



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 004-18
6210-6290 HOLLISTER AVENUE
DEVELOPMENT PLAN
FEBRUARY 8, 2018

APPLICATION OF TRISH ALLEN, AGENT FOR D&G LIN, LLC, 6210-6290 HOLLISTER AVENUE (HOLLISTER AUTO PARK), APN 073-080-041, -042, -043, A-I-2/SP6-AI (AIRPORT INDUSTRIAL/AIRPORT INDUSTRIAL AREA SPECIFIC PLAN) ZONES, GENERAL PLAN DESIGNATION: AIRPORT (MST2016-00022)

The project consists of the construction of a new 40,477 net square foot automobile dealership on 6 acres of Santa Barbara Airport property. The project would include the construction of two buildings separated by a service driveway for automobile sales and service. Both buildings would be oriented with showrooms on the south side of the building (facing Hollister Avenue) with parts and service components located on the north side. The west building would be a 26-foot tall two-story building with architectural features extending to 31 feet, and the east building would be a 30-foot tall single-story building with architectural features extending to 36 feet. These two buildings would be occupied by up to six automobile brands.

The project includes 184 parking spaces and 71 inventory spaces. The project would also rely upon an existing lease of 200 parking spaces from the Airport at 200 Frederick Lopez Road for storage of inventory off-site.

The discretionary application required for this project is a Development Plan to allow the construction of 40,477 square feet of nonresidential development (SBMC Chapter 30.230), of which 22,266 square feet is net new floor area.

An Addendum to the Santa Barbara Municipal Airport Industrial/Commercial Specific Plan Final Environmental Impact Report/Assessment has been prepared for the proposed project pursuant to the California Environmental Quality Act Guidelines Section 15164 (Addendum to an EIR). The Addendum will be attached to the Staff Report.

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

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

1. Staff Report with Attachments, February 1, 2018.
2. Site Plans.
3. Correspondence received in support of the project:
 - a. Bill Shelor, Santa Barbara, CA.
4. Correspondence received in opposition to, or with concerns of, the project:
 - a. Michelle Greene, Goleta, CA.

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

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

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15164)

1. The Planning Commission has reviewed and considered the EIR Addendum dated January 25, 2018 to the Certified Final Program Environmental Impact Report/Environmental Assessment (FEIR/EA) (SCH 93081127) along with the Program FEIR/EA with previous Supplement and Addenda, which together constitute environmental review analysis for the current project under California Environmental Quality Act (CEQA) provisions.
2. Based on the Addendum analysis, only minor changes to the prior FEIR/EA evaluation are required to make the document adequate for the current project and the project would not result in new or more substantial significant impacts not previously evaluated in the prior FEIR/EA), and a supplemental EIR is not required per CEQA Guidelines 15162. Planning Commission finds that the EIR Addendum dated January 25, 2018 has been completed in compliance with CEQA and reflects the Commission's independent judgment and analysis.
3. The Mitigation Monitoring and Reporting Program (MMRP) dated January 25, 2018 for the project is hereby adopted.

B. DEVELOPMENT PLAN (SBMC §30.230.060)

1. The project complies with the Non-residential Growth Management Program Requirements by reconstructing demolished non-residential floor area and focusing vacant land development and Minor and Small Addition allocations within the urban network;
2. The project is consistent with the principles of sound community planning because it implements the vision of the General Plan and the Airport Industrial Area Specific Plan and would not adversely affect the character of the neighborhood or regional traffic;
3. The project will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk, and scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in SBMC Sections 22.22.145 and the approved design of two adjacent development projects under construction as found by the Architectural Board of Review on July 18, 2016; and
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) because Airport area impacts were considered in coordination with the City of Goleta and necessary improvements were incorporated into the project.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission for the benefit of the owner and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all additional land use approvals.
 2. Obtain all required design review approvals.
 3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 4. Submit an application for and obtain a Building Permit (BLD) to perform rough grading.
 5. Record any required documents (see Recorded Conditions Agreement section).
 6. 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. Process a Lot Merger through Public Works.

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

- B. Recorded Conditions Agreement.** The Applicant shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 8, 2017 is limited to a 40,477 square foot automobile dealership including 184 parking spaces and the improvements shown on the plans signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Development Rights Restrictions.** The Applicant shall not make any use of the restricted portion of the Real Property designated at the Runway Protection Zone (RPZ) on the Airport Layout Plan (ALP) other than to improve landscaped areas as shown on the approved landscape plan in order that those portions of the Real Property remain clear of aviation obstructions. The restricted areas shall be shown on the landscape plans. The Airport shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
 3. **Building Height Restriction.** The height of any structure shall not exceed 45 feet above natural grade.
 4. **Use Limitations.** Due to potential traffic and parking impacts, uses other than automobile/trailer sales, parts, storage, and automotive service are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Applicant shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

