



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-21

**501 NINOS DRIVE (DWIGHT MURPHY FIELD RENOVATION PROJECT)
COASTAL DEVELOPMENT PERMIT,
APPROVAL OF DEVELOPMENT IN THE PR ZONE AND COASTAL ZONE,
AND TENTATIVE SUBDIVISION MAP
AUGUST 19, 2021**

501 NINOS DRIVE (DWIGHT MURPHY FIELD)

**ZONE: PR/SD-3 (PARK AND RECREATION/COASTAL OVERLAY); LAND USE DESIGNATION:
PARKS AND OPEN SPACE/ CREEKS; APN: 017-362-005; 017-333-003; 017-400-004; 017-361-001; AND
017-331-001; PLN2018-00494; APPLICANT/OWNER: PARKS AND RECREATION DEPARTMENT/
CITY OF SANTA BARBARA**

The Dwight Murphy Field Renovation Project consists of the renovation of an existing 8.3-acre City park and includes the conversion of the existing grass regulation size soccer field to a multi-sport synthetic turf field; new natural turf baseball field; new natural turf informal activity area; new inclusive playground; new fitness area; new family picnic area; new trash enclosure; and new restroom. The project includes the demolition of the existing restroom, playground, ball field, and fitness area. Other amenities include accessible pathways, a bus loading zone, fencing, and lighting. Onsite vehicular parking would increase from 128 to 159 spaces. Perimeter parking would increase from 68 to 93 spaces. A total of 37 trees would be removed and 125 new trees would be planted. A portion of Sycamore Creek would be restored. The project includes improvements to vehicular circulation by preventing traffic from entering Park Road from Calle Puerto Vallarta.

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, August 12 2021
2. Project Plans
3. Correspondence received:
 - a. Cynthia Prochot
 - b. Don Hoffler
 - c. Victoria Strong
 - d. JJ McLeod
 - e. Leise Thomason
 - f. Armando Villagomez
 - g. Emily Heckman
 - h. Kevin A. Monaghan
 - i. Greg McPhee
 - j. Kathy McGill
 - k. Michelle and Austin Apodaca
 - l. Paul D. Ramsey (805 Lacrosse Project)

- m. Mark Grivetti
- n. Neil Di Maggio
- o. Richard Cook
- p. Caleb Johnson

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 and the CEQA Certificate of Determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act related to public recreational opportunities in the Coastal Zone and creek restoration, as described in Section VI.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 related land use and development, public access, visitor serving and recreational facilities, biological resources, water quality, and scenic resources and visual quality as described in Section VI of the Staff Report.

C. PARK AND RECREATION ZONE (SBMC §28.37.025)

1. The proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors because the improvements will provide much needed updated facilities, accessible pathways, and a universally accessible playground as described in sections I, IV and VI of the staff report.
2. The proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping will be compatible with the character of the neighborhood, as determined by the Architectural Board of Review on July 7, 2020, and as described in sections VI and VIII of the staff report.
3. The total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development, and neighborhood, to avoid significant negative effects on surrounding properties, as determined by the Architectural Board of Review on July 7, 2020, and as described in sections VI and VIII of the staff report.
4. The intensity of park use is appropriate and compatible with the character of the neighborhood because the park has been operating continually as a sports facility and the proposal will renovate the existing, outdated facility and not significantly increase the intensity of the use, as described in section VI of the staff report.
5. The proposed park and recreation facilities are compatible with the scenic character of the City, as determined by the Architectural Board of Review on July 7, 2020, and as described in sections VI and VIII of the staff report.

6. The proposed structures including restroom, playground equipment, shade structure, and fitness equipment, are compatible with the neighborhood in terms of size, bulk and scale or location, as determined by the Architectural Board of Review on July 7, 2020, and as described in sections VI and VIII of the staff report.

D. TENTATIVE MAP (SBMC §27.07.100)

1. The Tentative Subdivision Map complies with all requirements and conditions of the Subdivision Map Act and the Municipal Code, as outlined in the staff report.
2. The Tentative Subdivision Map is consistent with the General Plan and Coastal Land Use Plan and depicts a land use which is compatible with the objectives, policies, general land uses and programs specified in the General Plan and Coastal Land Use Plan. The General Plan recognizes the project site as a Special Use Facility and does not recommend any change in the existing development. The Parks and Recreation Element considers the park and the surrounding open spaces to be the most important of the City-wide park areas. The proposed use is consistent with the vision for this neighborhood of the General Plan because the City designated this project site as a park in 1925, and it has remained an important sport facility for the community.
3. The Tentative Subdivision Map for the proposed project is consistent with the Zoning Ordinance of the City of Santa Barbara, as described in Section VI of the Staff Report.
4. The design or improvement of the proposed development is consistent with applicable general and specific plans, including Coastal Land Use Plan policies related to land use and development, public access, visitor serving and recreational facilities, biological resources, water quality, and scenic resources and visual quality, as described in Section VI of the Staff Report.
5. The site is physically suitable for the proposed type of development because the project is a renovation of the existing recreational facility that has historically been deemed suitable for this use.
6. The site is physically suitable for the proposed density of development because the project is a renovation of the existing recreational facility.
7. The design of the project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project would provide benefits to Sycamore Creek through the creek restoration portion of the project.
8. The design of the development and type of improvement will not cause serious public health problems because the project would remain as a public park and all facility improvements would be installed according to required safety specifications.
9. The design of the development and type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development because the project would rectify existing easement conflicts and would maintain the park as a public recreational facility.
10. The Tentative Subdivision Map provides for, has available, or offers dedication of reasonable public access to natural resources as required by Article 3.5 of Chapter 4 of the Subdivision Map Act because public access to Sycamore Creek would be maintained.

