



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-19 301 EAST YANONALI STREET DEVELOPMENT PLAN, TWO FRONT SETBACK MODIFICATIONS, AND A COASTAL DEVELOPMENT PERMIT JULY 18, 2019

APPLICATION OF TRISH ALLEN OF SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, AGENT FOR THE WRIGHT PARTNERS, PROPERTY OWNERS OF 301 E YANONALI STREET, APN 071-630-005, M-1/SP-2/SD-3 (LIGHT MANUFACTURING/SPECIFIC PLAN NO. 2 (CABRILLO PLAZA SPECIFIC PLAN)/COASTAL OVERLAY) ZONES, LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: INDUSTRIAL (PLN2012-00494)

The 3.16-acre project site is located at the northeast corner of Garden and East Yanonali Streets. The project consists of the construction of a new two-story nonresidential development totaling approximately 33,451 net square feet, with a maximum height of 34 feet plus a tower element. The proposed development would be split into two buildings. Building 1 would be one-story with a maximum height of approximately 32 feet, 4 inches, and would contain approximately 25,376 net square feet. Building 2 would be two stories with a maximum height of approximately 34 feet and would contain approximately 8,075 net square feet, comprised of 4,111 net square feet on the ground floor and 3,964 net square feet on the second floor. The development is being proposed as “shell” buildings, with no specific users or uses identified at this time. The buildings could be leased to one user, or divided up for multiple users. A total of 138 vehicle parking spaces and 33 bicycle parking spaces are proposed.

Vehicular access to the development would be provided via a new driveway on E. Yanonali Street, approximately 280 feet east of the Garden Street/E. Yanonali Street intersection. The project includes sidewalk dedication along E. Yanonali Street in order to provide sidewalk and parkway consistent with the Pedestrian Master Plan along the project site’s E. Yanonali Street frontage.

The project development would be set back 50 feet from the top-of-bank of Laguna Channel, which is located along the site’s eastern property line. Habitat restoration is proposed within the 50-foot setback from the top-of-bank along the west side of the creek and within property boundaries on the east side of the creek.

Estimated earthwork includes 9,350 cubic yards (cy) of cut and 12,000 cy of fill, requiring 9,350 cy of exported soil and 12,000 cy of imported soil due to the presumption that all excavated material is contaminated and must be removed from the site and replaced.

All existing uses at the site (open yard and contractor supply storage) would be eliminated.

The discretionary applications required for this project are:

- A. Development Plan for 33,451 square feet of nonresidential development from the Cabrillo Plaza Specific Plan area (SBMC Chapter 28.85);

- B. Front Setback Modification to allow a trellis in the required front setback along Garden Street (SBMC §28.92.110);
- C. Front Setback Modification to allow a trellis in the required front setback along East Yanonali Street (SBMC §28.92.110); and
- D. Coastal Development Permit to allow the proposed development in the Appealable jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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

WHEREAS, three people appeared to speak, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 11, 2019
2. Site Plans
3. Correspondence received:
 - a. Anne Burdette, Santa Barbara CA
 - b. Anna Marie Gott, Santa Barbara CA
 - c. Trish Allen, Santa Barbara 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 §15183)

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis discussed in Section VIII of the staff report, and the CEQA Certificate of Determination on file for this project.

B. Front Setback Modification – Garden Street (SBMC §28.92.110.A.2)

The proposed Setback Modification along Garden Street to allow a trellis to encroach up to 20 feet into the required 20-foot front setback is consistent with the purposes and intent of the Zoning Ordinance because it enhances the street corner and provides some screening of the parking lot along the front lot line, and is necessary to secure an appropriate improvement on a lot in that it provides a pedestrian-friendly focal point at the corner yet allows the main, solid structures to be set back in order to preserve mountain views, as discussed in Section VII.A.1 of the Staff Report.