5. **Uninterrupted Water Flow.** The Applicant 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.
6. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the property, except in the area designated on the site plan for recreational vehicle sales.
7. **Landscape Plan Compliance.** The Applicant 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 applicant is responsible for its immediate replacement.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** The Applicant 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 Applicant shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Applicant is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
9. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce project contributions to cumulative traffic impacts. Applicant shall be responsible for ensuring that all tenants comply with the provisions of the approved Transportation Demand Management (TDM) Plan (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
10. **TDM Administrator.** The Applicant shall appoint a TDM Administrator responsible for the alternative mode incentives. The TDM Administrator shall contract with Traffic Solutions or successor agency for training and assistance in administrating their program. The TDM Administrator shall provide an annual report to the Community Development Director and the Public Works Director illustrating the number of users, describing the marketing techniques and program results, including successes and failures (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
11. **Carpool Parking Spaces.** A minimum of 16 preferential parking spaces for carpools shall be designated by "Carpool Permit Parking Only" signs. Carpool permits shall be issued to those employees who arrive at the Real Property with two (2) or more persons in the car, four (4) or more times per week, except for part-time employees who are eligible if they

- carpool every day that they work (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
12. **Bus Passes.** The Applicant and/or all employers shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired. A copy of any agreements/correspondence with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
 13. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
 14. **Shower and Locker Facilities.** Male and female employee shower and locker facilities shall be provided and maintained as approved by the Public Works Director. The showers shall be available for use before and during work hours. Notice of these facilities shall be provided when employees are hired (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
 15. **Ride-Sharing Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by Traffic Solutions or successor agency. The Applicant and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
 16. **Employee Lunch Room.** An employee lunchroom shall be provided in the building, including the following amenities: refrigerator, microwave oven, sink, food preparation area, tables and chairs (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
 17. **Bicycle Parking.** Twenty-eight (28) bicycle parking spaces shall be provided, including 14 covered spaces, and 14 bicycle lockers (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
 18. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee using mass transportation, a carpool, or a vanpool to get to work, the Applicant or employer shall provide cab fare, a company car, or other means to guarantee a free ride home (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1).
 19. **Company Vehicle.** The Applicant shall provide a company vehicles for employees who use alternative transportation to run errands (1999 Supplemental EIR and 1997 EIR Mitigation Measure 3.20-1)).
 20. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the applicant/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and

spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system (1997 EIR Mitigation Measure 3.12-1).

21. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed, marked, and permitted.
 22. **Complimentary Transportation Service.** Provisions shall be made to provide a complimentary transportation service for customers.
- 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. **Landscape Screening.** Landscaping outside of the RPZ with low water use plants and/or a solid screen wall or fence shall be provided to buffer the rear parking area views from Hollister Avenue and La Patera Lane.
 2. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
 3. **Employee Patio.** The Applicant shall include an outdoor seating lunch area with seating for 12 people.
- D. **Requirements Prior to Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.d "Hollister Avenue, La Patera Lane, and David Love Place Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Applicant has bonded for public improvements and executed the Agreement to Construct and Install Improvements (Not a Subdivision).
 - b. **Dedication.** Easements, as shown on the easement plan subject to approval of the easement scope and location by the Public Works Department.
 - c. **Lot Merger Required.** The Real Property known as APN 073-080-041, APN 073-080-042 and APN 073-080-044 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30

- d. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from Goleta Water District and Goleta Sanitary District.
- e. **Hollister Avenue, La Patera Lane, and David Love Place Public Improvements.** The Applicant shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Hollister Avenue, La Patera Lane, and David Love Place from the City of Santa Barbara and the City of Goleta as appropriate. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk and parkway on all three frontages, driveway aprons modified to meet Title 24 requirements, access ramps, asphalt concrete or concrete pavement on aggregate base or crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, median improvements on Hollister Avenue to accommodate east bound traffic left-turn into project driveway, connection to and/or relocation or extension of District water and sewer mains and utilities, installation of new residential/commercial fire hydrants, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City or County storm drain, supply and install Type A-08 commercial City standard Dome Style (or other) street lights, coordinate with Public Works staff and Edison to retire light standard from existing utility pole, relocate/replace traffic signal pull box near corner of La Patera Lane and Hollister Avenue to accommodate sidewalk transition, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name signs, storm drain stenciling, relocation of the MTD bus stop on Hollister Avenue, new street trees and tree grates per approval of the Parks and Recreation Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- f. **Haul Routes Require Separate Permit.** Apply for Public Works permits from both the City of Santa Barbara and the City of Goleta 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.
- g. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- h. **Vehicle Access.** Vehicles exiting to Hollister Avenue shall be restricted to right turns only, and a NO LEFT TURN sign shall be posted and maintained on-site advising motorists of this restriction and shall be shown on the approved plans.
- i. **Agreement to Construct and Install Improvements.** The Applicant shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the

Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.

