



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 016-18 1700 BLOCK OF EAST CABRILLO BOULEVARD COASTAL DEVELOPMENT PERMIT MAY 17, 2018

#### **APPLICATION OF CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT AND SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS FOR PUBLIC IMPROVEMENTS IN THE CITY RIGHT-OF-WAY, IN THE 1700 BLOCK OF EAST CABRILLO BOULEVARD IN THE APPEALABLE AND NON-APPEALABLE JURISDICTIONS OF THE COASTAL ZONE (MST2017-00526)**

The project site is located in the City of Santa Barbara on East Cabrillo Boulevard, between the Cabrillo Boulevard/Highway U.S. 101 interchange and the intersection of Cabrillo Boulevard and Los Patos Way. The area is surrounded by commercial development, the Bird Refuge open space, Santa Barbara Cemetery, and residential development. The terrain of the roadway is relatively level, sloping slightly north to south toward the ocean. The portion of Cabrillo Boulevard included in the Project is a two-lane road that serves as access to U.S. 101, Coast Village Road and commercial development along Cabrillo Boulevard and Los Patos Way. Thirty-two existing trees would be removed including ten palm street trees. All trees would be replaced in the project area, including 10 new palm street trees.

The proposed project involves four main features:

- Replacement of the Union Pacific Railroad Bridge (UPRR) at the intersection of Cabrillo Boulevard and U.S. 101 to provide a wider opening for bicycle and pedestrian facilities;
- A new multi-use path for pedestrians and bicyclists along the east side of Cabrillo Boulevard and under the widened Union Pacific Railroad Bridge;
- Bicycle lanes and sidewalks along the 1700 Block of East Cabrillo Boulevard; and
- Construction of a roadway roundabout at East Cabrillo Boulevard/Los Patos Way/Channel Drive intersection.

Construction time is expected to last 18-months including 12-months for bridge removal/replacement and 6-months for construction of the roundabout and pedestrian/bicycle improvements. Access on East Cabrillo Boulevard would be maintained, including access to the commercial areas on Los Patos Way and Channel Drive. For one or possibly two periods of 59-hours, East Cabrillo Boulevard and the UPRR tracks would be closed at the bridge. However, Los Patos Way and Channel Drive would remain open. The project includes a rerouting plan during those hours.

The discretionary application required for this project is a Coastal Development Permit (SBMC §28.44.060) for development in the Appealable and Non-appealable jurisdiction of the Coastal Zone. The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) under the following provisions:

CEQA Public Resources Code, Section 21080.13 Railroad Grade Separation, CEQA Public Resources Code, Section 21080.37 Alteration of Existing Roadway, and State CEQA Guidelines Categorical Exemption Section 15301 Existing Facilities Class 1 (C).

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

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

1. Staff Report with Attachments, May 10, 2018
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. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The Project is consistent with the applicable policies of the California Coastal Act as it will provide pedestrian and bicycle safety, improve access and connectivity to the coastal zone and will not result in adverse impacts associated with circulation, scenic public views and historic resources, as described in Section VII. B 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 it will enhance public access to the coast with new and improved safe facilities for pedestrian sidewalks, crosswalks and a new multi-use path providing connections to and from Coast Village Road area and the Waterfront. These improvements would enhance public access to the coast while providing recreation opportunities including walking, jogging and bicycling, as described in Section VII. B 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. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading and comply with condition E "Construction Implementation Requirements, if required by Building & Safety."
3. Obtain any agreements/approvals/permits from Union Pacific Railroad and Caltrans.
4. Permits:
  - a. Submit an application for a Flood Development Permit for work outside the Public Right-of-way, if required by Building & Safety.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements, if applicable, and complete said improvements.

