



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** August 11, 2015

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Introduction Of An Ordinance And Adoption Of Resolutions For Annexation Of The Santa Barbara Museum Of Natural History's Western Parcels

**RECOMMENDATION:** That Council:

- A. Consider the Planning Commission's recommendation to annex the Santa Barbara Museum of Natural History's Western Parcels;
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning Upon Annexation of Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement, in the Upper East Neighborhood;
- C. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara and Detachment from the Mission Canyon Lighting District, Santa Barbara County Fire Protection District, and County Service Area 12 for Certain Real Property Known Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement;
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement Which Will Be Annexed to the City of Santa Barbara; and
- E. Consider and determine the project exempt from the California Environmental Quality Act.

### EXECUTIVE SUMMARY:

The subject annexation includes three assessor's parcels and a portion of the Las Encinas Road easement owned by the Santa Barbara Museum of Natural History (herein referred to as the Western Parcels, see Attachment 1). With the exception of one single family residence, the Western Parcels are largely undeveloped and include trails that are used by the public. If annexed, the Western Parcels would be subject to the Santa Barbara

Museum of Natural History's Conditional Use Permit approved by the City Council on March 24, 2015. The portions of the Conditional Use Permit relevant to the Western Parcels include habitat restoration; restrictions on future development; abatement of building and zoning violations; and a required maintenance of free public trail access.

The annexation request complies with the City Council Resolution 96-118, which requires parcels to be annexed to be within the City's Sphere of Influence and adjacent to existing City boundaries. The Planning Commission recommended that the Western Parcels be annexed to the City with a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone).

## **DISCUSSION:**

### Background

The proposed annexation was requested by the property owner, the Santa Barbara Museum of Natural History, as part of the Museum Master Plan. The Master Plan includes improvements to the property anticipated over the next 10-15 year period, including site accessibility improvements, replacement of the butterfly exhibit, and rehabilitation of existing facilities.

The annexation involves three Museum-owned assessor's parcels (APNs 023-250-039; -066; and -068) and a portion of the private Las Encinas Road easement totaling approximately five acres. Existing development on the Western Parcels includes a single family residence. The Museum is approved to maintain the uses of the Western Parcels including the use of the residence, passive recreation, and Museum educational activities.

Approved improvements to the Western Parcels include habitat restoration and an enhanced bioswale with a boardwalk and overlook. Annexation of the Western Parcels and the land use controls provided with the Museum's Conditional Use Permit formalize the Museum's and the public's use of the Western Parcels, provide for habitat protection and restoration, and provide a desirable area for tree replacement from the Master Plan project and stormwater management and treatment. The annexation would result in all Museum operations being within the City and included in the Museum's updated and consolidated Conditional Use Permit.

On June 5, 2014, the Planning Commission, on a 6-0 vote, initiated annexation of the Western Parcels and two privately-owned parcels adjacent to the Museum at 609 Mission Canyon Road.

On January 8, 2015, in addition to annexation of the Western Parcels, the Planning Commission recommended annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road, and the

## Council Agenda Report

### Introduction Of An Ordinance And Adoption Of Resolutions For Annexation Of The Santa Barbara Museum Of Natural History's Western Parcels

August 11, 2015

Page 3

Mission Canyon Road right-of-way between the current City boundary up to and including the intersection of Mission Canyon Road and Puesta del Sol to improve efficiency of public services, reduce overlapping service area, and simplify governance. This additional annexation is not ready for submittal. City staff is gathering boundary information on the parcels that make up 609 Mission Canyon Road and the Mission Canyon Road right of way and will evaluate whether to move forward with this additional annexation separate from the Museum annexation.

On January 8, 2015, the Planning Commission, on a 7-0 vote, approved the Conditional Use Permit and parking modification for the Museum of Natural History, and recommended that City Council approve the annexation, General Plan Amendment, and Zoning Map Amendment with a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) (See Attachments 2 and 3).

On March 5, 2015, City Council heard the appeal of Mark and Lauren Carey on the Conditional Use Permit and Parking Modification. The appeal cited issues with the proposed exterior speaker system, relocated trash enclosure, construction conditions, and environmental review. On a 6-1 vote, Council denied the appeal and approved the project with condition changes. The Conditional Use Permit was approved with a requirement for public access to the trails on the Western Parcels, limitations on future development, and new resource protection conditions (See Attachment 4).

#### Annexation Request

The proposed annexation of the Western Parcels meets the criteria of City Council Resolution No. 96-118, which established procedures for reviewing applications for annexations. Resolution No. 96-118 restricts annexations to parcels located within the City's Sphere of Influence, adjacent to existing City boundaries.

The Local Agency Formation Commission (LAFCO) established the City's Sphere of Influence, which is the probable future City boundary and service area. The City's Sphere of Influence currently extends along the City's eastern boundary adjacent to Montecito, moves north and west along the Las Padres National Forest boundary, follows State Highway 154 to the south, and includes the community of Hope Ranch.

Because the Western Parcels are under the County's jurisdiction, the project includes a request that Council initiate a "Reorganization" that includes four "Changes of Organization." The Reorganization includes the following:

1. Annexation to the City of Santa Barbara,
2. Detachment from Mission Canyon Lighting District,
3. Detachment from County Fire Protection District, and
4. Detachment from County Service Area 12.

The City General Plan includes the following policy and implementation actions related to annexations:

*Land Use Element Policy R.3: Annexation of land to the City shall only be allowed if resource capacities exist to serve the additional area and population, the use of resource capacities will not jeopardize priority development (i.e., affordable housing), and the annexation will minimize impacts on service costs.*

*Land Use Element Implementation Action R3.1: Resource Capacity. It is the City's preference to merge under one government the city of Santa Barbara and the area within its sphere of influence. However, all proposed annexations shall be assessed for potential impacts on the costs and capacities of resources, for example, on water, wastewater treatment, public safety, and affordable housing.*

*Land Use Element Implementation Action R3.3: Compatibility. Residential properties that are annexed to the city shall be designated and zoned to be compatible with adjoining residential areas of the city.*

The proposed annexation has been reviewed by Public Works, and the City Police and Fire Departments. The subject parcels are currently served by City water and sewer services, and fire protection is provided via an interagency (City/County) mutual aid agreement. Staff has concluded that resource capacities exist to serve these properties with minimal service costs. The proposed designation and zoning are identical to adjoining City land use designations and zoning. The annexation is therefore consistent with this General Plan policy and related implementation actions.

If approved, the project site would become part of the Upper East Neighborhood, which is described in the Land Use Element of the City's General Plan as being bounded on the north by Mission Creek and Las Encinas Road; on the south by Sola Street; and the east by Laguna Street, Olive Avenue, and Olive Street; and on the west by State Street.

#### Zoning and General Plan Amendments

The Western Parcels currently have a County Comprehensive Plan designation of RES-1.8 (Residential 1.8 units per acre), and a County zoning designation of 20-R-1 (Single Family Residential, 20,000 square foot minimum lot size).

A City General Plan designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a City Zoning designation of E-1 (One-Family Residence Zone) are proposed. Staff and the Planning Commission found that the proposed designations are appropriate and compatible with the surrounding neighborhood, which is primarily residential. Museum use continues to be governed by a Conditional Use Permit, as required for a quasi-public facility in a residential zone.

### Environmental Review

The Environmental Analyst has determined that:

1. The proposed annexation is exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15319 that exempts annexations of individual small parcels of the minimum size to allow for facilities exempted by Section 15303 (New Construction or Conversion of Small Structures), including single family residences, accessory structures, utilities, and street improvements.
2. The proposed zoning and General Plan designations for the parcels being annexed are exempt from further environmental review pursuant to the CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, which allows for minor amendments to existing land use plans, ordinances and regulations that do not result in changes in land use or density and which have no potential for significant environmental effects or do not significantly change the planned uses in an area.

### Procedures

City Charter Section 1507 requires a minimum of five affirmative votes of City Council for amendments to the City's General Plan and Zoning Ordinance and findings that the amendments comply with the City's policy of living within our resources.

Rezoning is carried out by Ordinance, and General Plan Amendments are adopted by Resolution.

### Next Steps

If Council initiates the annexation proceeding with LAFCO, the proposed Zoning Ordinance Amendment will return to Council for adoption, and the City will then submit an application to LAFCO for this Reorganization. Prior to LAFCO consideration, a tax exchange agreement (see discussion below) will be presented to the City Council and County Board of Supervisors. Following LAFCO consideration and approval of these actions, LAFCO will transmit a Certificate of Completion to the County Recorder and a Statement of Boundary Change to the State Board of Equalization.

## **BUDGET/FINANCIAL INFORMATION:**

### Property Tax

State law governing annexations requires that the City and the County negotiate a tax exchange agreement. The tax exchange agreement determines what portion of the property tax paid on the property will be allocated to the City. The property tax

exchange agreement between the City and County will be prepared during the LAFCO application process. The tax exchange agreement will be negotiated and subsequently, a resolution providing for a negotiated exchange of property tax revenues will be prepared for Council approval.

#### Annexation Buy-in Fees

Chapter 4.04 of the Municipal Code (Annexation and Charges) requires owners of annexed property to pay an annexation "buy-in" fee for potential units to be developed on the property. Because the project does not include any new residential development, annexation buy-in fees are not required. Appropriate utility connection and buy-in fees would be required.

#### **CONCLUSION:**

The Western Parcels are located within the City's Sphere of Influence and adjacent to City boundaries, consistent with current City Council annexation requirements. The proposed Zoning and General Plan designations are compatible with the adjoining residential area and consistent with the City General Plan. Therefore, staff recommends that Council consent to the reorganization; adopt resolutions for the annexation and General Plan amendment; and introduce and subsequently adopt an ordinance to rezone the property.