C. Front Setback Modification – East Yanonali Street (SBMC §28.92.110.A.2)

The proposed Setback Modification along East Yanonali Street to allow the trellis to encroach up to 20 feet into the required 20-foot front setback is consistent with the purposes and intent of the Zoning Ordinance because it enhances the street corner and provides some screening of the parking lot along the front lot line, and is necessary to secure an appropriate improvement on a lot in that it provides a

pedestrian-friendly focal point at the corner yet allows the main, solid structures to be set back in order to preserve mountain views, as discussed in Section VII.A.1 of the Staff Report

D. Development Plan (SBMC §28.85.040)

1. The proposed development complies with all provisions of the Zoning Ordinance (Title 28), including the Nonresidential Growth Management Program requirements, as identified in Section VII.A.4 of the Staff Report.
2. The proposed development is consistent with the principles of sound community planning. The documents that guide development in this area are the City's General Plan, Local Coastal Plan, Zoning Ordinance, Specific Plan No. 2 and the City's design review guidelines. The project is consistent with applicable regulations, goals and policies of these documents, as discussed in Section VII of this Staff Report.
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Section 22.22.145 of this Code, as determined by the Historic Landmarks Commission on January 24, 2018 and as described in Sections VII and IX of the Staff Report.
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy as expressed in the allocation allowances specified in SBMC §28.85.050, as discussed in Sections VII.A.4 and VII.C of the Staff Report.

E. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not impact public access or sensitive habitat and provides an appropriate development and use in a developed area of the City, 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 provides a desired and appropriate use for the site, has been sensitively designed with respect to mountain views and creek setbacks, and will provide adequate parking to meet its demand, as described in Section VII.B of the Staff Report.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) 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 required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.

3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures/improvements and/or perform rough grading. Comply with condition E “Construction Implementation Requirements.”
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

B. Recorded Conditions Agreement. The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 18, 2019, is limited to an approximately 25,376 square foot one-story shell building and an approximately 8,075 square foot two-story building and 137 vehicle parking spaces 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. **Use Limitations.** Any future building uses will be reviewed and approved by the City to confirm the use and/or range of uses are consistent with the Growth Management Program Traffic Management Strategy per City Resolution No. 13-010, and the Fehr & Peers Transportation Assessment of 301 E. Yanonali Street, dated July 26, 2018 (hereinafter “Fehr & Peers Study”). Prior to initiating a new use or change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal. The Community Development Director, in consultation with the Public Works Director, shall determine the appropriate review procedure to determine consistency with the Fehr & Peers Study and Resolution No. 12-010, which may include a traffic model run, and will notify the Owner. Uses that are determined at the discretion of Community Development Director, in consultation with the Public Works Director, to generate more traffic impacts than are consistent with the Fehr & Peers Study and Resolution No. 12-010, shall not be permitted without further environmental review and/or Planning Commission review and approval.
3. **Office Use.** No more than 8,362 square feet (25% of 33,451 square feet) shall be provided as office use, consistent with the limitations of Specific Plan No. 2, Cabrillo Plaza Project (SP-2).
4. **Parking Demand.** All future building uses shall be reviewed to ensure that peak parking demand is met on site, consistent with Specific Plan No. 2, Cabrillo Plaza Project (SP-2).
5. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

6. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
7. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
9. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the 50-foot setback from the top of bank, which drains directly into Laguna Chanel.
10. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Owner shall be responsible for ensuring that all tenants comply with the provisions of the approved Transportation Demand Management (TDM) Plan.
 - a) **TDM Administrator.** The Owner 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 administering 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.
 - b) **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.
 - c) **Bicycle Parking.** A minimum of 19 bicycle parking spaces shall be provided, including appropriate percentages of short- and long-term parking subject to Transportation Staff's approval. Any additional bicycle parking provided may be either short- or long-term.

11. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
12. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.
13. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

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. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
2. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by HLC.
3. **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.

