



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 003-17

### CITY RIGHT OF WAY ALONG LAS POSITAS AND MODOC ROADS

### ADOPTION OF MITIGATED NEGATIVE DECLARATION

### COASTAL DEVELOPMENT PERMIT\*

FEBRUARY 9, 2017

**APPLICATION OF ASHLEIGH SHUE, SUPERVISING CIVIL ENGINEER, CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY RIGHT OF WAY ALONG MODOC ROAD AND LAS POSITAS ROAD, ZONES ADJACENT CITY RIGHT OF WAY INCLUDING: PARK AND RECREATION ZONE WITH COASTAL ZONE OVERLAY (P-R/SD-3), PARK AND RECREATION ZONE (P-R), ONE FAMILY RESIDENCE ZONES (A-1, E-1, E-3), ONE FAMILY RESIDENCE ZONE WITH PLANNED UNIT DEVELOPMENT (E-1/PUD), PLANNED UNIT DEVELOPMENT (PUD 2.5), TWO-FAMILY RESIDENTIAL (R-2), UNINCORPORATED COUNTY LAND. COASTAL LAND USE PLAN DESIGNATION: RECREATION/OPEN SPACE, GENERAL PLAN DESIGNATIONS ADJACENT TO CITY RIGHT OF WAY INCLUDE: PARKS AND OPEN SPACE, LOW DENSITY RESIDENTIAL (1 DU/ACRE), (3DU/ACRE), AND (5 DU/ACRE), MEDIUM DENSITY RESIDENTIAL (5 DU/ACRE), MEDIUM HIGH DENSITY RESIDENTIAL AND UNINCORPORATED COUNTY LAND (MST2014-00055/CDP2017-00001)**

The Las Positas/Modoc Road Multiuse Path Project (Project) involves design and construction of a 2.6 mile-long separated multiuse pathway for bicyclists and pedestrians in the City right-of-way along Modoc Road from Calle de Los Amigos to Las Positas Road and along Las Positas Road from Modoc Road to Cliff Drive. The Project would provide key connections among Santa Barbara's regional Cross-town and Coastal Bike Routes, the neighborhoods adjacent to the path, Elings Park, Arroyo Burro Beach County Park, and the Douglas Family Preserve. The discretionary applications required for this project are:

1. Coastal Development Permit to allow the proposed development in the Appealable/Non-Appealable Jurisdictions of the City's Coastal Zone (SBMC §28.44.060) for a portion of the project location; and
2. Project Design Review Approval by the Architectural Board of Review (SBMC §22.68).

The Planning Commission considered approval of the Final Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074. Planning Commission also considered approval of the Coastal Development Permit.

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

**WHEREAS**, 3 people appeared to speak in favor of the application, and 5 people appeared to speak in opposition or express concerns thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 2, 2017.

\* Although only a portion of the Project is in the Coastal Zone, the Project conditions apply to the entire project as they relate to the Final Mitigated Negative Declaration.

2. Site Plans

3. Correspondence received in support of the project:

- a. John C. Jostes, Bel Air Knolls Civic Association, via email
- b. Elyse Reitzin, via email
- c. Kevin Young, via email
- d. Peter Alagona, via email
- e. Karen Tyrrell, via email
- f. Jé Goolsby, Our Mesa Neighborhood, Inc., via email
- g. Kevin Young, Our Mesa Neighborhood, Inc., via email
- h. Jacqueline Kemp, via email

4. Correspondence received in opposition to or with concerns about the project:

- a. Mary Scopatz, Santa Barbara, CA
- b. Paul Bryant, Las Positas Meadows Owner Association, via email
- c. Judy Orías, via email
- d. Ann Cox, Vista del Monte Retirement Community, via email
- e. Dan McCarter, Friends of Arroyo Burro, Santa Barbara, CA (2)

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

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

**A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION (CEQA Guidelines Section 15074):**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review period process.
2. The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the Project will have a significant effect on the environment.
3. The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
4. The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project.
5. A mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects has been prepared.

6. The location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

This motion was passed and adopted on the 9th day of February, 2017 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

**II.** Approved the subject application making the following findings and determinations:

**B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

The Project is consistent with the policies of the California Coastal Act and the City's Local Coastal Plan as described in Section VI of the Staff Report. The Project provides off street multi-modal public access along two public roadways providing alternative access to nearby parks and coastal areas, including Arroyo Burro Beach County Park, a major coastal recreational location. The Project design includes avoidance of sensitive biological resources and includes mitigation to offset impacts. The Project would not result in significant impacts associated with geologic hazards and coastal resources, with recognition of geologic conditions, proposed slope stability, drainage control, and vegetation components of the Project.