- ATTACHMENTS:**
1. Annexation Exhibit of Western Parcels
  2. Planning Commission Staff Report dated December 23, 2015
  3. Planning Commission Resolution 002-15
  4. City Council Resolution 15-029

**PREPARED BY:** Dan Gullett, Project Planner

**SUBMITTED BY:** George Buell, Community Development Director

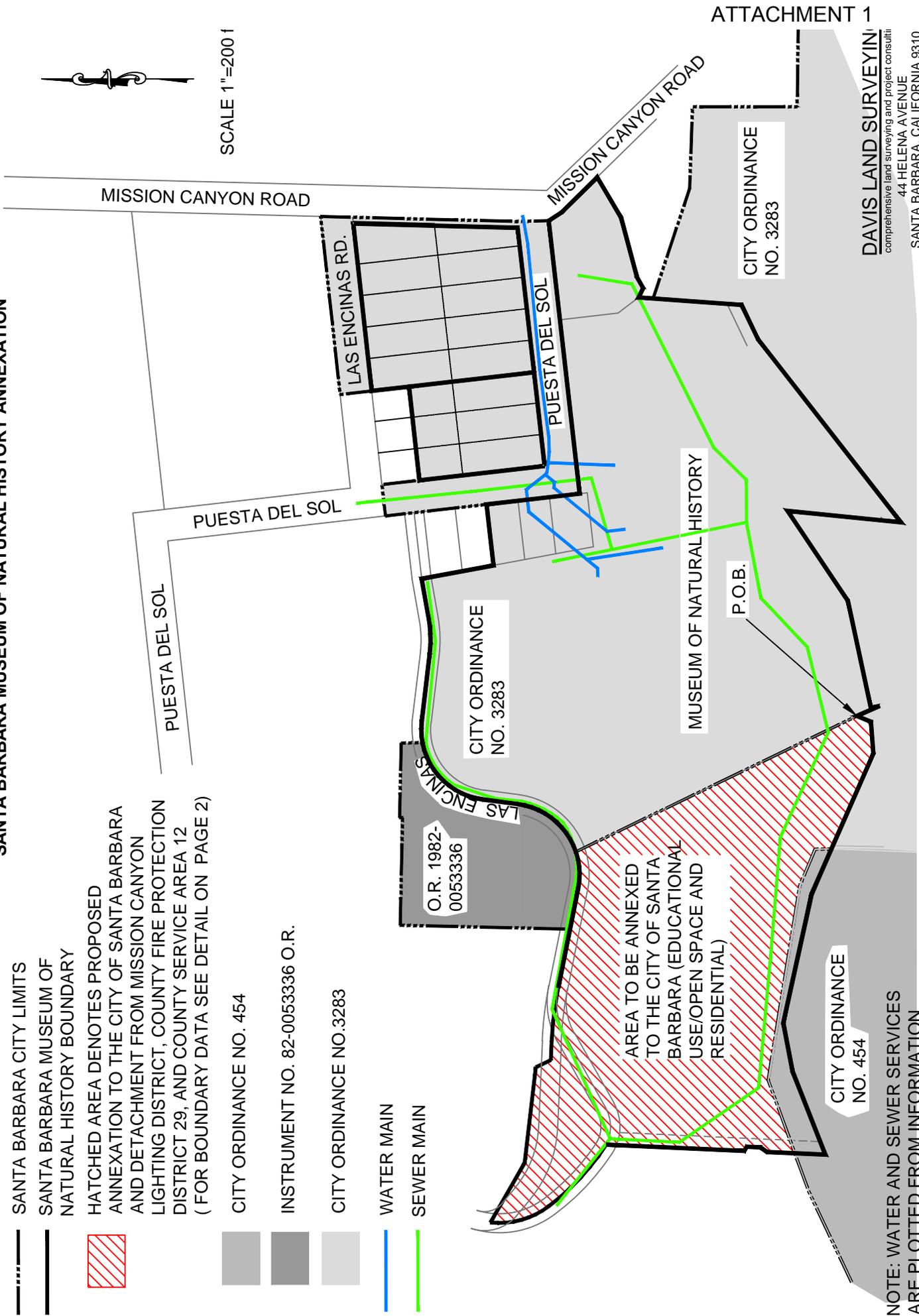
**APPROVED BY:** City Administrator's Office

# EXHIBIT B (MAP SHEET)

## SANTA BARBARA MUSEUM OF NATURAL HISTORY ANNEXATION

- SANTA BARBARA CITY LIMITS
- ===== SANTA BARBARA MUSEUM OF NATURAL HISTORY BOUNDARY
-  HATCHED AREA DENOTES PROPOSED ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTRICT 29, AND COUNTY SERVICE AREA 12 (FOR BOUNDARY DATA SEE DETAIL ON PAGE 2)
-  CITY ORDINANCE NO. 454
-  INSTRUMENT NO. 82-0053336 O.R.
-  CITY ORDINANCE NO. 3283
-  WATER MAIN
-  SEWER MAIN

SCALE 1"=200'



AREA TO BE ANNEXED TO THE CITY OF SANTA BARBARA (EDUCATIONAL USE/OPEN SPACE AND RESIDENTIAL)

CITY ORDINANCE NO. 3283

CITY ORDINANCE NO. 3283

O.R. 1982-0053336

CITY ORDINANCE NO. 454

P.O.B.

MUSEUM OF NATURAL HISTORY

NOTE: WATER AND SEWER SERVICES ARE PLOTTED FROM INFORMATION PROVIDED BY THE CITY OF SANTA BARBARA

**DAVIS LAND SURVEYING**  
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 SANTA BARBARA, CALIFORNIA 93101  
 L.S.5742 (805)564-8756



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** December 23, 2014  
**AGENDA DATE:** January 8, 2015  
**PROJECT ADDRESS:** 2559 Puesta del Sol (MST2014-00116)  
 Santa Barbara Museum of Natural History  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470, extension 4550  
 Renee Brooke, AICP, Senior Planner *RPB for RB*  
 Daniel Gullett, Project Planner *DG*

### I. PROJECT DESCRIPTION

The proposed Master Plan for the Santa Barbara Museum of Natural History (Museum) anticipates the following improvements over the next 10-15 years: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new screening wall along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22).

The proposal includes annexation of three Museum-owned parcels to the City: APNs 023-250-039; -066; and -068, totaling approximately five acres (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The Museum proposes to maintain the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation, and Museum educational activities. New improvements in the largely undeveloped Western Parcels include an enhanced bioswale with an associated boardwalk and overlook, and restoration of the woodland area including replacement of non-native plants with native plants.

In addition to annexation of the three Museum-owned parcels, staff requests that the Planning Commission recommend annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road (APNs 023-271-005 and -006) and the Mission Canyon Road right-of-way between the current City boundary up to and including the intersection of Mission Canyon Road and Puesta del Sol. Staff recommends a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) for all parcels considered for annexation.

## II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and the Local Agency Formation Commission (LAFCO):**

- A. Reorganization of the properties known as APNs 023-250-039; -066; and -068, and APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way including Annexation to the City of Santa Barbara and Detachment from the Santa Barbara County Fire Protection District, County Service Area 12, and the Mission Canyon Lighting District.
- B. A General Plan Amendment to designate the properties to be annexed as Low Density Residential (Maximum Density: Three Dwelling Units per Acre) upon annexation.
- C. A Zoning Map Amendment to zone the properties to be annexed as E-1 (One-Family Residence Zone) upon annexation.

**Actions by the Planning Commission:**

- D. A Conditional Use Permit Amendment to allow for the proposed changes to the Museum (SBMC §28.94.030).
- E. A Parking Modification to provide less than the required number of onsite parking spaces (SBMC §28.92.110).

**APPLICATION DEEMED COMPLETE:** October 21, 2014

**DATE ACTION REQUIRED:** January 20, 2015

## III. BACKGROUND

The Santa Barbara Museum of Natural History was originally founded in 1916 as the Museum of Comparative Oology. In 1922, the Museum was given the original 1.6 acre site and the original buildings in the present Museum complex. That year, the Museum's name was changed to the Santa Barbara Museum of Natural History. The Museum complex was added to over time and the Museum was annexed to the City with the Mission in 1968 in the Old Mission-Museum Annexation. The City has granted various approvals for the Museum's development and use including Conditional Use Permits and Substantial Conformance Determinations.

The Museum's current programs include educational exhibits and educational programs available to the public; research advancing understanding of the natural environment and human interactions with the natural environment; and collections of archived artifacts and specimens used in natural history research. Existing development on the entire 15.43 acre property (including the three annexation parcels) totals approximately 83,000 square feet of gross institutional floor area and 4,500 square feet of residential floor area. The Museum currently provides 156 parking spaces for the non-residential uses.

In response to various substantial conformance determination requests made in recent years, City staff and the Planning Commission requested that the Museum provide a Master Plan outlining projected changes to the Museum facilities over a longer time horizon.

The Planning Commission held three concept reviews on Master Plan proposals on July 21, 2010, July 20, 2011, and June 5, 2014. On June 5, 2014, the Planning Commission initiated annexation of the Western Parcels in addition to the two privately-owned parcels at 609 Mission Canyon Road, and provided conceptual comments on a significantly scaled-down Master Plan proposal. That annexation initiation included pre-zoning and pre-General Plan designation, as described below.

The applicant provided a report outlining the Museum's current Master Plan proposal (Exhibit C). The applicant report includes a more detailed description of the project; summaries of the technical studies prepared for the application; descriptions of resource protection measures incorporated into the project; and requested changes to existing conditions.