D. Requirements Prior to Permit Issuance. The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**
 - a) **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.d "E. Yanonali Street Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner

has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

- b) **Dedications.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
- (1) A variable width flood control easement of an approximately 80 foot width in favor of the City of Santa Barbara for Laguna Channel purposes.
 - (2) An approximate 4 foot dedication of private property to public right of way along the Yanonali Street Property frontage to establish 10.5-foot wide pedestrian access (6-inch curb, 4-foot furnishing zone, 6-foot sidewalk).
- c) **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- d) **E. Yanonali Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on E. Yanonali Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: construct approximately 450 linear feet of sidewalk with a 4-foot parkway and 6-foot sidewalk, a 6-inch frontage zone which may be located on either private or public property, remove drop inlet and replace with a catch basin and driveway apron with a maximum width of 35 feet, replace approximately 150 linear feet of curb and gutter, reconstruct diagonal access ramp at the corner of Garden and Yanonali Streets, construct 4-foot precast manhole at existing sewer main stub-out, install ten grated drains located in new parkway to route sidewalk runoff onsite (to raingarden), grind and overlay to the centerline of the street along entire subject property frontage and crack/slurry seal a minimum of 20 feet beyond the limits of all trenching, relocate existing utility cabinets located near access ramp to widen pedestrian path, install approximately 9 new street trees per approval of the City Arborist, construct two "bio-filtration" storm water treatment facilities on north side of Yanonali St., upgrade HPS street lighting to LED, install storm water retention chamber and replace existing drop inlet on south side of Yanonali St. to accommodate the new chamber, upgrade/reconstruct existing 18" storm drain and verify the capacity of said drain to Laguna Channel, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling, and water/sewer services shown on the approved plans including a grease trap for the proposed restaurant space. Any work in the public right-of-way requires a Public Works Permit.

Additional traffic work includes: stripe a new center turn lane on Yanonali Street. The center turn lane shall extend to the east 75' past the Project's driveway so the driveway on south side of Yanonali Street is also served by the center turn lane.

The new center turn lane will require removal of the on street parking along the north side of Yanonali Street.

- e) **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. The haul routes shall be approved by Public Works.
- f) **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- g) **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Caltrans, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner. The Owner shall be required to execute a Minor Encroachment Permit or other maintenance agreement for the ongoing maintenance by the Owner of the two (2) "bio-filtration" storm water treatment facilities on north side of Yanonali Street.

2. **Community Development Department.**

- a) **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded 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 Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be

reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

- c) **Habitat Restoration Plan.** The Habitat Restoration Plan (Arcadis, April 2017), including monitoring and reporting criteria, shall be implemented as part of the project. The following specific resource protection measures shall be reproduced on the plans and details shall be incorporated into plans as appropriate, and shall followed as part of project implementation:
- (1) Limit disturbance of ESH Riparian Habitat - The hydrologic regimen of Laguna Channel should be protected to avoid changes in the volume or duration of flooding, and to maintain or improve habitat and water quality conditions, if feasible. The restoration area shall be flagged and fenced throughout the project, with construction fencing installed at least one week prior to development activities. Barrier fencing shall be placed no closer than six feet (1.8 m) from the driplines of all riparian trees that occur outside of other construction fencing. See discussion of construction fencing below.
 - (2) Nesting birds –Disturbance activities in nesting bird habitat shall be scheduled outside of nesting bird season (March 1 to August 15). If activities cannot be avoided during nesting season, pre-construction nesting bird surveys shall be conducted at least two weeks prior to the start of ground clearing. Construction activities that involve disturbances within 500 feet of an active raptor nest and/or 100 feet of an active passerine nest shall be avoided or further evaluated to determine if the proposed activity may affect breeding behavior. Construction personnel shall be made aware of the importance of staying out of the riparian area, as it represents an important habitat type commonly used for nesting purposes by many bird species. Appropriate buffers shall be maintained around active nests until August 15 and/or until there are no active nesting behaviors, or eggs or chicks.
 - (3) Avoid impacts to aquatic species – Non-native tree and weed removal on the banks of Laguna Channel shall occur during late summer/early fall when flow is low to minimize the likelihood of silt run-off impacting tidewater goby, Pacific pond turtle, or other species dependent upon the aquatic environment. To the greatest extent feasible, construction activities near Laguna Channel shall cease during rainy weather to avoid potential increased impacts to fish, amphibians, and other wildlife active during rainy weather. The Biological Monitor shall monitor vegetation removal within 100 feet of Laguna Channel, including removal of non-native trees, to prepare the site for habitat restoration.