This motion was passed and adopted on the 9th day of February, 2017 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 ABSTAIN: 0 ABSENT: 0

**III.** Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall be performed by the Public Works Department in the order identified:
  1. Pay Department of Fish and Wildlife fee within four calendar days upon project approval. Delays in payment will result in delays in filing the required Notice of Determination pursuant to the California Environmental Quality Act (CEQA).
  2. Obtain all required design review approvals.
  3. Submit an application for and obtain a Building Permit (BLD) and Public Works Permits to demolish any structures / improvements and/or perform rough grading. Comply with Condition E "Construction Implementation Requirements."
  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. **Conditions Agreement.** In the design, construction, and operation of the Project, the City shall comply with the following conditions:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 9, 2017, is limited to a 2.6 mile multiuse path and the improvements show on the plans within City right-of-way along Modoc Road from Calle de Los Amigos to Las Positas Road and along Las Positas Road from Modoc Road to Cliff Drive (Exhibit B: Detailed Project Description). The plans signed by the chairperson of the Planning Commission on said date are on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Public Works Department shall allow for the continuation of any historic flow of water within City right of way including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Landscape Plan Compliance.** The Public Works Department 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 City is responsible for its immediate replacement.
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** The Public Works Department shall maintain the approved 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 as specified in the final approved plans, or result in erosion, the Public Works Department shall be responsible for any necessary repairs to the storm water management system and restoration of the eroded area. Should repairs or restoration of the storm water management system become necessary, prior to the commencement of such repair or restoration work, the Public Works Department 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 Public Works Department 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.
  5. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Project area, which drains directly into Las Positas and Arroyo Burro Creeks.
  6. **Recycled Water Use Requirements.** The State Water Resources Control Board, Division of Drinking Water (DDW), the Central Coast Regional Water Quality Control Board (RWQCB) and the Santa Barbara County Department of Environmental Health (SBCDEH) ("Regulatory Agencies") regulate the use of recycled water. The Public Works Department shall abide by all statutes and regulations regarding recycled water use as set forth by the Regulatory Agencies and as may be subject to change from time to time. The Public Works

Department, at its sole cost and expense, shall operate and maintain all facilities required for the use of recycled water on the Site.

**7. Recycled Water On-Site Facility Modifications.**

- a. The Public Works Department Streets Operations and Infrastructure Maintenance Division understands and agrees that certain modifications of existing or new on-site facilities will be required to conform to the special recycled water use requirements. City Public Works Department Streets Operations and Infrastructure Maintenance Division shall identify the modifications and/or changes required to be made to the City's on-site facilities.
- b. At the Public Works Department Streets Operations and Infrastructure Maintenance Division's own cost and expense, shall design, install and construct all main extensions and connections as may be necessary to connect to City's recycled water distribution system to the Site and as may be needed to provide and maintain irrigation systems or plumbing for the use of recycled water at the Site. Such work shall include, but is not limited to the following:
  - (1) Isolate City's potable water system from City's irrigation system including plugging or replacing existing hose bibs with all quick couplers on City's irrigation system. The Public Works Department Division shall identify all locations where City's irrigation system is connected to City's potable water system so that any cross connection can be eliminated.
  - (2) Connect the Public Works Department Streets Operations and Infrastructure Maintenance Division's irrigation system to City's recycled water delivery system.
  - (3) Provide and install required approved reduced-pressure-principle backflow prevention devices (RPPs) on the Public Works Department Streets Operations and Infrastructure Maintenance Division's potable water service if acceptable backflow prevention is not in place at the time of conversion to recycled water service as determined by City Water Resources Cross-Connection Office.
  - (4) Install signs as required notifying the public that recycled water is in use.
  - (5) Provide any and all special protections to prevent recycled water from coming into contact with potable water or any other instance where such contact would be undesirable.
  - (6) All modifications necessary to City's potable water system.
  - (7) All modifications to the Public Works Department Streets Operations and Infrastructure Maintenance Division's recycled water irrigation system, or new installations, as may be necessary to meet the current recycled water use requirements as set forth by the Regulatory Agencies. Such modifications include, but are not limited to, sprinkler changes or modifications (including those needed to prevent recycled water from leaving the irrigated area boundaries), quick-coupler modifications or

installation, repair of irrigation system leaks, elimination of ponding of recycled water, or new or expanded systems.

- (8) All initial and ongoing on-site management and operations.
  - (9) The Public Works Department Streets Operations and Infrastructure Maintenance Division shall be responsible for providing and planting any and all plants, screens or other improvements used to hide the presence of any such recycled water project facilities, including, without limitation, all valves and backflow devices.
  - (10) The Public Works Department Streets Operations and Infrastructure Maintenance Division shall be responsible for upkeep of RPPs located on City's potable water service line adjacent to City's potable meter manifolds. Such RPPs shall be tested once a year by a licensed tester and repaired or replaced if found defective. RPPs may not be removed or relocated without the consent of City's Cross-Connection Office and RPPs must remain accessible for testing.
  - (11) It is the responsibility of the Public Works Department Streets Operations and Infrastructure Maintenance Division to modify its system to work with the available recycled water system working pressures and flows. The recycled water system is being operated to maintain a minimum working pressure of 20 psi (pounds per square inch). City shall not be responsible for private system modifications required to accommodate daily fluctuations in pressure. It is the Public Works Department Streets Operations and Infrastructure Maintenance Division's responsibility for any and all required equipment to boost or reduce pressure to meet the needs of City.
  - (12) The City shall monitor the recycled water demand for its Site for a change outside of the maximum flow calculations submitted with its approved recycled water application.
- c. The Public Works Department Streets Operations and Infrastructure Maintenance Division's installation, modification, or construction of new facilities shall be in accordance with the requirements of the Regulatory Agencies pertaining to nonpotable water systems including, but not limited to, the proper marking of piping, valves, valve boxes, controllers, and all other components to differentiate them from on-site potable water facilities.
  - d. The City shall test for leaks prior to commencement of delivery of recycled water. The Public Works Department Streets Operations and Infrastructure Maintenance Division shall repair any and all such leaks within fourteen (14) days of notification by City.