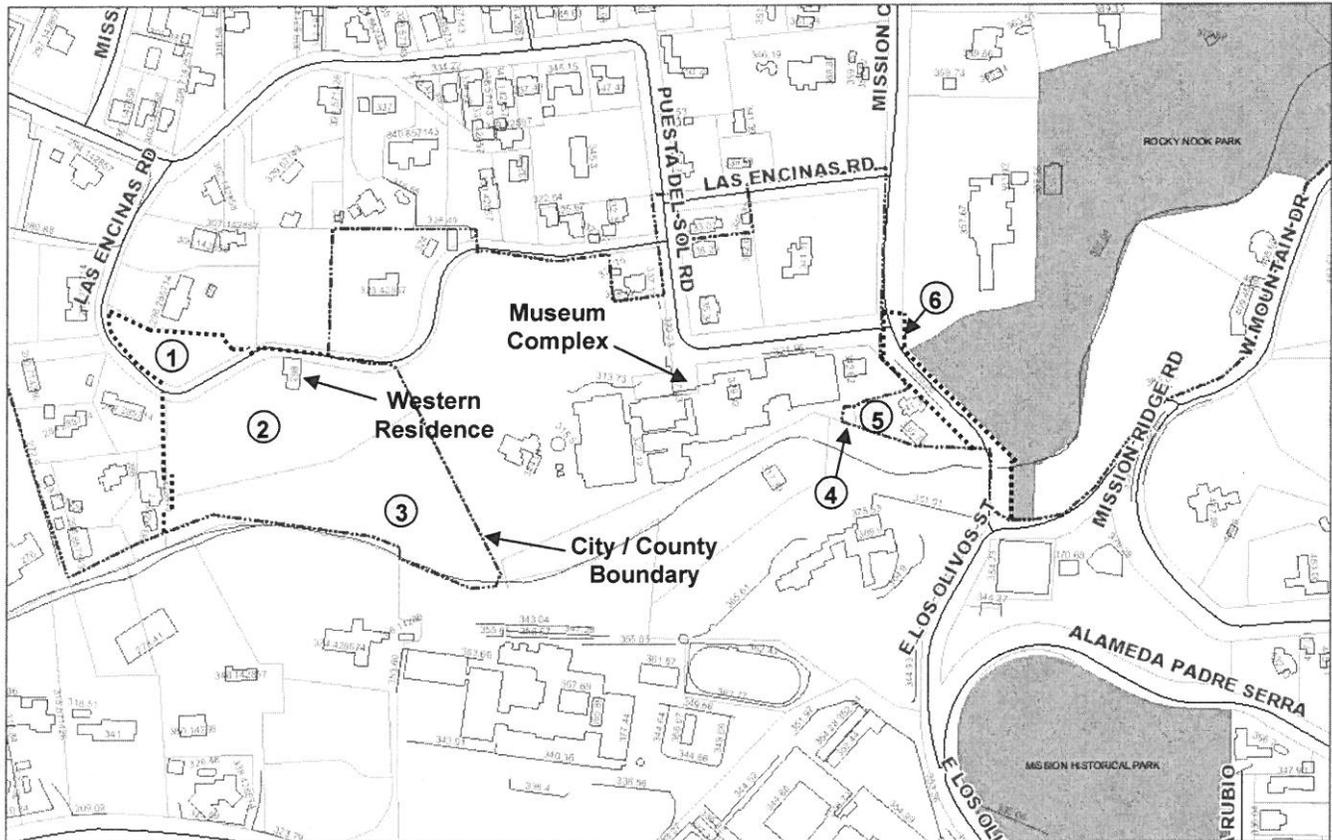
#### **IV. ANNEXATION**

The Local Agency Formation Commission (LAFCO) establishes the City's Sphere of Influence, which is defined as the probable future City boundary and service area. The General Plan Land Use Element encourages annexation of unincorporated areas within the Sphere of Influence. The City's Sphere of Influence currently extends along the City's eastern boundary adjacent to Montecito, moves north and west along the Las Padres National Forest boundary, follows State Highway 154 to the south, and includes the community of Hope Ranch.

The subject proposed annexation of the Western Parcels meets the criteria of City Council Resolution No. 96-118, which established procedures for reviewing applications for annexations. Resolution No. 96-118 restricts annexations to parcels located within the City's Sphere of Influence, adjacent to existing City boundaries. The Resolution also restricts annexation of unincorporated territory to property owner requests, State mandates, or direction from LAFCO.

The applicant provided an exhibit of the proposed annexation boundary including the Western Parcels (Exhibit D). Annexation of these parcels and the controls provided with the Museum's Conditional Use Permit allow the Planning Commission to formalize the Museum's and the public's use of the Western Parcels, provide for habitat protection and restoration, and provide a desirable area for tree replacement from the Master Plan project and stormwater management and treatment.

City staff's review of the Museum's annexation request included consideration of adjusting additional City boundary lines in the Museum vicinity to improve efficiency of public services, reduce overlapping service area, and simplify governance. In addition to the Museum's Western Parcels, staff also recommends that the annexation include two parcels at 609 Mission Canyon Road (referenced as 4 and 5 in Figure 1 below). Those two parcels are a peninsula of unincorporated area, with three sides serving as the City/County boundary. Annexation of the two 609 Mission Canyon Road parcels provides for a more rational City boundary and allows for annexation of a portion of additional Mission Canyon Road right-of-way. Public improvements are currently being considered in the community-initiated, City-County collaborative effort to provide enhanced pedestrian and bicyclist facilities between the Mission area and Foothill Road.



**Figure 1: Properties considered for Annexation to the City-**  
Museum-owned Western Parcels: 1. APN 023-250-039 2. APN 023-250-066 3. APN 023-250-068  
609 Mission Canyon Road Parcels: 4. APN 023-271-005 5. APN 023-271-006  
Mission Canyon Road Right-of Way: 6.

As part of the Master Plan, the Museum proposes new sidewalk along the south side of Puesta del Sol that would connect to the planned circulation improvements on Mission Canyon Road. Annexation of a portion of Mission Canyon Road would shift ongoing maintenance responsibility to the City and provide a simplified design and approval process for enhanced access connecting the Mission and Museum, both major visitor-serving institutions in the City.

Two of the five assessor's parcels proposed for annexation are developed with residences: the Museum's Western Residence and the house at 609 Mission Canyon Road. The other three assessor's parcels are vacant, and primarily creek and woodland habitat area.

For consistency with the adjacent City zoning and land use designations, including the zoning and land use designation of the Museum properties currently in the City, staff recommends a zoning designation of E-1 (One Family Residence Zone) with a General Plan Designation of Low Density Residential with a maximum density of three dwelling units per acre. Single Family Residential Zoning requires a Conditional Use Permit for Museum operations, to manage potential use conflicts with the surrounding neighborhood.

<b>Parcels Considered for Annexation</b>					
	<b>Parcel</b>	<b>Area</b>	<b>Existing Development</b>	<b>Existing County General Plan</b>	<b>Existing County Zoning</b>
1	023-250-039 <i>SBMNH</i>	0.51 acres	Vacant	RES-1.8 Residential <i>1.8 units per acre</i>	20-R-1 Single Family residential 20,000 sq ft min. lot size
2	023-250-066 <i>SBMNH</i>	2.21 acres	Residence	RES-1.8 Residential <i>1.8 units per acre</i>	20-R-1 Single Family residential 20,000 sq ft min. lot size
3	023-250-068 <i>SBMNH</i>	2.35 acres	Vacant	RES-1.8 Residential <i>1.8 units per acre</i>	20-R-1 Single Family residential 20,000 sq ft min. lot size
4	023-271-005 <i>609 Mission Canyon Road</i>	0.02 acres	Vacant	RES-1.0 Residential <i>1.0 unit per acre</i>	1-E-1 Single Family residential 1 acre min. lot size
5	023-271-006 <i>609 Mission Canyon Road</i>	0.38 acres	Residence	RES-1.0 Residential <i>1.0 unit per acre</i>	1-E-1 Single Family residential 1 acre min. lot size

**V. ISSUE AREAS**

**A. WESTERN PARCELS – RESOURCE PROTECTION**

The Museum’s Western Parcels are largely undeveloped and include an existing, Museum-owned, single-family residence and trails that are used by the public. The Mission Canyon Community Plan, which guides future development and improvements within the unincorporated Mission Canyon area, was adopted by the County of Santa Barbara in April 2014. The Community Plan area includes the Museum’s Western Parcels, the 609 Mission Canyon Road parcels, and the unincorporated Mission Canyon Road right-of-way. It designates most of the area of the Western Parcels as California Sycamore Riparian Forest Environmentally Sensitive Habitat and requires a 50-foot buffer from the edge of the forest canopy, limiting development of that area.

The project includes habitat restoration in a portion of the Western Parcels, including removal of non-native trees, shrubs, and understory vegetation and planting of appropriate native trees, shrubs, and understory vegetation. The proposed restoration also includes grading and planting of freshwater marsh vegetation within an existing drainage swale on the Western Parcels to create a better functioning bioswale. A boardwalk path and overlook are proposed to access the new freshwater marsh habitat.

The existing Museum-owned single-family residence (Western Residence) was altered without the benefit of permits. The recommended conditions of approval require that the building and zoning violations be abated as part of the scope of the first building permit following annexation.

The Conditional Use Permit grants the Planning Commission authority to condition the location and use of open space and prohibit additional construction consistent with the purpose of the Zoning Ordinance and General Plan. As described in the attached Applicant Report and the attached Use and Attendance Exhibit (Exhibit E), the Museum proposes to carry forward certain Mission Canyon Community Plan resource protection development standards to any

future development of the Western Parcels. Staff has included the language of the Mission Canyon Community Plan development standards DevStd-BIO-MC-3.3, 3.4, and 8.2 in Condition C.4. The recommended conditions also include a requirement of the Museum to provide continued free public access to established and proposed trails on this portion of the Museum property (Condition C.3).

Although the subject Museum property includes six assessor's parcels, the Title Report prepared for the Museum properties shows that the property is comprised of a total three legal lots, two over the Western Parcels. The legal lots are: parcel APN 023-250-039 and a portion of the Las Encinas Road easement; parcels APN 023-250-056 (already incorporated), 023-250-066, 023-250-068 and a portion of the Las Encinas Road easement; and the remaining subject Museum-owned property. Since the portion of the Western Parcels that includes the existing publically accessed trails and proposed trail improvements is a single legal lot currently, staff is not recommending a lot merger as a condition of this project.

## **B. MISSION CREEK SETBACK**

The Municipal Code generally requires a minimum development setback of 25 feet from the calculated top of bank of Mission Creek (SBMC §28.87.250) for flood control purposes, and larger creek setbacks (up to 100 feet) have been required by the Planning Commission on a case-by-case basis considering safety, flood hazard, biology, and water quality.

The project includes a proposed 2,000 square foot creekside terrace deck south of the Marine/Paleontology/Geology Exhibit Hall that extends to the calculated Mission Creek top-of-bank. The topography in that area slopes down toward the creek and the proposed terrace is designed to improve site accessibility and provide additional flat usable area near the creek. Existing Museum development includes hardscape on the creekside of the calculated top of bank and one building (Gladwin Planetarium) is as close as seven feet from the calculated top of bank.

The City's General Plan encourages public creek access and enhancement of public awareness and enjoyment of City creeks. The proposed creekside terrace is consistent with that direction. The General Plan also calls for new creek setback standards that are greater than 25 feet for new structures and hard surfaces adjacent to creeks and bank stabilization through planting for new development sited less than 50 feet to top of bank.