- (4) Restrict native vegetation removal and protect native trees – Native trees shall be protected to the maximum extent possible and only trimmed when necessary for safety reasons. When determined to be necessary, tree limbs and/or branches shall be cut off by a professional certified arborist, using handheld equipment to the maximum extent possible. No equipment, materials, or vehicles shall be located within the critical root zone (CRZ) of any native tree on Site. Construction equipment or materials shall not be driven or parked under the canopies of native trees, as delineated by the fencing. Storage or staging of fill soil, rocks, or construction material within these areas is prohibited.
- (5) Protect native tree roots - Grading and drainage shall be designed to properly drain tree trunk areas and avoid water ponding or any changes in grade, including excavation or accumulation of soil due to grading or sedimentation. Trenching within driplines shall be done by hand and monitored by the Biological Monitor.
- (6) Native tree replacement - If any native tree greater than 6-inch in diameter at breast height (dbh) is damaged (more than 25% of roots within dripline plus six feet disturbed and/or more than 25 percent of the canopy dripline disturbed) as a result of construction activities, it shall be addressed in a manner approved by the City of Santa Barbara. A certified arborist shall be hired to assess the damage and recommend mitigation that may include but is not limited to tree replacement. If replacement and mitigation for individual native trees is required due to unanticipated impacts, details concerning their replacement shall be incorporated into a modification of this Restoration Plan to address the loss of native trees. The Restoration Plan shall identify the number of native trees required to establish equivalent habitat or canopy area not otherwise mitigated.
- (7) Construction fencing around sensitive resources – Any native tree and/or sensitive species located within 25 feet of proposed disturbance shall be temporarily fenced at least one week prior to any ground disturbance and such fencing shall remain in place throughout all development activities; such fencing shall be placed around the riparian buffer area or along the limits of the work area, whichever maximizes the size of the buffer. Temporary orange construction fencing shall be attached to posts with a minimum of six-foot centers. No work or staging of any kind shall be allowed within sensitive resource protection buffer areas with the exception of adjustments as approved by the Biologist, Arborist and City Environmental Analyst. Such fencing shall be removed as soon as project activities are completed or when determined appropriate by the Biological Monitor.
- (8) Storm Water Pollution Prevention Plan (SWPPP) – Implement and adhere to a SWPPP. Entry of run-off and sediment resulting from construction into the Laguna Channel shall be managed under a SWPPP and follow Regional Water Quality Control Board specifications.

- (9) Pre-construction biological surveys – Reconnaissance level pre-construction biological surveys shall be conducted prior to initial project activities and shall be conducted as close as possible to the proper time of year for identifying a potential sensitive biological resources in the weeks prior to initial Site work. The purpose of pre-construction biological surveys is to confirm that conditions haven't changed significantly since the sensitive species and habitat assessment was completed, as well as to ensure that all sensitive resources within the work areas are identified and appropriately protected and flagged/fenced, where needed. At a minimum, the Site shall be surveyed for special status species by the Biological Monitor no more than 30 days prior to initiation of project activities.
- (10) Employee environmental awareness – An employee environmental awareness plan shall be developed and used for training prior to initiation of the project. The plan will inform employees of sensitive biological resources on or near the Site and the provisions for protecting these resources, including protective fencing, installation of sediment barriers, and restrictions for personnel entering the restoration area. This plan shall be used to train employees and contractors relative to the environmental protection measures of the projects. An initial training shall be provided by the Biological Monitor prior to the initiation of construction. The project team shall ensure that the plan is followed during fieldwork and all members shall have authority to stop work if appropriate measures are not being implemented.
- (11) Construction Monitoring – Biological monitoring shall be conducted on an as-needed basis during all development activities that have the potential to affect native and sensitive biological resources on Site, as determined by the Biological Monitor.
- (12) Stockpiling and Staging – All staging and stockpiling shall be limited to the existing paved or disturbed surfaces to the maximum extent feasible. Stockpiled excavated material shall be placed on plastic sheeting and covered with a tarp or similar material to ensure the excavated material does not migrate into nearby drainages. Staging areas shall be cleaned and restored to pre-project conditions within 30 days of Project completion.
- (13) Wash project equipment in upland areas at least 500 feet away from sensitive biological resources – Washing of any project equipment shall not be allowed near the restoration area. An area designated for washing functions shall be in place throughout construction in a designated area.
- (14) Waste Disposal - All waste, garbage, and trash shall be maintained in covered containers and disposed of in accordance with local and state regulations. Staging areas shall be cleaned-up and restored to pre-project conditions within 30-days of project completion.
- (15) Do not feed or harass wildlife - Feeding or harassment of wildlife shall not be allowed. Pets shall not be allowed onsite during construction.

