Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301-Existing Facilities, 15303-New Construction, and 15304-Minor Alterations to Land.

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 or in opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 1, 2016

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. PR Zone Findings (SBMC §28.37.025)

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;

2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;

3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;

4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;

5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and

6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

The Project is consistent with the PR Zone Findings because the improvements enhance the existing sports facility and are an appropriate improvement and compatible with the surrounding neighborhood.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The Project is consistent with the policies of the California Coastal Act because the Project involves safety upgrades to an existing public facility and the proposed improvements will enhance the public’s experience of the park. The Project will not obstruct any access or views to the beach, as described in Section VI of the Staff Report.

2. The Project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because the project meets all of the development standards set forth in the PR zone, as described in Section VI 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 (30% of all planning fees, as calculated by staff) at time of building permit application.

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.

c. Issuance of the Public Works Permit is required prior to issuance of the Building Permit for the project.

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 December 8, 2016, is limited to improvements to the Cabrillo Ball Park as shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

3. **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.

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

1. **Tree Protection Measures.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the landscape plan’s tree protection notes.
2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure.

3. **Screened Backflow Device.** The backflow devices for the irrigation system shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.

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. **Calle Puerto Vallarta Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Calle Puerto Vallarta. 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: 180 linear feet of sidewalk includes infill of existing tree wells, 1 - Super-delta access ramp at Milpas Street intersection, preserve and/or reset survey monuments, protect existing contractor stamps, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

   b. **Milpas Street Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Milpas Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 160 linear feet of sidewalk, 100 linear feet of 2” conduit to splice box in Parkway from the new access ramp at the Calle Puerto Vallarta intersection, 1 - Directional access ramp at Cabrillo Boulevard intersection (Gateway Plaza), preserve and/or reset survey monuments, protect existing contractor stamps, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

   c. **Cabrillo Boulevard Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Cabrillo Boulevard. 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: 20 linear feet of sidewalk, preserve and/or reset survey monuments, protect existing
contractor stamps, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

d. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.

2. **Community Development Department.**

   a. **Drainage and Water Quality.** The project is required to comply with Tier Three (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 from the Storm Water BMP Guidance Manual for Post Construction Practices 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.

   b. **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.

   c. **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.

   d. **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.
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 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
   - Martin Luther King, Jr. Day
   - Presidents’ Day
   - Memorial Day
   - Independence Day
   - Labor Day
   - Thanksgiving Day
   - Following Thanksgiving Day
   - Christmas Day

   January 1st*
   3rd Monday in January
   3rd Monday in February
   Last Monday in May
   July 4th*
   1st Monday in September
   4th Thursday in November
   Friday following Thanksgiving 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.

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.

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. **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.
4. **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.

5. **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).

6. **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.

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

G. General Conditions.

1. 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.

2. 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 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 8th day of December, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

[Signature]
Julie Rodriguez, Planning Commission Secretary

Date
1/12/17

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.