For this location, considering the important habitat and biological resources associated with the riparian corridor, Creeks Division Staff has recommended that new development (outside the footprint of existing development) be setback 50 feet or more from the calculated top of bank and that replacement of any existing hardscape within the 50 foot setback area be permeable. Staff initially indicated to the applicant that removing existing asphalt near the creek could lead to staff support for a new creekside terrace structure closer than 50 feet from the top of bank, since it would provide for additional riparian restoration area and water infiltration, which would benefit habitat, water quality, and aesthetics. The Museum is proposing removal of approximately 2,800 square feet of existing asphalt in this area, nearby the proposed deck and on the south side of Mission Creek.

At the June 5, 2014 Planning Commission concept review, the consensus of the Planning Commission was that the proposed creekside terrace location was harmonious with the General

Plan considering the unique site constraints, access issues, and the educational opportunities provided by the proposed terrace.

### **C. PARKING MODIFICATION**

The Zoning Ordinance recognizes that, in many cases, it is impractical to establish minimum parking requirements for uses permitted with Conditional Use Permits and that different performance and development standards must be applied to each individual facility. Regardless, the parking chapter of the Zoning Ordinance provides parking requirements for general uses. For the Museum, the total parking requirement based on commercial, office and auditorium use ordinance ratios is 287 spaces. The Museum currently provides 156 spaces and proposes a reduction in parking by 1 space for a total of 155 automobile parking spaces for the Museum use. Because of the reduction, a Parking Modification is required. The applicant provided a Traffic, Circulation, and Parking Report prepared by ATE dated July 15, 2014 that projects a future peak parking demand of 137 spaces, therefore the loss of one Museum parking space will not cause an increase in demand for parking space in the immediate area. Like the Parking Modification, the Conditional Use Permit requires a finding that adequate access and off-site parking is provided in a manner that the demands are adequately met without altering the character of the public streets at any time. The Museum implements a parking and transportation management plan for special events that generate higher daily attendance than usual, which is attached to the Applicant Report.

### **D. NOISE**

As part of the application, the Museum is requesting that the existing condition prohibiting exterior public address speakers be amended to allow exterior speakers for low volume announcements between 8 a.m. and 8:30 p.m. The Municipal Code allows for music and voice amplification if it does not exceed 60 dBA at the property line between 7 a.m. and 10 p.m. and 50 dBA at the property line between 10 p.m. and 7 a.m. The Municipal Code also prohibits unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place to result in physical discomfort to inhabitants of the City. The Planning Commission must find that the Museum's uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved, which makes consideration of the Municipal Code's prohibition on unnecessary noises and sounds relevant to the Conditional Use Permit request. The Museum proposes to orient exterior speakers away from adjacent properties and limit the sound produced by the speakers to not exceed ambient average noise levels by more than 2 dBA at the property boundary. In general, a 3 dBA change in noise level is perceptible, while a 1-2 dBA change in noise levels is not noticed. The staff recommended conditions require post-construction testing to verify that the exterior speaker system does not exceed 2 dBA above ambient noise levels at the property lines.

The project includes construction of a trash enclosure in the southwest portion of the parking lot. The existing dumpsters are located west of the existing butterfly pavilion and not enclosed. Marborg currently picks up refuse from the site five days a week. Due to the existing location, trash and recycling trucks must back up approximately 225 feet with a back-up alarm after receiving refuse. The relocation would reduce the amount of time the trucks are on site and

eliminate the need of trucks backing, however, the trash and recycling would be accessed closer to the nearest residential neighbors along Las Encinas Road.

The project includes a new approximately 120-foot long, six-foot high sound wall along the northeastern portion of the parking lot to attenuate noise to, and block headlights of Museum patrons from neighboring houses along Las Encinas Road. Because the wall is proposed within ten feet of Las Encinas Road, a staff-level exception to the 3.5-foot wall height limit must be granted for construction the wall pursuant to SBMC Subsection 28.87.170.E.1 prior to building permit issuance. The project also includes additional native trees and shrubs between the parking lot and the residences west of the proposed soundwall on Las Encinas Road to provide more vegetated buffer to reduce the effects of Museum operations on adjacent neighbors.

#### **E. USE RESTRICTIONS**

As discussed in the attached Applicant Report and Use and Attendance document, the Museum proposes to further limit the number, attendance and times of weddings and special events, restricting the events more than what is currently allowed. The recommended conditions of approval include the appropriate proposed limitations as conditions on the operation of the Museum (Condition C.2).

The Museum is requesting that the 1989 condition limiting the hours on the Collections and Research Center be removed to allow for a flexible work schedule consistent with the Museum's Transportation Demand Management program and consistent with work schedules available to other Museum employees.

#### **F. PUBLIC IMPROVEMENTS**

The project includes new sidewalk along the south side of Puesta del Sol. Condition E.1.d calls for a six-foot-wide sidewalk and a minimum four-foot-wide parkway, composed of either a landscaped strip or tree wells along the Puesta del Sol frontage. These improvements would be subject to review and approval by Historic Landmarks Commission. The Museum would have the option of either completing the public improvements prior to building permit issuance (following permits to address unpermitted work to the Western Residence and construction of the parking lot soundwall) or entering into an agreement to construct the improvements following building permits. These improvements would eventually connect with the planned sidewalk improvements to Mission Canyon Road. The conditions also include a dedication at the corner of Puesta del Sol and Mission Canyon Road on the street side of the sandstone wall to accommodate the planned right-of-way improvements at that corner.

### **VI. DESIGN REVIEW**

The Museum's Master Plan was reviewed by the Historic Landmarks Commission (HLC) on April 23, May 7, and December 3, 2014 (meeting minutes are attached as Exhibit F). On May 7th, the HLC forwarded the project to the Planning Commission, completing the compatibility criteria analysis. The HLC stated that the Master Plan was superb and supportable and appreciated the environmental, historic, and structural stewardship of the proposal. The HLC did not have concerns with the location of the creekside terrace adjacent to Mission Creek, but asked that the deck detailing, materials, and handrails for the creekside terrace be more sympathetic to the site. They also encouraged the applicant to explore removal of additional asphalt stating that a more natural material would be appropriate. Following the May 7<sup>th</sup> hearing, the Museum introduced a soundwall along the northerly property line, where the

parking lot is closest to neighbors along Las Encinas Road. HLC stated that the soundwall was an excellent solution for the Museum and neighbors. The HLC completed the Project Compatibility Analysis and forwarded the project to the Planning Commission.

## **VII. GENERAL PLAN CONSISTENCY**

In order to approve the amended Conditional Use Permit, the Planning Commission must be able to find that the project is harmonious with the City's General Plan. A list of applicable City General Plan Goals, Policies, and Implementation Strategies is attached as Exhibit G. Mission Canyon Community Plan Goals, Policies and Implementation Strategies currently applicable to the unincorporated parcels are attached as Exhibit H. City Policies related to the Mission Creek Setback are discussed in Section V, above. The other most pertinent City policies and implementation actions are grouped and discussed below.

### ***Neighborhood Protection and Enhancement***

Land Use Element Goal - Neighborhoods: *Maintain and enhance neighborhoods with community centers where requested, and improved connectivity to daily necessities, including limited commercial activity, transit, and open spaces while protecting the established character of the neighborhood. Maintain or reduce the existing ambient noise levels in single family neighborhoods.*

Land Use Element Policy LG 4: *Maintain and protect the character and quality of life of single family zoned neighborhoods as a low density residential community.*

Environmental Resources Element Implementation Action ER31.5: *Non-Residential Noise Affecting Residential Neighborhoods. To further General Plan policies for maintaining quiet, high quality neighborhoods, require more detailed noise assessments for proposed special, conditional, and institutional uses with episodic activities and events that may cause noise effects to residential neighborhoods.*

The proposed exterior speaker system is designed to minimize impacts to neighboring residential properties with orientation of speakers away from homes and the recommended conditions of approval require that the speakers be tested to show that they do not exceed 2 dBA above existing ambient noise at the Museum's property lines. The proposed soundwall along the northern property line would further reduce existing noise levels for the adjacent neighbors. The soundwall and additional vegetation (approximately 14 new trees and large shrubs) proposed in the landscape buffer between the parking lot and Las Encinas Road will reduce nighttime headlight glare from Museum parking lot users on neighborhood residents and reduce views of parked cars from Las Encinas Road. The additional limitations the Museum has agreed to place on special events are also expected to reduce the Museum's impacts on adjacent neighbors.

### ***Biological Resources***

Conservation Element Biological Resources Policy 1.0: *Development adjacent to creeks shall not degrade the creeks or their riparian environments.*

Conservation Element Biological Resources Policy 4.0: *Trees enhance the general appearance of the City's landscape and should be preserved and protected.*

Conservation Element Biological Resources Policy 5.0: *Significant open space areas should be protected to preserve the City's visual resources from degradation.*

Environmental Resources Element Implementation Action ER11.2: *Oak Woodlands. Site new development outside of oak woodlands to the maximum extent feasible. Within and adjacent to oak woodlands:*

- a. Avoid removal of specimen oak trees;*
- b. Preserve and protect oak saplings and native understory vegetation within areas planned to remain in open space;*
- c. Provide landscaping compatible with the continuation and enhancement of the habitat area, consisting primarily of native species and excluding use of invasive non-native species;*
- d. Include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat;*
- e. Minimize or avoid installation of high water use landscaping (e.g., lawn) under the dripline of oak trees.*

Environmental Resources Element Policy ER12: *Wildlife, Coastal and Native Plant Habitat Protection and Enhancement. Protect, maintain, and to the extent reasonably possible, expand the City's remaining diverse native plant and wildlife habitats, including ocean, wetland, coastal, creek, foothill, and urban-adapted habitats.*

Environmental Resources Element Implementation Action ER12.4: *Native Species Habitat Planning. Protect and restore habitat areas for native flora and fauna, and wildlife corridors within the City, including for chaparral, oak woodland, and riparian areas. In particular, provide land use/design guidelines to:*

- a. Require buildings and other elements of the built environment, and landscaping to be designed to enhance the wildlife corridor network as habitat.*
- b. Ensure that the City and new development preserve existing trees within identified wildlife corridors, and promote planting new trees, and installing and maintaining appropriate native landscaping in new developments within or adjacent to important upland wildlife corridors and all streams. Ensure that efforts are made to minimize disturbance to understory vegetation, soils, and any aquatic habitats that are present below the trees in order to provide movement of species that utilize the habitat.*
- c. Ensure that new development and redevelopment projects will not result in a net reduction or loss in size and value of native riparian habitats.*
- d. Increase riparian habitat within the City and / or its sphere of influence by 20 acres or more, and 1 linear mile or more, over the 20 year life of Plan Santa Barbara. Priorities for restoration include perennial reaches of the major streams, reaches of creek on publicly owned land, and degraded areas of the City's three major creeks.*

