



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 006-22

601 SANTA BARBARA STREET (FORMERLY 119 E. COTA STREET)

### DEVELOPMENT PLAN

AUGUST 11, 2022

Assessor's Parcel Number: 031-151-018  
Zoning Designation: M-C (Manufacturing Commercial)  
Application Number: PLN2020-00627  
Applicant: Brad Hess, Public Works Department  
Owner: City of Santa Barbara

The project consists of demolition of the existing 1.61-acre Cota Commuter Parking Lot and construction of a new Police Station. Specific improvements include, but are not limited to: three-story, approximately 53-foot-tall, approximately 64,000-square-foot Police Station building with subterranean level; 37.5-foot-tall, approximately 84,000-square-foot parking structure, with subterranean level, to accommodate 236 parking spaces; eight surface parking spaces for visitors; and new landscaping.

The discretionary application being considered by the Planning Commission is a Development Plan to allow the construction of approximately 64,000 square feet of nonresidential floor area (Santa Barbara Municipal Code Chapter 30.230).

On July 19, 2022, the City Council adopted a Final Mitigated Negative Declaration for the project under the California Environmental Quality Act.

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

**WHEREAS**, no one appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 4, 2022
2. Project Plans
3. Correspondence received:
  - a. The Jones Family
  - b. John & Sandra Swinmurn

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

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

**DEVELOPMENT PLAN (SBMC §30.230.060):**

1. The proposed development complies with all applicable provisions of the Title 30 Zoning Ordinance for the Manufacturing Commercial zone including allowed uses and height limitations, as described in Section VI of the Staff Report.

2. The proposed development is consistent with the principles of sound community planning because the proposed project is consistent with the General Plan polices related to land use, historic resources, environmental resources, and safety, as described in Section VI of the Staff Report.
3. The Architectural Board of Review concluded that 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 §22.68.045 of the Santa Barbara Municipal Code, as described in Sections VI and VIII of the Staff Report.
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (SBMC §30.170.030). The project site is located in the “Downtown” Development Area and qualifies as a City Government Building that is excluded from the 1.35-million-square-foot development limit, as described in Section VI of the Staff Report. The project’s trip generation was estimated to be 40 AM and 48 PM peak hour trips, which were distributed based on the anticipated routes for employees coming to and from the site. The number of new project trips distributed to identified impacted intersections (Garden and Highway 101 NB Ramps, Garden and Highway 101 SB Ramps, Garden and Gutierrez, Carrillo and Highway 101 NB Ramps, and Carrillo and Highway 101 SB Ramps) is less than 16 trips, and as a result, is estimated to contribute less than 1% to these intersections.

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. Complete all requirements in section D (Requirements Prior to Permit Issuance).
  3. 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. **General Conditions.**

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 11, 2022 is limited to demolition of the existing 1.61-acre Cota Commuter Parking Lot located at the northwest corner of East Cota Street and Santa Barbara Street, and construction of a new three-story, approximately 53-foot-tall, approximately 64,000-square-foot Police Station building, and associated 37.5-foot-tall, approximately 84,000-square-foot parking structure to accommodate 236 parking spaces (128 for Police Department fleet vehicles and 108 for employee vehicles). Each structure would also have a subterranean level. The project consists of two separate buildings (Police Station and parking structure); however, the floors are aligned in order to provide lateral

connections between each level of the parking structure and office building. Emergency service antennas would be installed on the roof of the parking structure. Eight additional surface parking spaces and four bicycle parking spaces would be provided for visitors. The project is described in the Applicant Letter dated October 26, 2021 and 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. **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.
  3. **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.
  4. **Mitigation Monitoring and Reporting Program Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's short-term, construction-related and long-term, operationally-related mitigation measures, as outlined in the adopted Mitigated Negative Declaration for the project.
  5. **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.
  6. **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.
- C. **Design Review.** The project, including aesthetic components of required 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. **Screened Backflow Device.** The backflow devices for fire sprinklers 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 ABR.

2. **Location of Dry Utilities.** Dry utilities (e.g., above-ground cabinets) shall be placed on the project site 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 ABR.