- 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. **Retaining Walls and Concrete Barriers.** Retaining walls and concrete barriers shall be designed to include coloring and texturing features with muted earth tone colors and natural texture to minimize long-term visual impacts and potential for graffiti. Project plans shall reflect these design features prior to Project approval. (MM VIS-1)
  2. **Landscape Plan.** The landscape plan shall incorporate any mitigations and avoidance and minimization measures called out in the tree protection and replacement plan, habitat maintenance and monitoring plan, and wetland and riparian restoration plan.
- D. **Requirements Prior to Permit Issuance.** The Public Works Department 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 shall be submitted to the Public Works Department for review and approval.
    - b. **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.
    - c. **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.
    - d. **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 Public Works Department.
    - e. **Recycled Water Drawings.**
      - (1) Upon completion of all modifications performed in accordance with Section B.7 above and any changes to City's recycled water and potable water systems, the Public Works Department Streets Operations and Infrastructure Maintenance Division shall provide the Public Works Department Water Resources Division with detailed drawings of the completed recycled water system(s) and potable water system(s) on the Site.
      - (2) Such drawings shall be accurate to the best knowledge of the Public Works Department Streets Operations and Infrastructure Maintenance Division and shall show the locations of all pipelines, controllers, valves, fountains,

buildings, structures, property boundaries, and any other features known or considered important to the on-site use of recycled water.

- (3) Modifications to the system that are approved by the City Public Works Director may be implemented at the Public Works Department Streets Operations and Infrastructure Maintenance Division's expense, provided such modifications comply with the requirements of the Regulatory Agencies and Title 22, Division 4, Chapter 3 of the California Code of Regulations. The Public Works Department Streets Operations and Infrastructure Maintenance Division shall provide City Public Works Water Resources Division with a preliminary plan for such modifications twenty (20) working days prior to commencement of the modifications for approval by the City Public Works Director. The Public Works Department Streets Operations and Infrastructure Maintenance Division shall provide City Public Works Water Resources Division with an accurate drawing reflecting all modifications within twenty (20) working days after completion of the modifications.

2. **Community Development Department.**

- a. **Inclusion of Local Policies and Measures.** The Project shall incorporate all General and Project-Specific Avoidance and Minimization Measures as well as all appropriate species-specific avoidance and minimization efforts as identified within the Santa Barbara County Association of Governments (SBCAG) 2040 Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS), in addition to City guidelines and ordinance procedures for implementing City policies. Implementation of MM BIO-2 through MM BIO-14 would be consistent with these local policies and measures to ensure avoidance and minimization of temporary impacts to biological resources, including protected trees, and compensation for unavoidable permanent impacts to biological resources in the Project site. In the event that regulatory permits are issued for Project activities affecting biological resources, measures identified in these permits shall also be incorporated into the Project. **(MM BIO-1)**
- b. **Tree Protection and Replacement Plan.** A tree protection and replacement plan shall be developed by a City-appointed, certified arborist and sent to the City Parks and Recreation Department for approval prior to any tree removal, grubbing, or other construction activity of each segment of the Project (including staging and mobilization).
  - (1) The plan shall include, but would not be limited to, an inventory of trees within the construction site, setbacks from trees and protective fencing, restrictions regarding grading and paving near trees, direction regarding pruning and digging within the root zone of trees, and requirements for replacement and maintenance of trees.
  - (2) For any protected tree proposed to be removed, replacement tree plantings of like species at a minimum ratio of 2:1 (trees planted to trees impacted) for non-native trees and a ratio of 5:1 for all mature coastal live oak trees,



shall be established on-site or at an approved off-site location. All onsite mitigation plants shall have a diversity of tree sizes, up to and including 60 inches in planter box size.