Environmental Resources Element Implementation Action ER12.5: *Riparian Woodland Protection. Site new development outside of riparian woodlands to the extent feasible. Within and adjacent to riparian woodlands:*

- a. Avoid removal of mature native trees;*

- b. Preserve and protect native tree saplings and understory vegetation;*
- c. Provide landscaping within creek setback compatible with the continuation and enhancement of the habitat area, consisting primarily of appropriate native species and excluding use of invasive non-native species;*
- d. Include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat;*
- e. Include water quality protection and enhancement measures consistent with the adopted City Storm Water Management Plan.*

Environmental Resources Element Policy ER13. Trail Management: *Existing and future trails along creeks or in other natural settings shall be managed for both passive recreational use and as native species habitat and corridors.*

The project includes restoration of the woodland area in the Western Parcels and biological enhancements to the existing drainage swale in that area, consistent with these policies. The project anticipates the removal of two trees; an 8-inch diameter sycamore where access to a City sewer manhole must be accommodated, and a 13-inch diameter oak tree, which is growing horizontally along the ground and located in the City right-of-way of Puesta del Sol and may interfere with sidewalk improvements. Two additional oak trees (24-inch and 25-inch) are anticipated to have sufficient disturbance within their critical root zone that replacement trees are required. The proposed landscape plan includes a minimum of 30 new oaks and 10 sycamores to replace these trees.

The Museum also proposes to impose certain biological resource protection development standards from the Mission Canyon Community Plan on the Western Parcels, which staff has included in the proposed conditions. The project is therefore consistent with these policies and implementation standards.

#### ***Historic and Archaeological Resource Preservation***

Historic Resources Element Policy HR1: *Protect Historic and Archaeological Resources. Protect the heritage of the City by preserving, protecting and enhancing historic resources and archaeological resources. Apply available governmental resources, devices and approaches, such as the measures enumerated in the Land Use Element of this Plan, to facilitate their preservation and protection.*

Historic Resources Element Policy HR2: *Ensure respectful and compatible development. Seek to ensure that all development within the City respects rather than detracts from individual historic and archaeological resources as well as the neighborhood and the overall historical character of the city. Assure compatibility of development, respect for the historical context of historical resources, and consideration of sustainable design alternatives where compatible.*

In 1981, the City of Santa Barbara designated a portion of the Main Museum Complex, the Museum's Fleischmann Auditorium and the stone wall built for the former Hazard estate as a City of Santa Barbara Structure of Merit. Phase I and Phase II Historic Structures and Sites Reports were accepted by the Historic Landmarks Commission (HLC), which concluded that the project would not result in significant adverse historic impacts. Furthermore, the HLC

stated that the project is superbly designed and appropriately sensitive to historic resources. Therefore, the project is consistent with these policies.

### ***Open Space***

Open Parks and Recreation Element Policy OP1: *Variety and Abundance*. Provide ample open space through a variety of types, including nature reserves, parks, beaches, sports fields, trails, urban walkways, plazas, paseos, pocket parks, play areas, gardens, and view points, consistent with standards established for this city.

The proposed conditions require that public access be maintained to trails in the Western Parcels, consistent with this policy.

### ***Fire Hazards***

Safety Element Policy S34: *Evacuation Routes*. Development projects located in the Extreme Foothill and Foothill High Fire Hazard Zones shall be evaluated to determine if the project would have the potential to substantially affect emergency evacuation. A project would result in a substantial effect on evacuation if it would result in either of the following conditions:

a. *Physically interfere with evacuation capabilities*. A project could physically interfere with evacuation capabilities if it would reduce evacuation capacity by substantially decreasing the width of road or other access way, or result in the closure of a road or access way.

b. *Add substantial additional evacuees to routes with limited capacity*. A project could substantially reduce evacuation capacity if it would add a considerable amount of traffic to probable evacuation routes that do not meet current Fire Department roadway or access standards; or add a considerable amount of traffic to probable evacuation routes in relation to roadway capacity and evacuation traffic volumes reasonably expected to be generated by existing development in the project area.

Safety Element Policy S37: *Fire Hazard Reduction Design Requirements*. Project designs shall adequately address fire hazard, providing for appropriate site layout; building design and materials; fire detection and suppression equipment; landscaping and maintenance; road access and fire vehicle turnaround; road capacity for evacuation; and water supply.

Safety Element Policy S39: *Defensible Space*. Require that defensible space be provided around existing and proposed development projects located in high fire hazard areas in accordance with the Wildland Fire Plan, or as recommended by the Fire Department.

Safety Element Policy S40: *Vegetation Management*. Vegetation management programs to reduce fire fuel loads, as well as project related landscape and maintenance plans, shall protect and preserve environmentally sensitive habitat areas (ESHAs) and balance fire risk reduction benefits with possible aesthetic, habitat, and erosion impacts.

*Potential effects resulting from fuel management activities shall be avoided or reduced as feasible.*

The proposed changes to the Museum are not expected to physically interfere with evacuation capabilities or add substantial additional evacuees. The project includes a sidewalk along the south side of Puesta del Sol, which would narrow the driving width of the street, but not to a width that would substantially interfere with an evacuation. The Museum has coordinated with

the City Fire Department on the proposed landscaping design and is providing required defensible space to structures. The proposed project is therefore consistent with these policies.

### ***Annexations***

Land Use Element Policy R.3: *Annexations Annexation of land to the City shall only be allowed if resource capacities exist to serve the additional area and population, the use of resource capacities will not jeopardize priority development (i.e., affordable housing), and the annexation will minimize impacts on service costs.*

Land Use Element Implementation Action R3.1: Resource Capacity. *It is the City's preference to merge under one government the city of Santa Barbara and the area within its sphere of influence. However, all proposed annexations shall be assessed for potential impacts on the costs and capacities of resources, for example, on water, wastewater treatment, public safety, and affordable housing.*

Land Use Element Implementation Action R3.3: Compatibility. *Residential properties that are annexed to the city shall be designated and zoned to be compatible with adjoining residential areas of the city.*

The proposed annexation has been reviewed by Public Works, and the City Police and Fire Departments. The subject parcels are currently served by City water and sewer services, and fire protection is provided via an interagency (City/County) mutual aid agreement. Staff has concluded that resource capacities exist to serve these properties with minimal service costs. Annexation of the two parcels at 609 Mission Canyon Road provides for a more rational City boundary and allows for annexation of a portion of additional Mission Canyon Road right-of-way, facilitating a simplified design and approval process for enhanced access connecting the Mission and Museum.

The proposed designation and zoning are identical to adjoining City land use designations and zoning. The project is therefore consistent with this policy and implementation actions.

### ***Circulation***

Circulation Element Policy 5.1: *The City shall create an integrated pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas and places of interest.*

Circulation Element Implementation Action 5.1.2: *Identify and link major activity centers and destinations with walkways. This will consist of the following: ...improving pedestrian access in and around the Mission by providing safe and attractive walking connections between the Mission, Rose Garden, Rocky Nook Park, Natural History Museum and Alameda Padre Serra....*

Circulation Element Policy 13.8: *Ensure that sustainable transportation linkages, public services, infrastructure, and commercial needs support the City's mobility goals and are evaluated in proposed annexations.*

The project improves circulation through the Museum complex, includes new sidewalk along the Museum's frontage on Puesta del Sol, and facilitates additional circulation improvements between the Mission and the Museum that are under development with a recommended property dedication at the corner of Puesta del Sol and Mission Canyon Road. The

Recommended Conditions of Approval also would memorialize public access to trails on the Western Parcels. These project components are consistent with these circulation policies and implementation action.

### ***Housing***

Housing Element Policy H22: Work to Solve Regional Jobs/Housing Imbalance. *The City is committed to working with neighboring jurisdictions and the private sector to solve the regional jobs/housing imbalance in a regional manner.*

Housing Element Implementation Action H22.7 Employer Incentives. *Work with the Coastal Housing Partnership to develop incentives for employers throughout the South Coast to provide employee housing on-site or close-by off-site, and establish or expand programs that encourage employers to provide other housing benefits or financial assistance programs, such as down payments, closing costs and rental move-in fees for employees.*

The Museum currently provides housing for the Museum President off site in addition to three rental units are on the subject parcels: the Carriage House, a portion of MacVeagh House, and the Western Residence. To further this policy and implementation action, staff recommends Condition C.9.b for the Museum to prioritize rental of these units to Museum employees by offering the units to employees before they are offered to the General Public.

## **VIII. ENVIRONMENTAL REVIEW**

The project involves minor physical and operational changes to a long-established facility. Prior projects on the Museum property were found to qualify for exemptions from environmental review. Based on the preliminary environmental review for this project, staff has determined that the project would not result in significant environmental impacts, and qualifies for exemption from further environmental review under the California Environmental Quality Act (CEQA).

Technical Studies: The following studies were submitted with the project and informed the environmental analysis:

- A Phase I Archaeological Resources Report prepared by Applied Earthworks, was accepted by the Historic Landmarks Commission on June 18, 2014. The report concluded it was unlikely that intact prehistoric archeological resources would be encountered during grading activities. The recommended conditions of approval include the standard cultural resource discovery condition.
- A Biological Assessment of the site was prepared by Watershed Environmental, Inc. that evaluated potential short-term, long-term, direct and indirect impacts of the project to biological resources. With implementation of the resource protection measures included as part of the project, the report concludes that the potential impacts to biological resources are less than significant or beneficial.
- A Phase I Historic Structures and Sites Report was accepted by Historic Landmarks Commission August 11, 2011, a Phase 2 Historic Structures and Sites Report was accepted by the Historic Landmarks Commission April 23, 2014, and an addendum to

the Phase 2 Historic Structures and sites report was accepted by Historic Landmarks Commission on December 3, 2014. With implementation of the historic resource protection measures, the report concludes that the project would not result in potentially significant impacts to significant historic resources, including the significant cultural landscape.