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, 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.b “Santa Barbara Street and Cota 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.
- b. **Santa Barbara and Cota Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along both property frontages. 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 items shown on the preliminary plans included in this Planning Commission approval. Any work in the public right-of-way requires a Public Works Permit.
- c. **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.
- d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

2. **Community Development Department.**

- a. **Permit Parking.** In the last quarter of 2023, the Owner will review existing Cota Commuter Lot parking permit applications, determine capacity levels at other City parking lots, and to the extent possible, provide alternative parking locations to permit holders.
- b. **Farmer’s Market.** Owner will use best efforts to offer an alternative location to the Farmer’s Market.
- c. **Safe Parking Program.** Owner will use best efforts to assist New Beginnings with finding alternative sites for relocation of the eliminated Safe Parking Program parking spaces.

- d. **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, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department.
- e. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified professional to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
  - (2) A method for monitoring the mitigation measures.
  - (3) A list of reporting procedures, including the responsible party, and frequency.
  - (4) A list of other monitors to be hired, if applicable, and their qualifications.
  - (5) The PEC and contractor shall meet on a weekly basis in order to assess compliance and review future construction activities.
  - (6) Pre-construction briefing shall be conducted by the PEC. The PEC shall prepare a pre-construction project briefing report.
  - (7) Submittal of weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
  - (8) Submittal of a Final Mitigation Monitoring Report.
  - (9) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- f. **Contracts Required.**
  - (1) **Biologist Contract Required.** Submit to the Planning Division a contract with a qualified biologist to implement mitigation measures BIO-1 (Pre-construction Nesting Bird Survey) and BIO-2 (Nesting Bird Buffers and

- Requirements). The contract is subject to approval by the City's Environmental Analyst.
- (2) **Arborist Contract Required.** Submit to the Planning Division a contract with a qualified arborist to implement mitigation measures BIO-3 (Tree Replacement for Removed Trees) and BIO-4 (Tree Protection). The contract is subject to approval by the City's Environmental Analyst.
  - (3) **Archaeologist Contract Required.** Submit to the Planning Division a contract with a qualified archaeologist on the most current City Qualified Archaeologist Consultants List to implement mitigation measures CR-1 (Workers Environmental Awareness Program [WEAP]), CR-2 (Archaeological Construction Monitoring), and CR-3 (Limited Data Recovery Plan and Phase 3 Archaeological Resources Report). The contract is subject to approval by the City's Environmental Analyst.
  - (4) **Geotechnical Engineer Contract Required.** Submit to the Planning Division a contract with a qualified geotechnical engineer to implement mitigation measures GEO-1 (Final Geotechnical Report and Essential Service Buildings) and GEO-2 (Anchored Tie-backs). The contract is subject to approval by the City's Environmental Analyst.
  - (5) **Paleontologist Contract Required.** Submit to the Planning Division a contract with a qualified paleontologist to implement mitigation measure GEO-5 (Paleontological Resources Impact Mitigation Program). The contract is subject to approval by the City's Environmental Analyst.
  - (6) **Acoustician Contract Required.** Submit to the Planning Division a contract with a qualified acoustician to implement mitigation measure N-2 (Vibration Mitigation Program). The contract is subject to approval by the City's Environmental Analyst.
  - (7) **Groundwater Dewatering Monitoring Contract Required.** Submit to the Planning Division a contract with a qualified groundwater monitor to implement mitigation measure WQ-1 (Groundwater Dewatering Monitoring). The contract is subject to approval by the City's Environmental Analyst.
- g. **Tree Protection Measures on Plans.** The tree protection measures to protect the nine tipu trees from Appendix G of the Biological Assessment (Dudek, March 2022) shall be shown on the demolition and building plans.
- h. **Tree Replacement for Removed Trees.** All trees to be removed, consisting of 9 coast live oaks, 23 tipu trees, and 3 southern oaks, shall be replaced with coast live oaks (or other native species) at a minimum replacement ratio of 1:1 plus 25%, and shall be planted offsite in a native habitat restoration area in Elings Park, or along the Las Positas Multiuse Path, at the discretion of the Parks and Recreation Department.

All tree plantings shall be subject to a 5-year monitoring effort by an International Society of Arboriculture (ISA) Certified Arborist. This monitoring effort would

consider growth, health, and condition of the subject trees to evaluate the replacement success. The monitoring effort may result in a recommendation of remedial actions should any of the tree plantings exhibit poor or declining health below the recommended replacement quantities.