- (a) Trees used within mitigation efforts shall be consistent with the City's Wildland Fire Plan.
  - (b) To mitigate significant impacts due to removal of and/or substantial damage to 48 coast live oak trees, a total of 240 oak trees of diverse sizes shall be planted (City policy generated 5:1 ratio).
  - (c) To mitigate the significant impact and/or removal of 61 non-native trees, a total of 122 native trees, comprising of locally appropriate species such as coast live oaks, sycamores, alders, cottonwoods and/or willows shall be planted (canopy area calculations 2:1 ratio).
  - (d) A complete professional grade survey and construction details can provide an opportunity to adjust the construction zone and reduce the number of trees removed and significantly impacted.
- (3) **Habitat Maintenance and Monitoring Plan.** A Habitat Maintenance and Monitoring Plan (HMMP) shall also be developed by a certified biologist and shall be implemented for a minimum of 7 years or until stasis has been determined by a certified arborist and/or biologist. If the Project is constructed in phases, then the 7 year implementation period for each phase shall commence after completion of each phase. The HMMP plan shall include adherence to City recommended species and locations. Potential areas for habitat mitigation are indicated on project plans. If a protected tree would be encroached upon but not removed, a certified arborist shall be present to oversee all trimming of roots and branches. **(MM BIO-12)** Per Conditions 2.M and 2.0, the City shall contract with a certified arborist and biologist during construction and for any pre-construction related surveys or preparation work. A separate post-construction biological monitoring and reporting contract is also required during the 7 year post-construction monitoring phase.
- c. **Wetland and Riparian Habitat Restored.** A City-appointed, biologist/landscape architect shall prepare a landscape plan for the Project. This plan must be approved by the City prior to any construction activity (including staging and mobilization).
- (1) Mitigation ratios for permanently impacted habitat areas shall consist of a 1:1 ratio for upland habitat, a 3:1 ratio for riparian habitat, and a 4:1 ratio for wetland habitat, provided in coordination with the City and preferably located near the Project site.
  - (2) The landscape plan shall indicate the locations and species of plants to be installed, and use drought tolerant, locally native plant species. Species selected for planting shall be similar to those species found in adjacent native habitats.

- (3) Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists 1, 2, and 4 shall not be permitted. **(MM BIO-12)**
- d. **Landscaping Plan.** The Project's landscape plan shall indicate the locations and species of plants to be installed. Drought tolerant, locally native plant species shall be used. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists 1, 2, and 4 shall not be permitted. Species selected for planting shall be similar to those species found in adjacent native habitats. **(MM BIO-13)**
- e. **Vegetation Screening.** Additional native shrubs or trees, including the oleanders along Modoc Road, shall be replanted where they are impacted by path construction as needed for sufficient visual screening between the Modoc Road corridor and adjacent homes. **(MM VIS 2)**
- f. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of street and parkway trees as indicated on the Project plans.
- g. **Arborist's Report.** Include a note on the plans that the recommendations/conditions contained in the arborist's report prepared by Bill Spiewak Consulting Arborist, dated November 17, 2016, shall be implemented.
- h. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent system failure, overspray, runoff, or high pressure issues. The irrigation system shall be designed with all piping, valve boxes, sprinklers and other appurtenances to be color coded for recycled water and signage shall be installed per California Department of Health Title 22 Code of regulations.
- i. **Short-term Stability and Erosion Control.** Final Project plans shall incorporate the following measures recommended by the Preliminary Geotechnical Design Report (PGDR) prepared by Bengal Engineering Inc. to ensure short-term stability and erosion control during the site preparation and construction process. Final Project plans shall be approved by the City prior to issuances of grading and building permits.
  - (1) All construction activities shall be planned and performed in conformance with the applicable requirements of the U.S. and California Occupational Safety and Health Administration (OSHA/Cal-OSHA).
  - (2) All construction shall conform to the requirements of the Caltrans Standard Specifications, except as specified otherwise herein.
  - (3) All earthwork and foundation construction activities, including but not limited to soil excavation, slope grading, backfilling, subgrade preparation and foundation installation, shall be performed under the observation of the City's geotechnical representative.

- (4) Prior to any earthwork or grading activities, the trail alignment shall be cleared of all trees, plants, vegetation, organics and other deleterious materials.
  - (5) Subgrade soils shall be sterilized to preclude possible weed growth through the pavement.
  - (6) All surfaces to receive fills, pavement or foundations shall be scarified, moisture conditioned if necessary, and re-compacted to at least 90 percent of the maximum density determined as per American Society of Testing and Material (ASTM) Test Method D1557.
  - (7) If subgrade or subsurface conditions different that those encountered during the field exploration and utilized in the design of the proposed improvements are encountered during construction, Bengal Engineering Inc. shall be contacted immediately so that actual ground conditions can be evaluated and, if necessary, revised or modified recommendations can be provided.
  - (8) Backfill behind fill type retaining walls shall comprise of predominantly granular soils and free of oversized (>1.5 inch) particles, organics, debris or other deleterious materials.
  - (9) Select excavated site soils consisting of silts (ML) with  $PI < 4$ , silty sand and sand (SM) may be used as wall backfill, provided these soils are processed by mixing well and moisture conditioning to within 2 to 3 percent of the optimum, as per ASTM Test Method D1557. Imported wall fills, if any, shall be well graded with <15 percent passing #200,  $PI < 4$ , and Sand Equivalent <20. Wet, soft/weak, pumping or yielding subgrade soils shall be stabilized prior to additional construction activities including placement of compacted soil backfill or wall foundations. Stabilization may include removal and replacement of wet or soft materials to and/or geotextile filters/reinforcement stabilizing layer to achieve non-yield subgrade or working surface.
  - (10) All compacted fill shall be placed in horizontal lifts 8 inches or less in uncompacted thickness and compacted to at least 90 percent of the maximum dry density at moisture contents within 2 to 3 percent of the optimum as per ASTM D1557 method. **(MM G-1)**
- j. **Long-term Stability and Erosion Control.** Final Project plans shall incorporate the following measures recommended by the PGDR to ensure long-term stability and erosion control throughout the operation of the Project. Final Project plans shall be approved by the City prior to issuances of grading and building permits.
- (1) Recommended subgrade soil parameters for the preliminary design of trail pavement shall be based on an average R-value of 26. The final pavement design shall be based on R-value of the actual subgrade soils placed at the end of grading.