- j. **Bus Shelter Required.** The Applicant shall install a bus shelter for the bus stop at Hollister Avenue and David Love Place consistent with Santa Barbara Metropolitan Transit District (MTD) design standards.
- k. **Loading/Unloading Area.** The Applicant shall provide on the building plans a location for the loading and unloading of car carrier trucks in a location approved by the Public Works Director.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Applicant shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in Condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Regional Traffic Improvements.** Prior to Building Permit issuance, the applicant will provide proof of payment(s) totaling \$148,067.27 to the City of Goleta for 0.18% of the cost of planned improvements at US 101 Southbound Ramps and Los Carneros Road (estimated to cost \$1,867,999) and the contribution of 4.83% of the cost to construct the Ekwill Street Extension Project (estimated to cost \$2,993,853) to offset traffic contributions at Fairview/Hollister Avenues.

If the project is constructed in phases, prior to Building Permit issuance for the initial 19,316 square feet of development, the applicant will provide proof of payment to the City of Goleta in the amount of \$13,326.05 (9% of the total obligation) to offset the proportional contributions of 6 net new PM peak hour trips distributed to US 101 Southbound Ramps and Los Carneros Road and Fairview Avenue/Hollister Avenue which will be applied to the Ekwill Street Extension Project with the remaining \$134,741.22 to be paid prior to subsequent Building Permit issuance (1997 EIR Mitigation Measures 3.20-2 and 3.20-6).

- c. **Hollister Avenue/David Love Place Improvements.** Prior to Building Permit issuance, the applicant will provide proof of payment to the City of Santa Barbara of an equitable share cost contribution equal to 57.6% of the total project cost incurred by the Airport Department or 57.6% of the anticipated cost if the work is not yet completed to offset contributions of 76 new P.M. peak hour trips to Hollister Avenue and David Love Place.
- d. **Project Environmental Coordinator Required.** 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 excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the 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.
- e. **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 and businesses 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 any problems that may arise during construction (EIR Addendum Mitigation Measure).
- f. **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 Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, (Archaeologist, Architect, Landscape Architect, Project Engineer, Project Environmental Coordinator), Contractor, each Subcontractor, and City of Goleta Public Works Department representative (EIR Addendum Mitigation Measure and 1997 Mitigation Measure 3.20-7).
- g. **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 (EIR Addendum Mitigation Measure).

- h. **School Fees.** Standard fees shall be paid to school district for new non-residential buildings (EIR Addendum Mitigation Measure).
- i. **Construction Recycling.** During construction, the applicant shall contract with a disposal company that recycles construction and demolition debris consistent with SBMC 7.18 (EIR Addendum Mitigation Measure and 1997 Mitigation Measure 3.8-1).
- j. **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 Applicant shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, storm water 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 Applicant 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 (EIR Addendum Mitigation Measure updating 1997 EIR Mitigation Measure 3.12-1).

- k. **Archaeological Monitoring.** Archaeological monitoring shall occur during ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal, and ground clearance in the areas identified in the 2016 Phase 1 Archaeological Resources Report prepared for this site by Applied Earthworks and approved by the Historic Landmarks Commission. The archaeologist and Chumash representative monitoring contracts shall be subject to the review and approval of the Environmental Analyst (EIR Addendum Mitigation Measure).
- l. **Unanticipated Archaeological Resources Contractor Procedures.** Standard discovery measures shall be implemented per SBMC 22.12 and the City Master

Environmental Assessment throughout grading and construction, and shall be printed on project plans: 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 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 Airport 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, management measures to protect important cultural resources, 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, and a Chumash representative will be consulted regarding disposition of resources discovered. 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 (EIR Addendum Mitigation Measure).

- m. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent (EIR Addendum Mitigation Measure and 1997 Mitigation Measure 3.9-8).
- n. **Contractor and Subcontractor Notification.** The Applicant 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.
- o. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Applicant shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.2.d "Neighborhood Notification Prior to Construction" above. 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.

- p. **Letter of Commitment for Pre-Construction Conference.** The Applicant shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2.e. "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- q. **Evidence of Off-Site Parking Agreement Recordation.** Evidence shall be provided to the Community Development Director that the Off-Site Parking Agreement required in Section C "Recorded Conditions Agreement" has been recorded.
- r. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- s. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- t. **Solar Panels Recommended.** The Applicant is encouraged to install photovoltaic solar panels on the roof of the two buildings.

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

- 1. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m.

and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
George Washington's Birthday	3rd Monday in February
César E. Chávez Day	March 31*
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 (EIR Addendum Mitigation Measure).

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
3. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
4. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

- c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- 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 (EIR Addendum Mitigation Measure Updating 1997 Mitigation Measures 3.9-1-8).

5. **Construction Traffic.** Construction traffic shall be routed to minimize trips through the Fairview Ave./Hollister Ave. intersection during morning and evening peak hours and construction truck trips shall not be scheduled during morning and evening peak hours (7:00 am to 9:00 am and 4:00 pm to 6:00 pm) (1997 Mitigation Measure 3.20-7).

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Applicant 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. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

G. **General Conditions.**

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

of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

III. NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission action approving the Development Plan shall expire eight (8) years from the date of approval per Santa Barbara Municipal Code §30.2230.080, unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

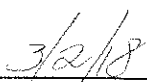
This motion was passed and adopted on the 8th day of February, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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



Kathleen Goo, Planning Commission Secretary



Date

PLEASE BE ADVISED:

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