Prior to the issuance of the demolition permit, the planting and monitoring plan shall be submitted to the Community Development Department for review and approval. The plan shall identify the installation site for the replacement trees and include specific measures for protection, management, and monitoring of the trees. The plan shall include annual reporting on the condition of the trees for a period of five years. (BIO-3)

i. **Limited Data Recovery Plan and Phase 3 Archaeological Resources Report.**

The Limited Data Recovery Plan (Dudek, February 10, 2022) accepted by Historic Landmarks Commission on March 16, 2022 shall be implemented, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource (CEQA Guidelines Section 15126.4(b)(3)), and which includes specific levels of effort and methods to obtain a statistically representative sample of significant archaeological deposits as well as field and laboratory requirements to ensure proper treatment of all materials, including documentation of results and curation of the archaeological collection. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall be retained to undertake a data recovery program addressing the cultural resource discovered as a result of this study. The data recovery shall recover sufficient material to answer the research questions determined in the data recovery research design, that the site is potentially capable of addressing.

Following data recovery, a Phase 3 Archaeological Resources Report shall be submitted to the City for review and approval by the Historic Landmarks Commission prior to issuance of building permits for the project. The data recovery efforts shall be thoroughly documented in a comprehensive report including the following core elements: theoretical orientation, cultural context, definition of the formulated hypotheses presented in the original research design, all field, laboratory and curation methods, results of research, implications of the results in light of current understanding and its potential to contribute to future research and understanding. (CR-3)

j. **Final Geotechnical Report and Essential Services Buildings.**

The final geotechnical report, to be completed based on the final project design, shall be consistent with provisions of the Essential Services Buildings Seismic Safety Act, pursuant to California Administrative Code 2019 (Chapter 4 - Administrative Regulations for the Division of the State Architect – Structural Safety, Article 1 – Essential Services Buildings, and Article 3 - Local Buildings). (GEO-1)

k. **Anchored Tie-Backs.**

The final geotechnical report, to be completed based on the final project **design**, shall consider the limited building setbacks to adjacent properties and the public right-of-way when designing the temporary shoring system. (GEO-2)

- l. **Excavation Dewatering.** A dewatering permit shall be obtained from the Central Coast Regional Water Quality Control Board prior to construction. (GEO-3)
- m. **Former School Basement Fill.** The location of the basement of the former Lincoln School shall be found, if possible, based on (cultural-related) soil borings and ground penetrating radar, in order that the area of deeper fill can be identified prior to grading. This basement fill would likely be removed during excavations for the subterranean levels, but in the event the former basement is located outside the footprint of the proposed structures (i.e., in the public parking area/access plaza), the fill shall be removed in this area and replaced with engineered/compacted fill. (GEO-4)
- n. **Paleontological Resources Impact Mitigation Program.** Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist, subject to the review and approval of the City's Environmental Analyst. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project. The PRIMP shall be consistent with the Society of Vertebrate Paleontology (2010) guidelines and outline requirements for preconstruction meeting attendance and worker environmental awareness training, adequate monitoring within the proposed project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring, discoveries treatment, paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The PRIMP shall include protocols for spot-checking significant ground-disturbing activities below a depth of five feet below the ground surface or five feet below the depth of artificial fill in areas mapped as Holocene alluvium and full-time paleontological monitoring below the depth of artificial fill in areas underlain by Pleistocene alluvium. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor shall temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery shall be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor shall remove the rope and allow grading to recommence in the area of the find. (GEO-5)
- o. **Contaminated Soil Removal.** Prior to the issuance of building permits, the project shall be enrolled in the Santa Barbara County, Public Health Department, Environmental Health Services (EHS) Site Management Unit to provide regulatory oversight of the handling and proper disposal of the soil with elevated levels of arsenic located in area B-5. (HAZ-1)
- p. **Soil Management Plan.** A Soil Management Plan (SMP) shall be developed to provide guidance if any stained or impacted soils are encountered. The SMP shall be reviewed and approved by EHS prior to issuance of the building permits. (HAZ-2)
- q. **Vibration Mitigation Program.** As recommended in the Noise and Vibration Technical Memorandum (Dudek, July 20, 2020, updated June 22, 2022), the construction contractor shall retain the services of a qualified acoustician to prepare

a construction vibration mitigation program, which would include the planning and implementation of one or more of the following activities and/or features:

- Prohibit operation of project heavy construction equipment (i.e., large bulldozer or comparably vibration-producing equipment per Table 11) within a 5-foot horizontal distance buffer of receiving occupied structures associated with Anacapa Villas.
- Within the 5-foot distance buffer, use alternative means or equipment to perform the same needed construction task or process, as practical.
- Conduct on-site vibration velocity sampling to evaluate vibration velocity levels of anticipated construction equipment or alternatives intended to generate less vibration magnitude.
- The Project Environmental Coordinator (PEC) shall inform nearby residence owner/occupants and business owners, in advance including written notification, when vibration-intense construction activities on-site are expected to occur.

If construction conditions do not cause heavy equipment activity to occur within this 5-foot distance to the Anacapa Villas building façade(s), then implementation of the above measures would not be needed. (N-2)

- r. **Construction Management Plan.** A Construction Management Plan shall be prepared to address noise and traffic during all phases of construction. The Construction Management Plan shall be developed with input from Antioch University representatives, and surrounding sensitive uses, to coordinate construction activities prior to the start of construction, with the intent to reduce construction impacts to the school and others. The plan shall include measures to reduce construction noise effects on sensitive receptors, ensure safety measures are in place, and minimize disruption to the surrounding roadway network. The Construction Management Plan shall be reviewed and approved by the City Environmental Analyst prior to issuance of building permits. (N-3)
- s. **Emergency Generator Barrier.** As recommended in the Noise and Vibration Technical Memorandum (Dudek, July 20, 2020, updated June 22, 2022), the stand-by generators shall be surrounded with a three-sided “U”-shaped barrier of connected wall sections that provide occlusion of direct sound pathways between the operating generator and receiver positions to the northeast, northwest, and southwest. The barrier shall be constructed of solid materials, with no air-gaps or cracks, and demonstrate a minimum sound transmission class (STC) rating of 25. Additional features of the barrier include:
- The barrier extent and position with respect to the generators will not impede equipment access and maintenance.
  - The barrier may be portable or removable, so that its application need only be temporary and installed prior to and during a generator testing

opportunity, then dis-assembled and stored on-site until the next scheduled testing opportunity.

- Top-edge height of the barrier with respect to grade will vary with the stand-by generator type as follows:
- Skid-mounted C18 ACERT U.S. EPA Tier 4 Sound Attenuated Enclosure – 10 feet
- Mounted on sub-base fuel tank – 13.5 feet (N-4)

- t. **Firearm Sound Attenuation.** As recommended in the Noise and Vibration Technical Memorandum (Dudek, July 20, 2020, updated June 22, 2022), the project shall incorporate passive, dissipative sound attenuation in the form of interior ductwork lining, manufactured “sound traps,” or other means, based on testing or published engineering data, between the firing range interior closed volume in which the discharges occur and the exit of the exhaust duct outlet at the parking structure roof, such that the average hourly noise level is no greater than 50 dBA, 45 dBA, and 40 dBA for daytime (7 am-7 pm), evening (7 pm-10 pm), and nighttime (10 pm-7am) hours, respectively, when measured at a distance of 50 feet.

Prior to Certificate of Occupancy, acoustical sound measurements shall be taken and documentation of recorded sound measurements shall be provided to the City’s Environmental Analyst. If noise levels are found to exceed the average hourly noise levels listed above, additional noise reduction measures shall be implemented and additional sound measurements shall be taken. (N-5)

- u. **Solid Waste Management Plan for Construction.** Prior to issuance of a demolition or building permit for the project, the applicant shall develop a Solid Waste Management Plan for Construction, subject to approval by the City’s Environmental Analyst and Environmental Services Division, to ensure that the diversion rate achieved is 85% in order to generate less than 350 tons of construction and demolition debris. All requirements of the plan shall be implemented on-site. (PS-1)