- (2) To facilitate drainage and reduce the pumping or rutting potential, the pavement section shall consist of a base layer.
  - (3) At the end of grading, but before placing pavement, exposed subgrade soils, in particular those consisting of a significant amount of clay, along the trail shall be sampled and tested for Atterberg Limits and Expansion Index (EI). Subgrade soils with  $EI > 50$ , if any, shall be limetreated to a depth of at least 12 inches prior to pavement construction.
  - (4) The proposed earth retaining systems (ERS), with a maximum height of six feet, shall be constructed of conventional semi-gravity type reinforced concrete walls founded on spread footings.
  - (5) Backfill of the ERS should consist of predominantly cohesionless soils. The proposed ERS backfilled with such soils shall be designed to resist active earth pressures exerted by an equivalent fluid of density 36 pound-force per cubic foot (pcf).
  - (6) ERS retaining cuts or in-situ soils shall be designed to resist active earth pressures exerted by an equivalent fluid of density 55 pcf.
  - (7) All retaining footings shall be placed on, at least 12 inches of compacted fill, consisting of coarse-grained soils.
  - (8) Excavated onsite soils consisting of silty sand (SM) or Sandy Silt (ML) with little or no clay and  $PI < 4$  shall be used as compacted backfill and/or subgrade soils.
  - (9) Bearing capacity of soils depends on the width and depth of foundations. Based on the site exploration, and the applied Strength and Service Limit State Stress for a six foot high retaining wall, Caltrans Type 1 or 5 Standard Plan walls are considered suitable at this site. That is, these walls would have adequate bearing and lateral sliding stability as well as acceptable settlement provided the wall backfill and subgrade soils are placed as recommended above. If walls of height greater than six feet are needed, wall footing width and depth specific bearing, sliding and settlement recommendations shall be provided in the final geotechnical design report.
  - (10) All retaining walls shall be provided with adequate drainage to prevent build up water pressure behind wall and/or below the wall footing.
  - (11) Based on site exploration, the proposed retaining walls, with a maximum of height 6 feet, are considered adequately stable against global or overall stability type failure. If walls of height greater than 6 feet are required, wall and location specific global/overall stability evaluation shall be performed when exact locations and detailed cross section profiles are available. Results of such analysis, if needed, shall be included in the final geotechnical design report. **(MM G-2)**
- k. **Drainage and Water Quality.** The project is required to comply with Tier III of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal

Code Chapter 22.87 (treatment, rate and volume). The Public Works Department shall submit drainage calculations, a hydrology report, and worksheets 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.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Public Works Department 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. (MM HYD-1)

1. **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:
  - (1) 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. Recycled water should be used whenever possible. However, recycled water should not be used in or around crops for human consumption.
  - (2) Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - (3) 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.
  - (4) Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.

- (5) 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.
- (6) 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.
- (7) All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- (8) 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).
- (9) 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.
- (10) 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.
- (11) Diesel powered equipment should be replaced by electric equipment whenever feasible.
- (12) 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.
- (13) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- (14) All construction equipment shall be maintained in tune per the manufacturer's specifications.
- (15) The engine size of construction equipment shall be the minimum practical size.

- (16) 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.

- m. **Project Environmental Coordinator Required.** Public Works Department Engineering Division to submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
  - (2) A method for monitoring the mitigation measures.
  - (3) A list of reporting procedures, including the responsible party, and frequency.
  - (4) A list of other monitors to be hired, if applicable, and their qualifications.
  - (5) Submittal of weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
  - (6) Submittal of a Final Mitigation Monitoring Report.
  - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- n. **Arborist's Monitoring Contract.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work (within the dripline of all impacted or potentially impacted trees) during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- o. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for biological monitoring during construction and for the pre-construction bird nesting survey.
- p. **Contractor and Subcontractor Notification.** The City 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.

q. **Recycled Water Onsite Supervisor.**

- (1) The Public Works Department Streets Operations and Infrastructure Maintenance Division shall designate and maintain an individual as City's Recycled Water Supervisor who shall be the Public Works Department's coordinator and direct contact person between City's Public Works Water Resources Division and the Public Works Department Streets Operations and Infrastructure Maintenance Division. The Public Works Department Streets Operations and Infrastructure Maintenance Division agrees that the Recycled Water Supervisor shall be responsible for the proper operation of City's recycled water system, training of City's employees in handling recycled water, implementing the requirements of this Agreement relative to the on-site use of recycled water, monitoring of City's recycled water system for prevention of potential hazards, and coordinating with City and the Regulatory Agencies, when necessary. The Public Works Department Water Resources Division shall assist in the training of City's Recycled Water Supervisor.
- (2) The Public Works Department Streets Operations and Infrastructure Maintenance Division shall inform the Public Works Department Water Resources Division of the name, position, and telephone number of the Public Works Department Streets Operations and Infrastructure Maintenance Division's Recycled Water Supervisor approximately two months prior to start-up of City's recycled water system and shall promptly inform City of any change of designated Recycled Water Supervisor or telephone number during the term of this Agreement.