11. Discharge of waste from the proposed development into an existing community sewer system will not result in violation of existing requirements prescribed by the regional water quality control board because the discharge would meet all City requirements.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Submit an application for and obtain City Council approval of the Final Map and Agreement and record said documents
3. Submit an application for and obtain Building Permit(s) for the construction of approved Park development and complete said construction.
4. Submit an application for and obtain a Public Works Permit (PBW) for all required street and utility 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 an Agreement Relating to Subdivision Map Conditions Imposed on Real Property, which shall be 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 August 19, 2021 involves the renovation of Dwight Murphy Field, an existing 8.3-acre City park located at 501 Ninon Drive, and includes the conversion of the existing grass regulation size soccer field to a multi-sport synthetic turf field; new 30,000-square-foot natural turf youth baseball field; new natural turf informal activity area; new 32,672-square-foot inclusive playground; new 5,067-square-foot fitness area; new 1,739-square-foot family picnic area with shade structure; new 194-square-foot trash and recycling enclosure; and new 444-square-foot prefabricated restroom facility. The project includes the demolition of the existing restroom/locker room facility, playground, ball field, and fitness area.

Other amenities include pedestrian pathways, accessible pathways and entrances, a bus loading zone, gates, field and perimeter fencing, sport field lighting, pedestrian lighting, and street lights.

The parking areas would be reconfigured. Onsite vehicular parking would increase from 128 spaces to 159 spaces, and 30 bicycle spaces would be provided. Parking within the right-of-way along the perimeter of the park would increase from 68 spaces to 93 spaces.

Of the existing 75 trees onsite, 37 would be removed, 5 would be relocated, and 33 would be protected. A total of 125 new trees would be planted, which would result in an overall total of 163 trees for the project. Additional landscaping would be planted throughout the site.

The project includes restoration of a portion of Sycamore Creek, consisting of the removal of non-native vegetation and the installation of new native plants and trees, including 10 California Sycamore and 10 Coast Live Oak trees.

The project also includes improvements to vehicular circulation by preventing traffic from entering Park Road from Calle Puerto Vallarta, and reconfiguring the west parking lot. The project is limited to the improvements described in the Applicant Letter dated June 30, 2021 and shown on the project plans signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Landscape Plan Compliance.** The Owner 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 owner is responsible for its immediate replacement.
 4. **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 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 is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- C. **Public Works Submittal For Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval prior to processing the approval of the Final Map:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Dedications.** Easements, as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department:
 - a. A 70-foot long easement dedication for all street purposes (as shown on the approved Tentative Subdivision Map) along Ninos Drive.

- b. A 1,100-foot long public utility easement dedication (as shown on the approved Tentative Subdivision Map) across the North Western and North Eastern edge of the parcel.
 - c. A 600-foot long City easement vacation of right-of-way (as shown on the approved Tentative Subdivision Map) known as “Voluntario Street”.
 - d. A 500-foot long City easement vacation of right-of-way (as shown on the approved Tentative Subdivision Map) known as “Pitos Street”.
 - e. A 300-foot long public utility easement dedication (as shown on the approved Tentative Subdivision Map) across the Northwestern and Northeastern edge of the parcel.
3. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (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 Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant 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.
4. **Por La Mar Drive and Ninos Drive Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Por La Mar Drive and Ninos Drive. 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:
 - a. A mid-block crosswalk on Por La Mar Drive. Construction includes associated ramps, streetlight, and infrastructure as shown on the tentative map.
 - b. A crosswalk on the intersection of Por La Mar Drive and Orilla Del Mar Drive. Construction includes associated ramps, streetlight, and infrastructure as shown on the tentative map.
 - c. A crosswalk on the intersection of Por La Mar Drive and Ninos Drive. Construction includes associated ramps, streetlight, and infrastructure as shown on the tentative map.
 - d. A crosswalk on Ninos Drive adjacent to the Zoo entrance. Construction includes associated ramps, streetlight, and infrastructure as shown on the tentative map.
 - e. Relocation of a City street light on Ninos Drive as shown on the tentative map.
 - f. Miscellaneous sidewalk, storm drain, curb, gutter, etc. improvements as identified on the tentative map.

5. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
- D. **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. **Tree Protection and Replacement.** All trees not indicated for removal or relocation on the approved landscape plan shall be preserved, protected, and maintained. If trees are not preserved, protected, or maintained, replacement trees at a 2:1 ratio are required to be planted.
 2. **Lighting.** Lighting proposed for all buildings and field lighting shall be shielded and directed away from natural areas including the Sycamore Creek channel.
 3. **Screened Backflow Devices.** All backflow devices shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
- E. **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 pulled pursuant to Condition A.5, or for public improvement permits pulled prior to recordation of the Final Map. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Public Improvement Plans.** Public Improvement Plans as identified in condition C.4 “Por La Mar Drive and Ninos Drive Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of a construction schedule and an approved traffic control plan, a Public Works Permit shall be issued.
 - b. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
 - c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
 2. **Community Development Department.**
 - a. **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.

- b. **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 F.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.
- c. **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 F.2 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- d. **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.
- e. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

F. **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 twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers, and the public in addressing problems that may arise during construction.

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, and construction conditions 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, Parks and Recreation Department, Landscape Architect, Biologist, 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 City staff name, contractor(s) and City staff 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, and shall not exceed 24 square feet.
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., with only non-noisy construction allowed between 7:00 a.m. and 8:00 a.m., and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day Independence Day	Last Monday in May
Labor Day	July 4th*
Thanksgiving Day	1st Monday in September
Following Thanksgiving Day	4th Thursday in November
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.

5. **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.
6. **Construction Parking.** During construction, parking spaces for construction workers shall be provided on-site.

7. **Nesting Birds.** Due to the potential for numerous bird species using the area during the nesting season, tree and vegetation removal or disturbance activities are required to adhere to the Migratory Bird Treaty Act and Santa Barbara Coastal Land Use Plan policy 4.1-36, which puts restrictions on any activities that could result in impacts to birds, nests, and nesting success. It is recommended that all efforts are made to remove and salvage all trees within the Park during the non-nesting season (prior to February 1st) to ensure that vegetation removal does not impact nesting or roosting activities. Activities that could impact nesting or breeding birds (including tree trimming, tree removal or salvage, construction activities, noise, vibration, or lighting) adjoining creeks, or known nesting areas shall be prohibited during the nesting and breeding season for birds (February 1-August 30) where feasible. If it is not feasible to complete such work outside the bird nesting and breeding season, then work may be approved if bird nesting and breeding surveys are performed. These surveys shall be performed by a qualified biologist no more than fourteen calendar days prior to the start of any activities that could impact nesting or breeding birds. If active nesting or breeding is found, activities that could impact the nesting birds shall be prohibited until any active nest is vacated. If any activities must occur to remediate an imminent danger, measures shall be implemented to avoid and minimize impacts to nesting birds. In the event that an active nest not previously identified is discovered during any tree trimming, tree removal, or construction activity, the contractor shall immediately cease all activities in the area of operations and shall notify the City's Environmental Analyst. Thereafter, a qualified biologist must inspect the site and follow the abovementioned procedures to protect the nesting birds.

Any nests located along the native and non-native vegetation within Sycamore Creek, including raptor species, are not expected to be impacted by tree removal within the Park or other work-related activities, due to the pre-existing and regular disturbances in the area including the ongoing noise impacts from the 101 Freeway immediately adjacent to the creek. However, if tree removal or construction activities begin during the active nesting (February 1-August 30) season, this area shall be included in survey area described above.
8. **Sediment Control.** All efforts shall be implemented to eliminate all construction-related sedimentation from entering the Sycamore Creek channel. All activities that could result in erosion or sedimentation during the rainy season shall be monitored and appropriate erosion control measures shall be implemented. Sediment control measures could include such measures as silt fence, waddle, and/or plastic sheeting. All sediment control materials shall be immediately available at the work area on the onset of the rainy season to ensure that no stockpiled material or construction-related flows enter the channel.
9. **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.

10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

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

- 1. **Complete Public Improvements.** Public improvement, as shown in the public improvement plan or building plans, shall be completed.

2. **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 Chapter 22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

H. **Following Completion of Construction.**

1. **All-way Stop.** After construction is complete and the park is fully open, Public Works staff will evaluate whether an all-way stop will be necessary at Ninon Drive and the Santa Barbara Zoo's entrance/exit, in the event there is confusion regarding who should have the right of way. At this time, the stop sign at the zoo's exit is appropriate.
2. **Access/maneuvering.** After construction is complete and the park is fully open, Public Works staff will evaluate the proposed parallel parking within proximity to the zoo exit. If necessary, the last parallel space may be removed and marked as "no parking" to ensure proper access, maneuvering, and site visibility.

I. **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.

III. Said approval is subject to the following time Limits:

A. **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.

B. NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

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

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 19th day of August, 2021 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.



Gillian Fennessy, Commission Secretary

9/2/2021

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.