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

- B. **Conditions.** A written instrument, which shall be prepared by Planning staff, and 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 May 17, 2018 is limited to bicycle and pedestrian improvements with a roundabout on East Cabrillo Boulevard as well as demolition and replacement of the Union Pacific Railroad bridge over East Cabrillo Boulevard and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Public Works Department shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Landscape Plan Compliance.** The Public Works Department 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
  4. **Oak Tree Protection.** The existing oak trees shown on the Tree Retention Plan and the Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Rincon Consultants, Inc. December 20, 2017. A copy of this report shall be attached to the project construction documents as an appendix. The following provisions shall apply to any oak trees to remain on the property:
    - No irrigation systems shall be installed within three feet of the drip line of any oak tree.
    - The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
  5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Public Works Department 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 Public Works Department shall be responsible for any necessary repairs to the system and restoration of the eroded area. 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.
  6. **Pesticide or Fertilizer Usage.** The use of pesticides or fertilizer shall be prohibited within the area that drains directly into the Andre Clark Bird Refuge and/or the ocean.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed without a replacement requirement by the Parks Department, shall be replaced on-site on a one-for-one basis except replacement oaks shall be 5-for-one basis with minimum 15 gallon size trees of an appropriate native species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
  2. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:
    - a. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Measures, Rincon Consultants, Inc., March 9, 2018, and/or any related Conditions of Approval.
    - b. **Landscaping Under Trees.** Landscaping under the trees shall be compatible with the preservation of the trees, as determined by the HLC.
    - c. **Oak Trees.** The following additional provisions shall apply to existing oak trees on site and shall be printed on the landscape plans:
      - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree.
      - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a five to one (5:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
      - (3) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
      - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
    - d. **During Construction.**
      - (1) All trees to be protected in place within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
      - (2) No grading shall occur within three feet of the driplines of the existing trees to be protected in place.
      - (3) A qualified Arborist shall be present during any excavation beneath the driplines of the trees which are required to be protected. All excavation within the driplines of the trees to be protected shall be minimized and shall be done with hand tools.
      - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

- (5) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- (6) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within five (5) feet of the dripline of any oak tree.
- (7) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

- e. **Storm Water Management Plan.** Before Design Review final approval, the project must demonstrate compliance with storm water requirements including:

Provide elevation points for every drainage area to demonstrate that all impervious area in the project site is tributary to the proposed BMPs. All hardscape shall be treated. Specifically, demonstrate how storm water from Areas E and F shown on the Drainage and Water Quality Plan Sheet 18 of project plans will flow to treatment. Water from these areas shall not flow into the storm drain inlets and bypass treatment. Demonstrate that all storm water from Areas A and B shown on Drainage and Water Quality Plan Sheet 18 will be tributary to proposed treatment measures. Area A storm water shall flow toward the proposed curb opening. Area B storm water shall not flow past the proposed curb opening. It must be demonstrated that no runoff requiring treatment is bypassing the proposed BMPs.

Submit a soils report including infiltration testing results (see Chapter 3 of the BMP Guidance Manual for methodology).

On the grading and drainage plan, add invert elevations and slopes of each pipe for the complete drainage system. Add top of grate elevations to each catch basin. Include elevations for all inlet and outlet pipes to the bioretention basins.

Provide a detail for the curb opening that demonstrates storm water will be able to flow to the filter strip and bioretention. The curb opening detail is currently a basic schematic and does not demonstrate that storm water will flow in and not bypass. Provide a detail for the transition from filter strip to bioretention.

- 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. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Dedications.** Easements, as shown on the approved site plan. However, some work may occur outside dedication areas, prior to completion of dedications.
- b. **Public Improvements.** The Public Works Department shall submit Public Works plans for construction of improvements along the property frontage on East Cabrillo

Boulevard, Channel Drive and Los Patos Way. Plans shall be submitted to Building & Safety to determine if a Flood Development Permit is required, 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: approximately 20,000 square feet of sidewalk, 5,200 linear feet of curb and gutter, including 12 curb access ramps, 5,000 tons of asphalt concrete on 5,000 cubic yards of aggregate base, 10,000 square feet of retaining walls, connection to and relocation of City water and sewer mains and utilities, public drainage improvements with supporting drainage calculations and hydrology report for installation of drainage pipe to connect to the existing City storm drain system, supply new landscaping, and install approximately twelve City standard Domus Style street lights, coordinate with Public Works staff and Edison to retire light standard from existing utility poles, preserve or reset survey monuments, supply and install directional/regulatory traffic control signs per CA MUTCD during construction and for permanent use, relocation of the MTD bus stop and bench on East Cabrillo Boulevard, and install ten new street trees per approval of the Parks and Recreation Commission and provide positive drainage from site.