- r. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Public Works Department shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- s. **Letter of Commitment for Pre-Construction Conference.** The Public Works Department shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- t. **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.
- u. **Mitigation Monitoring and Reporting Requirement.** The Public Works Department shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration for the project.



- v. **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 Public Works Department and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the (Project Environmental Coordinator (PEC) and 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. **(MM N-3)**
2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Streets Operations and Infrastructure Maintenance and Transportation Planning and Parking Divisions, Community Development Department Building and Planning Divisions, Design Engineer, Arborist, Landscape Architect, Biologist, Project Environmental Coordinator, Contractor and each Subcontractor.
3. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC's)) name, contractor(s) (and PEC's) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the

ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

4. **Construction Hours.** 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.

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. (MM N-1)

5. **Best Management Practices (BMPs).** Project construction shall implement the BMPs listed below adapted from the Noise Technical Memorandum prepared for the Project located in Appendix G of the Mitigated Negative Declaration.

The Applicant shall provide and post signs stating these restrictions at construction site entries. Signs shall be posted prior to commencement of construction and maintained throughout construction. Construction plans shall note construction hours. At the pre-construction meeting all construction workers shall be briefed on restricted construction hour limitations. A workday schedule shall be adhered to for the duration of construction. The Applicant shall designate the equipment area with appropriate acoustic shielding on building and grading plans. Equipment and shielding shall be installed prior to construction and remain in the designated location throughout construction activities. Construction plans shall identify BMPs to be implemented during construction. All construction workers shall be briefed at a pre-construction meeting on how, why, and where BMP measures are to be implemented. BMPs shall be identified and described for submittal to the City for review and approval prior Building and Public Works permit issuance. BMPs shall be adhered to for the duration of the Project. Construction plans shall include truck routes and shall be submitted to the City prior to Zoning Clearance issuance for each phase of

development. Schedule and mailing list shall be submitted 10 days prior to initiation of any earth movement.

The Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints. The Applicant shall demonstrate that the acoustic shielding is in place prior to commencement of construction activities. The Contractor, Project Environmental Coordinator, and Public Works Inspector shall ensure compliance throughout construction. Permit compliance monitoring staff shall perform periodic site inspections to verify compliance with activity schedules.

- a. As part of the City's standard regulatory process, construction equipment, including trucks, are required to be professionally maintained and fitted with standard manufacturer muffler and silencing devices. In addition, construction projects are required to employ sound control devices and techniques such as noise shields and blankets during the construction period to reduce the level of noise to surrounding residents.
  - b. Except for emergency repair of public service utilities, or where an exception is issued by the Community Development Department, no operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work shall occur on Monday through Friday between the hours of 5:00 PM and 8:00 AM, or any time on Saturdays, Sundays, or holidays, such that the sound creates a noise disturbance across a residential or commercial property line.
  - c. Where technically and economically feasible, construction activities shall be conducted so that the maximum noise levels at affected properties will not exceed 80 dBA for multi-family residential and 85 dBA for mixed residential/commercial land uses, restaurants, and meeting places, including schools.
  - d. For all construction activity at the Project site, additional noise attenuation techniques shall be employed as needed to ensure that noise levels are maintained within levels allowed by the City's Noise Standards. Such techniques shall include, but are not limited to:
    - (1) Sound blankets shall be used on noise-generating equipment where appropriate equipment is used in close proximity to existing homes.
    - (2) Stationary construction equipment that generates noise levels above 65 dBA at the Project boundaries proximate to existing residences shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25.
    - (3) All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. (MM N-2)
6. **Construction Timing.** Construction activities will be conducted between July 1st and October 15th to the extent feasible, to reduce potential for erosion and sedimentation and to avoid affects to spawning salmonids in Arroyo Burro Creek. Construction should only be extended into the rainy season, as necessary, on a week-by-week basis dependent on local weather forecasts, and with the implementation of appropriate BMPs.