- A Noise Assessment Technical Report (dated March 2014) and Addenda dated July and September 2014 were prepared by Dudek. These documents analyzed the noise impacts of the construction and operation of the project, including the use of the proposed exterior speaker system. The report analysis included both average noise calculations per City criteria and noise levels at the time they occur per General Plan policy ER31.5. The report concludes that the project would be consistent with City Noise Element land use criteria and Noise Ordinance provisions, and neither project construction nor operations would have a significant, adverse noise impact in accordance with City significance thresholds.
- A Traffic and Parking Demand Analysis dated July 15, 2014 was completed by Associated Transportation Engineers (ATE) for the project. The Museum does not propose any increase in activities or maximum permitted attendance from what is currently permitted and has occurred at the site. The minor physical changes to the museum and the minor changes to Museum operations would not exceed existing permitted attendance or operations levels and would not result in a net increase in trip generation beyond the level of existing permitted operations. The project would not have a significant effect on traffic.

Categorical Exemptions. The State CEQA Guidelines identify the following applicable classes of projects that are exempt from CEQA review.

- Museum Alternations, Western Residence, As-built Outdoor Activity Areas, Landscape Improvements, Asphalt Removal. Section 15301 exempts the operation, maintenance, permitting, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The listed examples include: interior and exterior alterations involving such things as interior partitions, plumbing, and electrical and additions to existing structures of up to 2,500 square feet, and conversion of a single family residence to office use. This exemption applies to the alterations to the Museum campus buildings and structures; abatement of violations for the Western Residence; permitting of the as-built and proposed changes to the outdoor activity areas; and landscape improvements, including asphalt removal. The Museum renovations result in a net reduction of floor area and a net reduction in impermeable surface area.
- Butterfly Exhibit Replacement. Section 15302 exempts replacement and reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This exemption applies to the replacement of the Butterfly Exhibit.
- Creekside Terrace, Trash Enclosure, Soundwall, Fencing, Conversion of MacVeagh Cottage, Parking Lot Changes, Sidewalk. Section 15303 exempts construction and

location of new small structures and the conversion of existing small structures from one use to another. This exemption applies to the new creekside terrace, accessibility improvements, trash enclosure, soundwall, new fencing, conversion of MacVeagh Cottage from residential to non-residential use, changes to the parking lot, and right-of-way improvements, including the new sidewalk.

- Conditional Use Permit Amendment and Parking Modification. Section 15305 exempts minor alterations in land use limitation, which do not result in any changes to land use and density. This exemption applies to the Conditional Use Permit Amendment requested Parking Modification.
- Habitat Restoration. Section 15307 exempts City actions to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. This exemption applies to the Western Parcels habitat restoration.
- Annexation. Section 13519 exempts annexations of individual small parcels of the minimum size to allow for facilities exempted by Section 15303 (New Construction or Conversion of Small Structures), including single-family residences, accessory structures, utilities, and street improvements. The properties proposed for annexation (the lots known as APNs 023-250-039; -066; and -068, and APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way) allow for those facilities exempted by 15303, and, therefore, qualify for an exemption with the annexation by Section 15319.

Based on City staff analysis, no further environmental document is required for this project.

## **IX. RECOMMENDATION TO CITY COUNCIL**

Staff recommends that the Planning Commission recommend the annexation and related General Plan Amendment and Zoning Map Amendment to the City Council for the following reasons:

### **A. ANNEXATION**

The annexation is appropriate since the Museum's Western Parcels, the parcels at 609 Mission Canyon Road and the Mission Canyon Road right-of-way are within the City's Sphere of Influence and are contiguous with properties currently within the City's jurisdiction. While the Museum institutional complex is within the City, the City-County boundary bisects the land area owned and used by the Museum. The annexation of the Western Parcels would result in all Museum operations being within the City and included in the Museum's Master Plan, subject to an updated and consolidated Conditional Use Permit for the Museum. Annexation of the two 609 Mission Canyon Road parcels provides for a more rational City boundary. Annexation of the portion of Mission Canyon Road would transfer the right-of-way connection between the Mission and Museum, both major visitor-serving institutions, to the City.

### **B. GENERAL PLAN AMENDMENT**

The proposed General Plan designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) is consistent with the land use designation of surrounding parcels

within the City, compatible with surrounding development and land uses in this neighborhood, and is similar to the existing County General Plan designation of the subject parcels.

### C. ZONING MAP AMENDMENT

The proposed zoning designation of E-1 (One-Family Residence Zone), requiring a minimum lot size of 15,000 square feet, for all annexed parcels is compatible with the current surrounding buildout and the adjacent zoning, and is generally representative of current development in the Mission Canyon area. The Western Parcels have a Santa Barbara County zoning designation of 20-R-1 (*Single Family residential - 20,000 sq. ft. min. lot size*) and the 609 Mission Canyon Road parcels are currently zoned 1-E-1 (*Single Family residential -1 acre minimum lot size*). The 609 Mission Canyon Road parcels are non-conforming to the current County zoning and the proposed City zoning with 15,000 square foot minimum lot size would not allow for subdivision of those parcels. The proposed E-1 zoning designation would also be consistent with the proposed General Plan designation of Low Density Residential. The annexed properties would not be included in the Hillside Design District.

## X. RECOMMENDED APPROVAL FINDINGS

Staff recommends that the Planning Commission approve the Conditional Use Permit Amendment and Parking Modification, making the following findings:

### A. CONDITIONAL USE PERMIT

**1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.**

The Museum's use of the property is desirable to public welfare, as it contributes to the community's appreciation and understanding of the City's history and its natural environment. The use is in harmony with the various elements or objectives of the General Plan as discussed in Sections V and VII of the Staff Report dated December 23, 2014.

**2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.**

With the proposed limitations on use, the limits on the external speaker system, the sound wall and additional landscaping along Las Encinas Road, the Museum's continued use of the property will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

**3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.**

The project proposes only minimal changes to the Museum-owned site area and setbacks to structures and is formalizing the Museum's use of the Western Parcels, providing a substantial area of open space. Therefore, the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character

of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

**4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.**

With implementation of the Museum's parking plan during high attendance events, adequate access and off-street parking are provided in a manner and amount so that the parking demands are adequately met without altering the character of the public streets in the area at any time.

**5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.**

The primary changes to the site result from improved access and habitat restoration. The appearance of the site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Museum proposes to restore habitat in the Western Parcels and will be required to continue to provide public access to the existing trail network.

**6. Compliance with any additional specific requirements for a conditional use permit.**

There are no additional requirements for a quasi-public facility.

**B. PARKING MODIFICATION**

The proposed parking supply will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space in the immediate area. The submitted parking demand study demonstrates that adequate parking is provided to address the peak needs of the Museum even with the reduction of parking by one space. The Museum will continue to implement its traffic and parking supply management plan for certain special events.

Exhibits:

- A. Recommended Conditions of Approval
- B. Site Plans, Floor Plans, Elevations
- C. Applicant Report, dated December 1, 2014
- D. Annexation Exhibit of Western Parcels
- E. Santa Barbara Museum of Natural History Use and Attendance
- F. Historic Landmarks Commission Minutes of April 23 and May 7, 2014
- G. Relevant General Plan Goals, Policies & Implementation Strategies
- H. Relevant Mission Canyon Community Plan Goals, Policies & Implementation Strategies



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 002-15

#### 2559 PUESTA DEL SOL

#### ANNEXATION, CONDITIONAL USE PERMIT, PARKING MODIFICATION

JANUARY 8, 2015

**APPLICATION OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES FOR THE SANTA BARBARA MUSEUM OF NATURAL HISTORY, 2559 PUESTA DEL SOL, APNS 023-271-003 & -004; 023-250-039, -056, -066 & -068, COUNTY ZONING: 20-R-1 (SINGLE FAMILY RESIDENTIAL, 20,000 SF MIN. LOT SIZE), CITY ZONING: E-1 (ONE FAMILY RESIDENCE), COUNTY GENERAL PLAN DESIGNATION: RES 1.8 (RESIDENTIAL, 1.8 DWELLING UNITS/ACRE) CITY GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. DENSITY 3 DWELLING UNITS/ACRE) (MST2014-00116)**

The proposed Master Plan for the Santa Barbara Museum of Natural History (Museum) anticipates the following improvements over the next 10-15 years: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new screening wall along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22).

The proposal includes Annexation of three Museum-owned parcels to the City: APNs 023-250-039; -066; and -068, totaling approximately five acres (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The Museum proposes to maintain the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation, and Museum educational activities. New improvements in the largely undeveloped Western Parcels include an enhanced bioswale with an associated boardwalk and overlook, and restoration of the woodland area including replacement of non-native plants with native plants.

In addition to Annexation of the three Museum-owned parcels, staff requests that the Planning Commission recommend annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road (APNs 023-271-005 and -006) and the Mission Canyon Road right-of-way between the current City boundary up to and including the intersection of Mission Canyon Road and Puesta del Sol. Staff recommends a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) for all parcels considered for annexation.

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and the Local Agency Formation Commission (LAFCO):**

- A. Reorganization of the properties known as APNs 023-250-039; -066; and -068, and APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way including Annexation to the City of Santa Barbara and Detachment from the Santa Barbara County Fire Protection District, County Service Area 12, and the Mission Canyon Lighting District.
- B. A General Plan Amendment to designate the properties to be annexed as Low Density Residential (Maximum Density: Three Dwelling Units per Acre) upon annexation.
- C. A Zoning Map Amendment to zone the properties to be annexed as E-1 (One-Family Residence Zone) upon annexation.

**Actions by the Planning Commission:**

- D. A Conditional Use Permit Amendment to allow for the proposed changes to the Museum (SBMC §28.94.030).
- E. A Parking Modification to provide less than the required number of onsite parking spaces (SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and 15319 (Annexations of Existing Facilities and Lots or Exempt Facilities).