- c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul routes for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
- d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- e. **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.
- f. **Temporary Construction Easements.** Obtain temporary construction easements from property owners.
- g. **Utilities Plan.** Utilities plan, sheet 14 of 21, address the following items prior to finalizing Public Improvement Plans:
  - (1) The proposed sewer relocation callout shall be labeled “PROPOSED SEWER RELOCATION (8” PVC).
  - (2) Provide a callout to the existing sewer main, label to read “ABANDON (E) SEWER MAIN PER STD DETAILS”
  - (3) Plans to show existing sewer manhole MH-L09-002 from MAPS.
  - (4) Provide dimensions between the proposed sewer manhole in the roundabout and proposed pedestrian island.
  - (5) Provide a sewer/water profile and stationing drawing.

2. **Community Development Department.**

- a. **Conditions Agreements.** The Public Works Department shall provide evidence of the signed written instrument that includes all of the Conditions identified in condition B “Conditions Agreement” to the Community Development Department prior to issuance of any building permits.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Public Works Department shall submit 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 Creeks Division. 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.

- c. **Requirement for Archaeological Resources.** The following information shall be printed on the construction plans:

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

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

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

- d. **Contractor and Subcontractor Notification.** The Public Works Department 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 prior to bidding the project.
- e. **Geotechnical Report.** Pursuant to Diaz-Yourman report, August 4, 2017, field exploration consisting of a minimum of three soil borings shall be required for the design of the Railroad Bridge. Soil samples shall be collected for index properties, shear strength and corrosion. In addition samples shall be saved to be provided to the contractor for optimizing design.
- f. **Letter of Commitment for Community and Neighborhood Notification Program Prior to Construction.** The Public Works Department shall submit to the Planning Division a letter of commitment to provide the “Community and Neighborhood Notification Prior to Construction” in condition E.1 below. The language of the notices and media releases and the mailing lists shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person who compiled all mailing lists shall be submitted to the Planning Division. Additionally, Public Works Department shall designate a Public Liaison individual to be on-site on a daily basis and continuously available by telephone as a contact for members of the public.
- g. **Hazardous Materials.** Prior to Issuance of Public Works Permit provide a copy to the Planning Division of a report documenting the results of sampling and testing of the project site for lead, hydrocarbon and the soils along the natural gas pipeline for review and acceptance determination.
- h. **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.
- i. **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 by the Public Works Department and/or Contractor prior to construction and for the duration of the project construction, including demolition, debris removal, grading and paving.

1. **Community and Neighborhood Notification Program Prior to Construction.** The Public Works Department shall provide a Community and Neighborhood Notification Program for approval by the Planning Division at least (45) days prior to commencement of construction. Prior to start of the Community and Neighborhood Notification Program, Public Works Department shall designate a Public Liaison individual to be on-site on a daily basis and continuously available by telephone. At a minimum, the Program shall include written mailed notices to property owners, businesses, tenants and residents with addresses on Cabrillo Boulevard, Los Patos, and Coast Village Road from Milpas Street to Olive Mill Road. Santa Barbara and Montecito public agencies as well as the Montecito Association shall also be provided with written mailed notices. Publications in area newspapers, media releases, on-line information on City website, an open house prior to construction, and information tables at events in the Santa Barbara and Montecito areas shall be included in the Program. Information shall contain a description of the project, the construction schedule, including days and hours of construction, road closures and duration, detour plans, the name and phone number of the Public Works Project Manager and Public Liaison, site rules, Conditions of Approval pertaining to construction activities, and any additional information that will assist Inspectors, Police Officers and the public in addressing problems that may arise during construction. The Community and Neighborhood Notification Program shall begin 30 days before project construction.
2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall also include review of the Public Liaison’s role. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, Landscape Architect, Biologist, Design Engineer, Public Liaison, Contractor and each Subcontractor.
3. **Construction Contact Sign.** Immediately after Public Works permit issuance, signage shall be posted at the points of entry to the site that list the contractor, Public Works

Project Manager and Public Liaison's name, telephone number(s), construction work hours, site rules, and construction-related conditions, to assist 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.