7. **Construction Work, Access, and Staging Areas.** All proposed construction will be limited to the existing and proposed construction right-of-way. Environmentally Sensitive Areas (ESAs) will be identified on contract plans and include areas designated in the environmental document and biological reports that support wetlands, waters, and/or habitats that potentially support listed species, and have been specifically identified to avoid during construction. ESA provisions may include, but are not limited to, the use of temporary orange fencing to delineate the proposed limit of work in areas adjacent to sensitive resources, or to delineate and exclude sensitive resources from potential construction impacts. Contractor encroachment into ESAs will be restricted (including the staging/operation of heavy equipment or casting of excavation materials). ESA provisions will be implemented as a first order of work and remain in place until all construction is completed.
8. **Ground disturbance.** Ground disturbance shall be limited to the minimum area necessary to complete the Project. The Project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction fencing installed between said area and the limits of disturbance. At the end of each work day, all excavations with vertical walls shall be secured with cover or a ramp to prevent wildlife entrapment.
9. **Construction discharges.** No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States or drainages. No discharges of excessively turbid water will be allowed, and all equipment will be well-maintained and free of leaks. All vehicle maintenance/ fueling/ staging shall occur not less than 100 ft from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
10. **Erosion control.** Temporary erosion control and slope stabilization BMPs will be installed before the start of the wet season (October 15 through April 15). Erosion control measures may include silt fencing, straw wattles, straw bales, coir blankets, sediment traps, and other protective measures to minimize the potential for erosion of sediment beyond the work area or degradation of water quality in adjacent aquatic habitats.
11. **Biological Monitor:** for all work occurring within or adjacent to sensitive habitats that may support federally and/or state Endangered/Threatened species a CDFW and/or USFWS-approved biologist will be present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for Endangered/Threatened species. Alternatively, and upon approval of the CDFW and/or USFWS, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are being fully implemented.
12. **Work in Riparian areas.** All Project activities occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, if feasible, to avoid impacts to sensitive aquatic species.

13. **Vegetation Removal.** Removal of any large trees or riparian habitat with potential to provide nest habitat should be conducted outside of bird breeding season (generally defined as February 1st-September 15<sup>th</sup>) to the extent feasible in order to avoid special-status birds protected under the Migratory Bird Treaty Act.
14. **Special Status Plant Species Surveys.** Surveys for special status plants shall be completed by a CDFW/USFWS-appointed biologist prior to any vegetation removal, grubbing, or other construction activity of each segment (including staging and mobilization).
  - a. Surveys shall be conducted no more than two years before initial ground disturbance and seasonally timed to coincide with the target species identified in the Project vicinity.
  - b. Surveys shall focus on the distribution and relationships of plant species over the Project area and be conducted in accordance with the most current protocols established by the California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), and the local jurisdictions.
  - c. All special status plant species identified onsite shall be mapped onto a site-specific aerial photograph and topographic map. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and approval. **(MM BIO-2)**
15. **Special Status Plant Species Avoidance and Minimization Measures.** If state listed or California Rare Plant List 1B species are found during special status plant surveys, the Project shall be redesigned to avoid impacting these plant species, if feasible. Project redesign shall be completed prior to any vegetation removal, grubbing, or other construction activity of each segment (including staging and mobilization).
  - a. Rare plant occurrences that are not within the immediate disturbance footprint of the Project, but are located within 50 feet of disturbance limits, shall have bright orange protective fencing installed at least 30 feet beyond their extent, or another distance as approved by a qualified biologist, in order to protect them from harm. **(MM BIO-3)**
16. **Special Status Plant Species Restoration and Monitoring.** If special status plants species cannot be avoided and will be impacted by the Project, all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the City of Santa Barbara for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:
  - a. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
  - b. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];

- c. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
  - d. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
  - e. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);
  - f. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
  - g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
  - h. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
  - i. Notification of completion of compensatory mitigation and agency confirmation; and
  - j. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). **(MM BIO-4)**
17. **Endangered/Threatened Species Habitat Assessment and Survey Protocol.** If the results of a biological resources analysis determine that suitable habitat may be present for any federal or state listed Endangered or Threatened species, protocol habitat assessments/surveys shall be completed in accordance with CDFW and/or USFWS protocols prior to issuance of any construction permits.
- a. If through consultation with the CDFW and/or USFWS it is determined that protocol habitat assessments/surveys are not required, said consultation shall be documented prior to issuance of any construction permits. Each protocol has different survey and timing requirements. The Applicant shall be responsible for ensuring the completion of protocol requirements. **(MM BIO-5)**
18. **Endangered/Threatened Species Avoidance and Minimization.** No Endangered/Threatened species shall be captured and relocated without expressed permission from the CDFW and/or USFWS.
- a. If at any time during construction of the Project an Endangered/Threatened species enters the construction site or otherwise may be impacted by the Project, all Project activities shall cease immediately. Caltrans shall be notified and any actions that may affect a federally listed species must cease until Caltrans has consulted with the USFWS and/or NMFS and has notified the County that construction may resume. A CDFW/USFWS-approved biologist shall document the occurrence and consult with the CDFW and/or USFWS as appropriate.