- v. **Solid Waste Management Plan for Long-term Operations.** Prior to issuance of a building permit for the project, the applicant shall develop a Solid Waste Management Plan, subject to approval by the City’s Environmental Analyst and Environmental Services Division, to ensure that the amount of long-term (operational) solid waste going to the landfill to less than 40 tons per year (TPY). All requirements of the plan shall be implemented on-site. (PS-2)

- w. **Adequate Stormwater Storage Capacity.** Prior to the issuance of the building permit, the applicant shall demonstrate that the proposed stormwater storage chambers will function in compliance with the stormwater retention and infiltration requirements established in the City’s Storm Water Management Program (SWMP) and National Pollutant Discharge Elimination System (NPDES) permit, even under high groundwater conditions. This may be achieved through one or more of the following means:

- Ensure sufficient storage and infiltration rates can be achieved above the maximum potential groundwater elevation. As the maximum groundwater elevation for the project site remains unknown, a comprehensive geotechnical or hydrogeological investigation will be required to assess final storage and infiltration rates for any proposed subsurface stormwater chambers.
  - Ensure project dewatering will maintain depressed groundwater levels such that the subsurface storage chambers will maintain capacity and infiltration rates.
  - Implement above ground storage chambers (e.g., rainwater cisterns) to make up for the lost stormwater retention requirement during high groundwater. This water could be used for on-site irrigation and/or connected to vegetated filter strips/swales. (WQ-2)
- x. **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.
- y. **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.12 “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.
- z. **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.13 “Pre-Construction Conference” prior to demolition activities.
- aa. **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.
- bb. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. 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:

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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. **Mitigation Monitoring and Reporting Program Requirement.** The Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's construction-related mitigation measures, as outlined in the adopted Mitigated Negative Declaration for the project. The PEC and/or required consultant(s) shall monitor all field activities during construction.
2. **Pre-construction Nesting Bird Survey.** No vegetation or tree removal shall occur between February 1 and August 30, unless a pre-construction nesting bird survey is completed. A pre-construction survey for nesting birds shall be conducted by a qualified biologist to determine if active nests of special-status birds, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, are present in the construction zone or within 300 feet of the construction zone. Within one week prior to construction or site preparation activities, the biologist shall conduct the nesting bird survey. A pre-construction nesting bird report shall be completed and submitted to the Project Environmental Coordinator (PEC) within 48 hours of the survey. (BIO-1)
3. **Nesting Bird Buffers and Requirements.** If active nests are found, a no-construction buffer shall be established at a minimum of 100 feet (this distance may be greater depending on the bird species and construction activity, as determined by the biologist) around the nest site where it overlaps with work areas. Tree and vegetation clearing and construction within the no-construction buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. In addition, all active nests shall be mapped with a GPS unit and nest locations with 100-foot buffers overlain on aerial photographs to provide regular updated maps to inform the construction manager and crew of areas to avoid. The biologist shall also serve as a construction monitor during the breeding season to ensure that there are no inadvertent impacts to nesting birds.

Bird nest surveys shall be conducted every 14 days following identification of a bird nest until all birds have fled the nest and the nest is deemed inactive by the qualified biologist. A bird nest monitoring report shall be completed and submitted to the Project Environmental Coordinator (PEC) within 48 hours of each survey. (BIO-2)

4. **Tree Protection.** The nine tipu trees indicated on the site plan to be preserved shall be protected during construction according to the tree protection measures in Appendix G of the Biological Assessment (Dudek, March 2022). Before the start of construction activities, all tree protection measures shall be in place. An ISA Certified Arborist shall inspect the tree protection measures regularly to ensure they are maintained through the construction of the project and provide a report to the Project Environmental Coordinator (PEC) for each inspection.

In the event that a tipu tree is impacted such that it cannot survive during construction and/or the 5-year monitoring period, a new tree with similar characteristics, as determined by the Architectural Board of Review, shall be planted in its place. (BIO-4)

5. **Workers Environmental Awareness Program (WEAP) Training.** All construction personnel and monitors who are not trained archaeologists shall be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation shall be prepared to inform all personnel working on the project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow if cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor. (CR-1)

6. **Archaeological Construction Monitoring.** In consideration of the known sensitivity of the project site for cultural resources, archaeological monitoring shall be conducted during all ground disturbance activities. The applicant shall contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal and ground clearance. The contract shall be subject to the review and approval of the Environmental Analyst. The archaeologist's monitoring contract shall include the following provisions:

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

If a 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 a discovery consists of possible prehistoric or Native American materials or artifacts, 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.