4. **Invasive Plant Species.** Prior to beginning construction, a qualified botanist/biologist shall provide invasive plant prevention training and an appropriate identification/instruction guide to staff and contractors. A list of target species shall be included, along with measures for early detection and eradication.
  - a. Prior to construction, specific areas shall be designated for cleaning of tools, vehicles, equipment, clothing and footwear, and other gear.
  - b. Before entering and exiting the work site, any and all tools, equipment, vehicles, clothing and footwear, and other gear shall be cleaned to remove soil, seeds, and other plant parts.
  - c. The reproductive parts of any invasive plants in impact areas, such as seeds, mature flowers, and roots/shoots of species that can reproduce vegetatively, shall be contained in sealed containers and removed from the site to a licensed landfill.
5. **Disturbed Ground Areas.** Prior to Public Works Final Inspection, all disturbed areas that have not been converted to hardscape, shall be hydro-seeded. If exotic species invade any areas associated with project activities, these areas shall be hydro-seeded with a mix of locally native species. Weed removal shall occur as determined by a qualified/ biologist.
6. **Gas Pipeline.** Submit a Site Specific Work Plan to Public Works for protection in place guidelines as required by Southern California Gas as part of the Caltrans Local Assistance Procedures Manual (LAPM) Utility Right-of-Way Certification process, which will include mitigation requirements for the Contractor working over, or near, SCG facilities. This will include heavy equipment routing that will not impact the 16" underground high pressure gas transmission pipe line. If the gas pipeline would be exposed or excavation would occur in the immediate vicinity, protection shall be provided pursuant to Southern California Gas Construction Guidelines. Southern California Gas inspection requirements shall be implemented. Southern California Gas engineering review requirements shall be implemented and if necessary relocation requirements shall be implemented.
7. **Sandstone Curb Recycling.** If any existing sandstone curb in the public right-of-way is removed and not reused, it shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
8. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Saturday between the hours of 7:00 a.m. and 7:00 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 §9.16.040 Construction Work at Night. This process shall also apply to requests to work on Sundays or holidays. Contractor shall notify all businesses and residents within 500-feet of the project parcels 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 the Public Liaison’s name and contact number as described in E.1 above.

9. **Equipment Mufflers and Maintenance.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained in tune. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.
10. **Monitoring.** Upon commencement of grading and truck hauling activities, the applicant shall have noise measurements conducted at the closest residential property line to confirm noise levels, and submit the results and average daily CNEL calculation to the Planning Division. If daily average noise levels would exceed 60 dBA CNEL at the closest residential property line, the applicant shall identify and institute additional noise reduction measures at the direction of the City
11. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done at the approved specified site, off-site or within the public right-of-way as permitted by the Public Works Department.
12. **Acoustical Shelters.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
13. **Construction Parking.** Prior to issuance of a Public Works permit, identify free parking spaces for construction workers on-site or off-site in a location subject to the approval of the Public Works Director. Personal vehicles of the Contractor’s and subcontractor’s employees must not be parked along East Cabrillo Boulevard, Los Patos Way, and Channel Drive, or the Andree Clark Bird Refuge parking lot. Contractor work vehicles

and equipment when not in use, may be parked only in designated fenced construction areas and staging areas as approved by the Public Works Director.

14. **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 nest(s).
15. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor 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.
  - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
  - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
16. **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 Final Acceptance of Project Completion.** Prior to Final Acceptance of project completion, 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. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **Hydroseeding.** Any disturbed areas during construction that are not converted to hardscape or landscaped shall be hydro-seeded with a mix of locally native species, as determined by a qualified City Creeks Division staff.
4. **Waste Containers.** Prior to Final Public Works Inspection, Historic Style waste containers shall be provided within the Project area in locations specified by City Environmental Services. The cans shall be as follows: Waste Product #MF3295-S40S40, 36 gallon flat steel waste container 304 SS (Stainless Steel) – Malaga green base w/ Malaga green lid. Includes plastic reusable liner inserts; and Recycle Product #MF3295-S40S48, 36 gallon flat steel recycle container 304 SS (Stainless Steel) – Malaga green base

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. Approval Limitations.

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All railroad bridge, 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.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire five (8) 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 Public Works or Building Permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.

This motion was passed and adopted on the 17<sup>th</sup> day of May, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 1

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.

\_\_\_\_\_  
Krystal M. Vaughn, Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

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