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

**WHEREAS**, 23 people appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 23, 2014.
2. Site Plans
3. Correspondence received in support of the project:
  - a. David Cash, Santa Barbara Unified School District, via email
  - b. Virginia and Robert Guess, via email
  - c. Virginia Sloan, via email
  - d. Sandra Russell, via email
  - e. Larry Feinberg, Santa Barbara Museum of Art, via email
  - f. Dennis Power, Santa Barbara, CA
  - g. Nancy Martz, Santa Barbara, CA
  - h. Talli Larrick, via email
  - i. Karl Hutterer, Santa Barbara, CA
  - j. Janet Sands, via email

- k. Maureen Masson, via email
  - l. Anabel Ford, UCSB Meso American Research Center, via email
  - m. Michael Towbes, via email
  - n. Steve Windhager, Santa Barbara Botanic Garden, via email
  - o. Alastair Winn, via email
  - p. Christopher Knowlton, Santa Barbara Museum of Natural History, via email
  - q. Peter Schulyer, via email
  - r. Lois Mitchell, Orfalea Foundation, via email
  - s. Greg Gorga, Santa Barbara Maritime Museum, via email
  - t. Gwen Stauffer, Ganna Walska Lotusland, via email
  - u. Steven Hicks, Santa Barbara Museum of Natural History, via email
  - v. Barbara Lindemann, Mission Canyon Association, via email
  - w. Kellam de Forest, via email
  - x. John Markham, via email
  - y. Melinda Greene, via email
  - z. Hebe Bartz, neighbor, at hearing
4. Correspondence received in opposition to the project or with concerns:
- a. Richard Solomon and Jana Zimmer, via email
  - b. Mark and Lauren Carey, via email

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

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

**A. CONDITIONAL USE PERMIT**

**1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.**

The Museum's use of the property is desirable to public welfare, as it contributes to the community's appreciation and understanding of the City's history and its natural environment. The use is in harmony with the various elements or objectives of the General Plan as discussed in Sections V and VII of the Staff Report dated December 23, 2014.

**2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.**

With the proposed limitations on use, the limits on the external speaker system, the soundwall/visual screen and additional landscaping along Las Encinas Road, the Museum's continued use of the property will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

**3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.**

The project proposes only minimal changes to the Museum-owned site area and setbacks to structures and is formalizing the Museum's use of the Western Parcels, providing a substantial area of open space. Therefore, the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

**4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.**

With implementation of the Museum's parking plan during high attendance events, adequate access and off-street parking are provided in a manner and amount so that the parking demands are adequately met without altering the character of the public streets in the area at any time.

**5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.**

The primary changes to the site result from improved access and habitat restoration. The appearance of the site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Museum proposes to restore habitat in the Western Parcels and will be required to continue to provide public access to the existing trail network.

**6. Compliance with any additional specific requirements for a conditional use permit.**

There are no additional requirements for a quasi-public facility.

**B. PARKING MODIFICATION**

The proposed parking supply will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space in the immediate area. The submitted parking demand study demonstrates that adequate parking is provided to address the peak needs of the Museum even with the reduction of parking by one space. The Museum will continue to implement its traffic and parking supply management plan for certain special events.

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:

1. Obtain all additional annexation approvals. Refer to Condition B "Approval Contingent upon Annexation."

2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
4. Record any required documents
  - a. Recorded Conditions Agreement (Section C.1.).
  - b. Dedications prior to completion of public improvements (Item E.1.b.).
  - c. Water Rights Assignment (E.1.c.).
  - d. Agreement to Construct (if required).
5. Permits.
  - a. Submit applications for, obtain Building Permits (BLD), and construct the soundwall/visual screen along the northeasterly portion of the parking lot and associated landscaping within one year of approval of the amended Conditional Use Permit.
  - b. Submit applications for and obtain Building Permits (BLD) to address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.
  - c. Submit public improvement plans for all required public improvements, an engineer's estimate of public improvements and application with fees for a Public Works Permit (PBW) and either complete said improvements or enter into an Agreement to Construct and post bonds for public improvements.
  - d. Submit applications for and obtain a Building Permits (BLD) for construction of the remainder of the approved development and complete said development.

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

- B. **Approval Contingent upon Annexation.** Approval of the project elements related to the Western Parcels is contingent upon approval of the General Plan Map and Zoning Map Amendments by the City Council and approval of the Annexation of the Western Parcels by the Local Agency Formation Commission and completion of that annexation.
- C. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
  1. **Approved Development.** The additional development of the Real Property approved by the Planning Commission on January 8, 2015, in addition to the existing development shown on the site plan submitted by the Applicant in Sheet A1.11 is limited to the following improvements: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of

trash and recycling; new fencing; new soundwall/visual screen along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22). The following Assessor Parcel Numbers are subject to the terms of the Conditional Use Permit: APNs 023-272-003 and -004. Upon the completion of the proposed annexation, the following Assessor Parcel Numbers shall also be subject to the Conditional Use Permit: APNs 023-250-039; -056; -066; and -068 (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The project includes maintenance of the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation including public use of the trail network (referenced as footpaths on plan sheet L1.0), and Museum educational activities. The project includes the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Operational Conditions.** The following conditions apply to the overall operations of the Museum and the use of the site.
  - a. **Allowed Uses.** The following non-residential uses are allowed on the subject property:
    - (1) **General Museum & Educational Use.** Research; collections maintenance; adult classes; children's camps; docent trainings; attendance by visitors and museum members to exhibits; Board of Trustees, Committee and volunteer meetings; appointments with staff by vendors and members of the public; attendance by school groups, children's classes, children's camps, evening films and lectures; special planetarium shows and evening star parties, SBCC and UCSB classes; and visitation by researchers and persons by appointment, including professional symposia or similar gatherings.
    - (2) **Community Uses.** Meetings; town hall discussions; memorials; wedding ceremonies; weddings with receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum.
    - (3) **High-Attendance Events.** Museum-sponsored gatherings often held on weekends, which are not part of regularly scheduled or routine operations. Currently these include the Wine Festival (June), The Museum League Art Walk (September), the Tribal and Folk Art Marketplace (December), and an additional event associated with a specific exhibition or program offering (e.g. the Tinkertoy Family Festival held in summer 2013).

**b. Annual Attendance and Maximum Capacity.**

- (1) The maximum annual attendance including general admissions, members, volunteers, education programs, research programs, outside group use, special events, and weddings and memorials shall be monitored by the Museum and shall not exceed 165,147 people.
- (2) The maximum number of people allowed on-site at any one time shall not exceed 1,400 and shall be monitored by the Museum staff at Museum entrance and exit.

**c. Special Event Limitations.**

- (1) High Attendance events shall not exceed four (4) events or 11,588 attendees per year, whichever is more restrictive.
- (2) The Museum shall continue to coordinate scheduling of high attendance events with the Santa Barbara Women's Club and the Santa Barbara Botanic Gardens to minimize traffic, parking, and fire evacuation issues.
- (3) If a High Attendance Event is anticipated to potentially exceed the on-site parking supply, the procedures for addressing parking and transportation during special events in the Museum's Traffic and Parking Procedures shall be implemented as appropriate.
- (4) Wedding receptions shall be scheduled for Saturdays only and shall not exceed 15 per calendar year.
- (5) Wedding reception attendance shall not exceed 175 guests per wedding.
- (6) Amplified music shall be limited to the Fleishman Auditorium for wedding receptions and shall commence no earlier than 4:30 p.m.
- (7) The only outdoor amplified sound permitted associated with events is amplification of voices of wedding ceremony participants so wedding guests can hear the ceremony.
- (8) An additional non-Museum staff security officer shall be present for the duration of all wedding receptions to help ensure that event guests comply with Museum policies and requirements.
- (9) Town hall discussions; memorials; wedding ceremonies; wedding receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum shall end no later than 9:30 p.m. and guests shall vacate the site by 10:00 p.m. All other evening events shall end no later than 10:00 p.m. and all guests shall vacate the site by 10:30 p.m.
- (10) Outdoor post-event clean-up activities south of the creek are limited to the period between 8:30 a.m. and 7:00 p.m.; post-event clean-up activities outside Fleischmann Auditorium are limited to the period between 8:30 a.m. and 10:00 p.m.
- (11) Event guests shall not loiter in the parking lot or in front of the Museum.

d. **General Operations.**

- (1) Amplified music is prohibited outdoors.
- (2) All music must be stopped by 9:30 p.m. each day.
- (3) The use of external public address speakers is limited to the hours between 8:00 a.m. and 8:30 p.m. except for announcements necessary for public safety.
- (4) The external public address system must be maintained such that noise from the public address system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary with a residential use, except for emergency announcements. The Museum shall comply with any City Planning Division staff request that public address system be tested to ensure compliance with this condition.
- (5) Public gatherings and picnicking are prohibited in the parking lot.
- (6) Regular Museum admission hours are between 10:00 a.m. and 5:00 p.m., seven days a week. Special activities and programs may occur outside these hours.
- (7) The parking lot shall be locked and access to the parking lot shall be limited after 11:00 p.m. and before 6:45 a.m., seven days a week.
- (8) The use of chainsaws, skip loaders, leaf blowers and other noisy equipment is prohibited before 9:00 a.m., seven days a week.
- (9) No recreational vehicles, boats, or trailers shall be stored on the Real Property.
- (10) The Museum shall implement the following:
  - a. *Procedures and Requirements for Emergency Response* as approved by the Museum President June 22, 2014 and on file at the City.
  - b. *Procedures and Requirement for Traffic and Parking Management* approved by the Museum President on November 25, 2014 and on file at the City.
  - c. *Procedures and Requirements for Events* approved by the Museum President on December 1, 2014 and on file at the City.

Any proposed changes to these documents shall be reviewed by City Staff for consideration of substantial conformance.

e. **Reporting.**

- (1) Submit to City staff an annual report of monthly attendance data of the three categories of use allowed and defined under this CUP:
  - a. General Museum and Educational Uses
  - b. Community Uses, including the number of weddings with receptions and the number of attendees at weddings with receptions.

- c. High Attendance Events, identifying the number of these events, attendance at each, and statistics on use of off-site parking.
  - (2) Maintain and submit to City staff upon request all complaints submitted to the Museum and the Museum's responses to complaints.
3. **Public Access.** The Museum shall continue to provide free public access to the existing and proposed trail network on the western portion of the Museum property (referenced as footpaths on Sheet L1.0), excluding the paths within the new fenced area identified as Detail 13 (on the Museum campus side) on Sheet L1. 0.
4. **Development Rights Restrictions.** Other than the improvements shown on the approved plans and improvements within the building envelope, the Owner shall not develop the portion of the Real Property labeled "Native Woodland Garden" on Sheet L0.1. Tree protection and replacement shall be consistent with the Watershed Environmental, Inc. report dated March 6, 2014. The Museum shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

Other than elements of the subject project and proposals within the building envelope shown on Sheet L0.1, future development proposals within the restricted area shall be subject to following Mission Canyon Community Plan Development Standards as they existed at the time of the Planning Commission approval of the Conditional Use Permit, in addition to applicable City policies:

DevStd BIO-MC-3.3 Development shall be required to include the following Environmentally Sensitive Habitat (ESH) buffer areas:

- Creeks and streams, including steelhead critical habitat streams—50 feet as measured from the geologic top of creek bank.
- Central and Southern Coast Live Oak Riparian Forest and Woodland, Coast Live Oak/Olive Riparian Woodland, California Sycamore Riparian Forest, and Central Coast Arroyo Willow Riparian Forest—50 feet from edge of canopy.
- Coast Live Oak Woodland and Forest—25 feet from edge of canopy.
- Habitats containing Nuttall's scrub oak or other special status animal or plant species or rare natural communities—25 feet minimum, full extent to be determined on a case-by-case basis.
- Wetland Habitats—50 feet from edge of wetland habitat.
- Buffer areas from other types of ESH shall be determined on a case-by- case basis.