- b. For all Project components occurring in areas where Endangered/Threatened species may be present and are at risk of entering the Project site during construction, exclusion fencing shall be placed along the Project boundaries prior to start of construction (including staging and mobilization). The placement of the fence shall be at the discretion of the CDFW/USFWS-approved biologist. This fence shall consist of solid silt fencing placed at a minimum of 3 feet above grade and 2 feet below grade and shall be attached to wooden stakes placed at intervals of not more than 5 feet. The fence shall be inspected weekly and following rain events and high wind events by the appointed biologist and shall be maintained in good working condition until all construction activities are complete.
  - c. All trenches, pipes, culverts or similar structures shall be inspected for occupancy by any animal prior to burying, capping, moving, or filling.
  - d. If any federally and/or state-protected species are harmed during Project construction activities, the CDFW/USFWS-approved biologist shall document the circumstances that led to harm and shall determine if Project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured special status species shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours. (MM BIO-6)
19. **Special Status Animal Species Avoidance and Minimization.** For non-listed special-status terrestrial mammal, amphibians and reptiles, surveys shall be completed by a CDFW/USFWS appointed biologist within three months of the start of construction.
- a. For amphibian and reptile species coverboard surveys, the coverboards shall be at least 4 feet by 4 feet and constructed of untreated plywood placed flat on the ground. The coverboards shall be checked by the appointed biologist once per week for each week after placement up until the start of vegetation removal. All non-listed special status and common animals found under the coverboards shall be captured and placed in 5-gallon buckets for transportation to relocation sites. All relocation sites shall be reviewed by the project sponsor and shall consist of suitable habitat. Relocation sites shall be as close to the capture site as possible but far enough away to ensure the animal(s) is not harmed by construction of the project. Relocation shall occur on the same day as capture. CNDDDB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed.
  - b. Pre-construction clearance mammal surveys shall be conducted within 14 days of the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 200 foot buffer if feasible and shall identify all special status animal species that may occur on-site. All non-listed special status mammal species shall be relocated from the Project site either through direct capture (e.g., Bryant's woodrat) or through passive exclusion (e.g., American badger). A report of the preconstruction survey shall be submitted to the Caltrans and the City for review and approval prior to the start of construction.
  - c. Upon completion of the project, the appointed biologist shall prepare a Final Compliance Report documenting all compliance activities implemented for the

project, including the preconstruction survey results. The report shall be submitted within 30 days of completion of the Project. (MM BIO-7)

20. **Preconstruction Surveys for Nesting Birds.** For construction activities occurring during the nesting season (generally February 1 to September 15), preconstruction surveys for nesting birds shall be conducted by a CDFW/USFWS-appointed biologist no more than 14 days prior to vegetation removal. The surveys shall include the entire segment disturbance area plus a 200-foot buffer around the area.
  - a. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site.
  - b. The biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. A report of these preconstruction nesting bird surveys shall be submitted to the appropriate local jurisdiction. (MM BIO-8)
21. **Monarch Butterfly Avoidance and Minimization.** Prior to completion of the final design, a qualified biologist shall review the Project for potential to impact monarch butterflies. If known or potential winter roost sites will be impacted, the biologist shall make recommendations to avoid impacts including, but not limited to, relocation/redesign of project features to avoid roost sites, guidance regarding tree removal and trimming at roost sites, and recommendations regarding planting additional roost trees. Construction shall not occur within 100 feet of known or potential roost sites between October 1 and March 1, if feasible. If construction must occur during this period, the qualified biologist shall survey known and potential roost sites to confirm occupancy by monarch butterflies prior to start of construction within 100 feet. Multiple surveys may be necessary and the closest known roost sites shall be used as voucher sites to confirm the timing of butterfly arrival. If monarch butterflies are determined to be absent from a roost site, construction may commence. If monarch butterflies are found at a roost site, construction shall not occur within 100 feet of the roost site until the biologist has determined that the butterflies have left the area. The biologist shall visit the voucher sites to confirm that butterflies have left the region. (MM BIO-9)
22. **Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend WEAP training, conducted by a CDFW/USFWS-appointed biologist, to aid workers in recognizing special status resources that may occur in the Project area.
  - a. The WEAP shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area.



A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the Project.

- b. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them. The form shall be submitted to the appropriate local jurisdiction for document compliance. **(MM BIO-10)**
23. **Invasive Weed Prevention and Management Program.** An Invasive Weed Prevention and Management Program shall be developed by a City-appointed biologist and approved by the City prior to start of construction. This program shall prevent invasion of native habitat by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication.
- a. As part of the program, all disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan. Removed weed material shall be collected, contained and transported out of the Project area to a permitted disposal site or greenwaste recycling facility. Measures to ensure invasive species are not imported to the site from fill materials shall be included. **(MM BIO-14)**
24. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports to the Community Development Department, Planning Division, during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance.
25. **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 Public Works Department 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 Public Works Department 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. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
3. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.

G. **General Conditions.**

1. **Compliance with Requirements.** All adopted 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 United States 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 right of way improvements 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. **California Department of Fish and Wildlife Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the

California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified California Department of Fish and Wildlife fees are paid and filed within five days of the project approval. The fees required are \$2216.25 (current of January 1, 2017) for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination, which the City is required to file within five days of the project approval, cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Wildlife. Please note that a filing fee of \$50.00 (current of January 1, 2017) is also required to be submitted with the Fish and Wildlife fee in the form of a separate check payable to the County of Santa Barbara.

**IV. 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.

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.

  
\_\_\_\_\_  
Jennifer Sanchez, Commission Secretary

3/2/17  
\_\_\_\_\_  
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.**