- (16) Removal of weeded and trimmed non-native vegetation - All non-native vegetation removed as part of habitat restoration shall be gathered by hand, bundled using tarps or line, and transported to the primary construction staging area pending disposal offsite.
 - (17) Restricted lighting – In recognition of the continued long-term use of the restored open space areas by wildlife, development features shall include screening of lights to prevent glare into natural areas. Motion sensor lights shall only cover areas immediately adjacent to structures and shall be shielded from shining into the restoration area.
 - (18) Landscaping - Landscaping within the commercial development shall be restricted to locally native and non-invasive species, whenever feasible. Invasive weeds (as listed in the California Invasive Plant Council, 2006) shall be removed from surrounding areas to avoid spread onto the Site and shall not be used in the proposed landscape plan.
- 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 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 conditions.
 - (2) A method for monitoring the conditions.
 - (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 biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding condition compliance by the PEC to the Community Development Department/Case Planner.
 - (6) Submittal of a Final 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 conditions of approval, including the authority to stop work, if necessary, to achieve compliance with the project description and conditions of approval.
- e) **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for implementation of the Habitat Restoration Plan (Arcadis, April 2017), including surveys and monitoring.
- f) **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all

ground-disturbing activities associated with installation of the detention/infiltration basins associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance, as identified in the Phase 1 and Extended Phase 1 Archaeological Resources Report prepared for this site by Applied EarthWorks, Inc., dated May 2017. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition D.2.i. "Requirement for Archaeological Resources" below.

- g) **Requirement for Archaeological Resources.** The applicant shall be responsible for implementing the recommended measures in the Phase 1 and Extended Phase 1 Archaeological Resources Report prepared by Applied Earth Works, Inc. dated May 2017. These recommendations include data recovery within the northeastern portion of the project area; construction monitoring during excavation of the remaining portions of the detention/infiltration basin; transport of all cultural material and associated field forms from excavation to a laboratory for processing; artifacts shall be sorted and cataloged; a Phase 3 technical report shall be prepared on the data recovery and monitoring effort that adheres to the MEA guidelines; and any artifact collection and associated reports and other documentation shall be prepared for curation at the Repository for Archaeological and Ethnographic Collections at the University of California, Santa Barbara (UCSB).
- h) **Phase 3 Archaeological Resources Report.** A Phase 3 Archaeological Resources Report that adheres to the City's Master Environmental Assessment Guidelines shall be prepared on the data recovery and monitoring effort identified in Section 9.0 of the Extended Phase 1 Archaeological Resources Report prepared by Applied EarthWorks, dated May 2017. Upon completion of the identified investigations, the artifact collection and associated reports and other documentation shall be prepared for curation at the University of California, Santa Barbara as outlined in Section 9.2.6 of the Report.
- i) **Hazards and Hazardous Materials.** The applicant shall comply with the Revised Corrective Action Plan dated March 15, 2019, and the comments and conditions of approval as outlined by Santa Barbara County Environmental Health Services in their letter dated April 26, 2019 and all follow-up correspondence. The approved Corrective Action Plan includes a Remedial Method requiring a Soils Management Plan (SMP) to be prepared and implemented and requires a number of actions including notifying the Underground Service Alert utility marking service; a Site Safety Plan; Waste Profiling; Remedial Excavation and Monitoring; Remedial Excavation; Soil Segregation and Disposal; on-site storage of contaminated soil; Confirmation Soil Sampling; Soil Sample Analysis; reporting of the method detection limit (MDL) and the practical quantitation limit (PQL) for every sample result; and following acceptance at the designated disposal facility, the excavated soil will be loaded directly onto trucks and transported. This Remediation Plan has been incorporated into the proposed project description.
- j) **Asbestos & Lead-Containing Materials.** Pursuant to APCD Rule 1001, the applicant is required to complete and submit an Asbestos Demolition / Renovation

Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained from the Air Pollution Control District prior to commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.

- k) **Geotechnical Recommendations.** Site preparation and structural design shall be in accordance with the recommendations contained in the Updated Geotechnical Engineering Report prepared by Earth Systems, dated February November 29, 2016, and in the subsequent memo dated February 9, 2018, or as subsequently amended. Ground modification, either stone columns or deep soil mixing, shall be implemented to address potential impacts associated with liquefaction. Compliance shall be demonstrated on plans submitted for grading and building permits.
- l) **Interior Noise Levels.** The portion of the development located in areas with exterior noise levels greater than 65 dB(A) Ldn shall have exterior walls that yield an STC-50 rating, or equivalent, to ensure interior areas do not exceed 45 dB(A) Ldn. Interior noise levels for the entire development shall not exceed 45 dB(A). Prior to occupancy of the building, a final report from a licensed acoustical engineer shall be submitted that verifies that interior noise levels do not exceed 45 dB(A). In the event the interior noise levels have not been reduced to acceptable levels, additional reduction measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (as applicable).
- m) **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- n) **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition 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.
- o) **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- p) **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.

- q) **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). The following statement shall be signed prior to issuance of and permits: 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 Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Neighborhood Notification Prior to Construction.** At least thirty (30) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 450 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, a description of noise-reduction measures, site rules, conditions of approval pertaining to construction activities, and the name and phone number of the Project Environmental Coordinator (PEC), who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented, and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC’s name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas.
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 Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner,

Archaeologist, Architect, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, 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 numbers, 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.

4. **Construction Hours.** Noise generating construction activities (which may include preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 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.

Non-noise generating activities shall be permitted 7:00 a.m. – 8:00 a.m. Monday through Friday and 9:00 a.m. – 4:00 p.m. Saturday, excluding the holidays listed above.

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.

5. **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.

6. **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.

7. **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.
8. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a STC rating of 25.
9. **Construction Equipment Sound Control.** All construction equipment, powered by internal combustion engines shall be properly muffled and maintained. 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. Unnecessary idling of internal combustion engines shall be prohibited.
10. **Construction Noise Barrier.** 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.
11. **Construction Sound Barrier Wall.** A temporary construction sound barrier wall 8- to 10-feet high shall be constructed along the project site boundary fronting Garden Street and for 100 feet east along East Yanonali Street. The barrier shall be made of rigid and sufficiently dense sound-attenuating material such as a minimum 5/8- inch thick plywood that extends from the ground surface without openings and gaps.
12. **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 to the maximum extent feasible.
 - 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.

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots

are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC).
4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.
5. **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/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

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

III. NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission action approving the Development Plan, Transfer of Existing Development Rights Permit, or Conditional Use Permit for Overlay Zones shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, 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 prior to the expiration of the approval.

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.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (SBMC §28.87.370).

If a project requires multiple discretionary permits or approvals, the expiration date shall be measured from date of final action of the City on the longest discretionary approval permit or approval related to the application (excluding design review approval), unless otherwise specified by State or federal law

This motion was passed and adopted on the 18th day of July, 2019 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

Heidi Reidel, 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.

DRAFT