Prior to issuance of the Certificate of Occupancy (Final Inspection), the applicant shall complete a final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier. (CR-2)

7. **Former School Basement Fill.** Owner shall remove basement fill as described in condition D.2.m. (GEO-4)
8. **Paleontological Resources Impact Mitigation Program (PRIMP).** Owner shall implement the PRIMP as described in condition D.2.n. (GEO-5)
9. **Temporary Noise Barriers.** As recommended in the Noise and Vibration Technical Memorandum (Dudek, July 20, 2020, updated June 22, 2022), the construction contractor shall install onsite noise reduction means as follows:
  - a. To protect the existing occupied residences of Anacapa Villas (i.e., receptor R2 from Table 5) from excessive construction-related noise, temporary noise barriers of sufficient height and extent shall be installed along the northwest boundary so that as much as 10 dB of barrier noise insertion loss can be realized. The temporary barrier elements should resemble an outdoor-use vinyl-covered acoustical blanket comprising one or more materials that demonstrate a sound transmission class (STC) of 25 or better (see Figure 3 for conceptual views of a sample segment with supporting structure mounted on “k-rail” concrete mass), which, under the right conditions can eliminate the need for drilling posts in the ground. This STC value is at least 10 dB greater than the highest predicted noise reduction effect due to barrier intervention, and is thus consistent with Caltrans Technical Noise Supplement (“TeNS”) guidance that states: “any material may be used for a barrier between a noise source and a noise receiver as long as it has a TL of at least 10 dBA more than the desired noise reduction” (Caltrans 2013a).
  - b. To protect the existing occupied residences and/or academic functions at the Antioch University building (i.e., receptor R3 from Table 5) from excessive construction-related noise, temporary noise barriers of sufficient height and extent shall be installed along the northwest site boundary so that as much as 5 dB of barrier noise insertion loss can be realized. The temporary barrier elements should resemble an outdoor-use vinyl-covered acoustical blanket comprising one or more materials that demonstrate a sound transmission class (STC) of 15 or better. (N-1)
10. **Vibration Mitigation Program.** Owner shall implement the vibration mitigation program as described in condition D.2.q. (N-2)
11. **Groundwater Dewatering Monitoring.** The applicant shall conduct groundwater sampling and analysis of priority pollutants listed in 40 CFR 401.15 (including PCE, TCE,

1,1-DCE, cis-1,2-dichloroethene, vinyl chloride, chloroform, and petroleum hydrocarbons), and shall provide the results to the Central Coast Regional Water Quality Control Board (RWQCB). Depending on the pollutant levels detected and the specifics of the dewatering discharge, the RWQCB may authorize the discharge under an existing general permit, or may require issuance of an individual National Pollutant Discharge Elimination System (NPDES) Permit and/or waste discharge requirements (WDR). In either case, if the analytical results of the groundwater samples indicate that the discharge would exceed applicable discharge prohibitions, effluent criteria, and receiving water limitations, the applicant shall be required to:

1) Design and implement a treatment program prior to discharge of groundwater to the storm drain, which would depend on the pollutant levels detected, but could include one or more of the following:

- Desilting basins for removing excess sediment, to granular activated carbon (GAC) canisters for removal of PCE.
- Pump to baker tanks and haul away for off-site treatment/disposal (construction).
- Pump and treat to City storm drain with approval of and in coordination with Public Works.
- Pump to sanitary sewer and treat if require with approval of and in coordination with sanitation district.

2) Prepare and implement a Monitoring and Reporting Program (MRP), consistent with RWQCB requirements, that demonstrates compliance with effluent limitations for reportable pollutants using the sampling and analytical methods defined in the MRP.

Written verification from the RWQCB that it has authorized both the construction and long-term groundwater dewatering discharge, if required, and that it approves of the proposed treatment program and MRP shall be submitted to the Project Environmental Coordinator (PEC). This applies for both short-term construction dewatering purposes, and for use of a permanent subgrade dewatering system, if required. (WQ-1)

12. **Neighborhood Notification Prior to Construction.** At least 20 days prior to commencement of construction and to the extent possible at least 30 days prior, including demolition, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
13. **Monthly Construction Schedule.** The PEC and contractor shall prepare a monthly construction schedule to be submitted to the City prior to or at the pre-construction briefing.
14. **Pre-Construction Conference(s).** Not less than 10 days or more than 20 days prior to commencement of demolition, 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 a briefing by the Project Environmental Coordinator (PEC). The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, Acoustician, Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Paleontologist, Project Engineer, PEC, Mitigation Monitors, Contractor and each Subcontractor.

Multiple pre-construction briefings by the PEC shall be conducted as the work progresses and a change in contractor occurs. The MMRP shall be presented to those in attendance. The briefing presentation shall include project background, the purpose of the MMRP, duties and responsibilities of each participant, communication procedures, monitoring criteria, compliance criteria, filling out of reports, and duties and responsibilities of the PEC and project consultants. It shall be emphasized at this briefing that the PEC and project consultants have the authority to stop construction and redirect construction equipment in order to comply with all mitigation measures. Once construction commences, field meetings between the PEC and project consultants, and contractors shall be held on an as-needed basis in order to create feasible mitigation measures for unanticipated impacts, assess potential effects, and resolve conflicts.

The PEC shall prepare a pre-construction project briefing report. The report shall include a list of all mitigation measures and a plot plan delineating all sensitive areas to be avoided. This report shall be provided to all construction personnel.

15. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC's) name, contractor(s) and PEC's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone.

16. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 8:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

17. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be allowed within the public right-of-way, subject to the approval by the Public Works Director and a Public Works permit.
18. **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.
19. **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](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
  - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
  - q. **Construction Equipment.** During construction, heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines and compliance shall be verified by City staff. (AQ-1)
20. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports to the Community Development Department, Planning Division, during demolition, excavation, grading, and footing installation and monthly reports on all other construction activity regarding MMRP compliance.
21. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to

the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

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

F. **Prior to 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. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.
4. **Firearm Sound Attenuation.** Acoustical sound measurements shall be taken and documentation of recorded sound measurements shall be provided to the City's Environmental Analyst. If noise levels are found to exceed the average hourly noise levels of 50 dBA for daytime hours (7 am-7 pm), 45 dBA for evening hours (7 pm-10 pm), or 40

dBA for nighttime hours (10 pm-7am), additional noise reduction measures shall be implemented and additional sound measurements shall be taken.

5. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring. A final report shall be submitted to the Planning Division when all monitoring (other than long term operational) has been completed and shall include the following:
  - a. A brief summary of all monitoring activities.
  - b. The date(s) the monitoring occurred.
  - c. An identification of any violations and the manner in which they were dealt with.
  - d. Any technical reports required, such as noise measurements.
  - e. A list of all project mitigation monitors.
6. **Tree Replacement for Removed Trees.** All trees to be removed, consisting of 9 coast live oaks, 23 tipu trees, and 3 southern oaks, shall be replaced with coast live oaks (or other native species) at a minimum replacement ratio of 1:1 plus 25%, and shall be planted offsite in a native habitat restoration area in Elings Park, or along the Las Positas Multiuse Path, at the discretion of the Parks and Recreation Department. These replacement trees shall be planted prior to issuance of a Certificate of Occupancy for the project.
7. **Arborist Contract Required.** Submit to the Planning Division a contract with a qualified arborist to implement the 5-year monitoring effort of mitigation measure BIO-3 (Tree Replacement for Removed Trees). The contract is subject to approval by the City's Environmental Analyst.

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

A. **NOTICE OF DEVELOPMENT PLAN TIME LIMITS:**

The Planning Commission action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §30.205.120, unless:

1. A building, demolition, 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.

This motion was passed and adopted on the 11<sup>th</sup> day of August, 2021 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Higgins and Wardlow)

PLANNING COMMISSION RESOLUTION No. 006-22  
601 SANTA BARBARA ST  
AUGUST 11, 2022  
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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*  
Gillian Fennessy, Commission Secretary

9/15/2022  
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.**