These buffers areas may be adjusted upward or downward on a case-by-case basis given site-specific conditions, such as slopes, biological resources, and erosion potential, as evaluated and determined by the City.

DevStd BIO-MC-3.4: Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that protects the sensitive habitat areas to the maximum extent feasible.

DevStd BIO-MC-8.2: The stream or creek buffer area shall be indicated on all site and grading plans. All ground disturbance and native vegetation removal shall be minimized in the buffer area to the maximum extent feasible.

5. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit 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.
8. **Pesticide or Fertilizer Usage.** The use of pesticides or fertilizer shall be prohibited within any area that drains directly into Mission Creek.
9. **Transportation Demand Management.** The following alternative transportation incentives shall be implemented reduce parking demand and traffic impacts.
  - a. **Bus Passes.** The Museum shall provide MTD bus passes free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired.
  - b. **Housing Priority.** The Museum shall provide rental preference of the onsite residential units in the following order: (1) Museum employees, (2) persons who currently live on the South Coast or households with a member employed on the South Coast; and (3) the general public.
  - c. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal alternative transportation arrangements of any employee, the Museum shall guarantee a free ride home.

- d. **Flexible Work Hours.** The Museum shall encourage staggered or flexible work hours that allow staff to arrive and depart at times which are outside the morning and afternoon peak traffic hours as established by the City of Santa Barbara (currently Monday through Friday 7-9 a.m. and 4-6 p.m.).
- e. **Bicycle Parking.** A total of 22 bicycle parking spaces are to be provided on-site, including at least four covered bicycle parking spaces for employees only. Final rack locations and types of racks shall be approved by City Transportation staff and Historic Landmarks Commission.

D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

- 1. **Historic Structures Report.** All project features described in the Historic Structures and Sites Report(s) accepted by Historic Landmarks Commission shall be implemented to the satisfaction of the City Urban Historian.
- 2. **Tree Protection and Replacement.** Include a note on the plans that the tree protection and replacement project components included in the Watershed Environmental, Inc. report dated March 6, 2014, shall be implemented. All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained.
- 3. **Landscape Plan.** Identify on the Landscape Plan the portion of the Real Property outside of the Las Encinas Road easement designated as "Proposed Restoration/Enhancement Area" on the Exhibit labeled "Revised Figure 7" in the Biological Assessment prepared by Watershed Environmental, Inc., dated July 10, 2014, so that those portions of the Real Property remain in their natural state.
- 4. **Public Improvements.** General Plan Implementation Actions HR6.1, HR6.2, and HR6.3 shall be considered in the review of proposed public improvements on Puesta del Sol.
- 5. **Exterior Lighting.** All new exterior lighting shall conform with Municipal Code Chapter 22.75 and shall be shielded and directed away from the tree canopy, the creek bed, creek banks, and undisturbed woodland habitat.
- 6. **Parking Lot Screening.** A soundwall/visual screen shall be provided to buffer the adjacent residences along Las Encinas Road at the location shown on Sheet L3.0.
- 7. **Screened Backflow Device.** All new 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 HLC.
- 8. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

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 other than building permits for the soundwall/visual screen and required alterations to the Western Residence. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.d “Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.
- b. **Dedication.** Owner shall submit an application and fees to the City Public Works Department for the following dedications and shall complete dedication prior to acceptance of public improvements.
  - (1) Owner shall grant an easement for right of way purposes to the City of Santa Barbara northeast of the face of the existing historic wall on APN 023-271-004 at the intersection of Puesta Del Sol and Mission Canyon Road.
  - (2) Owner shall dedicate to the City of Santa Barbara a new onsite ten-foot-wide sewer easement centered over the actual sewer main with right of access and reservation to the owner to continue use of a butterfly exhibit at the existing location over the sewer main.
- c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner’s signature.
- d. **Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Puesta del Sol. Plans for public improvements shall be prepared by a licensed civil engineer registered in the State of California and shall be submitted prior to or concurrent with (but separately from) plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following:
  - (1) Installation of frontage improvements along Puesta del Sol from the western extent of the sandstone wall on Puesta del Sol to the driveway entrance of the Carriage House. An in-lieu fee shall be provided to fund the remaining Puesta del Sol frontage improvements. The improvements shall include a minimum of six-foot wide pathway, and minimum of four-foot wide parkway.

- (2) Design of all frontage improvements shall be designed to protect existing trees located at the property frontage in the street as required by the Urban Forest Superintendent.
  - (3) The frontage improvements shall include the installation of one or two new City Standard Dome Style street lights. The locations shall be as approved and modified by the City Engineer. The lighting changes on Puesta Del Sol will be either to install one 20' Type B City Standard street light or two 14' Type A City Standard pedestrian lights. The existing SCE cobra-head shall be removed.
  - (4) The entire width of Puesta Del Sol along the Museum frontage shall be slurry sealed and striped.
- e. **In-lieu Fee for Sidewalk.** The Owner shall pay \$7,000 of in-lieu fees for the future construction of the remaining pathway frontage improvements on the easterly end of Puesta del Sol.
  - f. **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.
  - g. **Agreement to Construct and Install Improvements.** Prior to building permit issuance, the Owner shall either complete public improvements or submit preliminary plans for the required public improvement with engineers estimate, securities for construction and execute an *Agreement to Construct*.
  - h. **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.
2. **Community Development Department.**
- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in Condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
  - b. **Unpermitted Work.** The Building Permit scope of work shall address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.
  - c. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of construction/demolition with ground disturbance in close proximity to existing trees. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
  - d. **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.

- e. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in Condition E.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- f. **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.
- g. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of each of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
	Date	License No.
	Date	License No.
	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. **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) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m. (Saturday construction is limited to non-noise-generating activities only, such as interior painting), 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.

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site, but is prohibited in the northernmost section of the Museum parking lot. 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.

5. **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.

6. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. Tree removal/relocation/trimming activities shall not occur during nesting season (March 1 – July 1). If these activities must occur during this time, a qualified biologist shall conduct surveys to identify, no more than one week prior to the activity, active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius, no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young fledglings have left the nest.
7. **Storm Water Pollution Prevention.** A Storm Water Pollution Prevention Plan with appropriate erosion/sediment control devices will be implemented between the construction area and Mission Creek. An erosion and sediment control plan that satisfies City of Santa Barbara requirements will be prepared and included in the construction drawings of each project component. Prior to the start of any demolition or construction activity within 100 feet of the topographic top of the creek bank, the perimeter of the work area shall be fenced and sediment and erosion control materials shall be installed to prevent demolition debris, soil, sediment, and other contaminants from falling or washing down into Mission Creek.
8. **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.
9. **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. **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.** For the phase of the project that includes public improvements, those improvements as shown in the public improvement plans or building plans, shall be completed.
3. **Noise Measurements.** For the phase of the project that includes the exterior speaker system, submit a final report from a licensed acoustical engineer, verifying that the sound produced by the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary with a residential use. In the event the noise is not within acceptable levels, additional measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC). Such measures may include volume reduction, relocation, reorientation, removal of speaker(s), or limiting the use of the speaker system to emergency announcements only.
4. **Biological Monitoring.** For any phase of the project that includes planting of new native trees, submit a plan and contract with a qualified biologist acceptable to the City for the five-year monitoring period.

H. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolutions 33-1979, 10-1980, 002-89, 025-91, 054-92 and Substantial Conformance Determinations dated April 9, 2007, September 16, 2008, and November 12, 2009.
2. **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.
3. **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.

4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

**III. NOTICE OF CONDITIONAL USE PERMIT AND MODIFICATION APPROVAL TIME LIMITS:**

The Planning Commission action approving the Conditional Use Permit and Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building Permit for the project authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**IV. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 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.

Three motions were passed and adopted on the 8<sup>th</sup> day of January, 2015 by the Planning Commission of the City of Santa Barbara, by the following votes:

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

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

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

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

## RESOLUTION NO. 15-029

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL OF MARK AND LAUREN CAREY AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION GRANTING AN AMENDED CONDITIONAL USE PERMIT AND PARKING MODIFICATION FOR THE SANTA BARBARA MUSEUM OF NATURAL HISTORY (2559 PUESTA DEL SOL)

WHEREAS, in order to implement a proposed Master Plan, the Santa Barbara Museum of Natural History applied for an amended Conditional Use Permit, a parking modification, and an annexation of Museum Owned parcels located within the County of Santa Barbara into the City.

WHEREAS, as part of the amended Conditional Use Permit, the Museum proposed the following physical improvements on the Museum's property located at 2559 Puesta del Sol: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new soundwall/visual screen along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing bioswale and outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings.

WHEREAS, the amended Conditional Use Permit results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22).

WHEREAS, the following Assessor Parcel Numbers are subject to the terms of the amended Conditional Use Permit: APNs 023-272-003 and -004. Upon the completion of the proposed annexation, the following Assessor Parcel Numbers shall also be subject to the Conditional Use Permit: APNs 023-250-039; -056; -066; and -068 (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The project includes maintenance of the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation including public use of a trail network, and Museum educational activities. The project includes the improvements shown on the plans signed by the chairperson of the

Planning Commission on January 8, 2015 and on file at the City of Santa Barbara.

WHEREAS, on January 8, 2015, the Planning Commission conducted a duly noticed public hearing and approved the amended conditional use permit, the parking modification, and recommended that the City Council grant the proposed annexation.

WHEREAS, on January 20, 2015, Mark and Lauren Carey timely filed an appeal of the Planning Commission's approval. In their appeal letter, the Careys objected to the proposed installation of an exterior speaker system for Museum announcements and the proposed relocation of the trash bins to a location within the Museum parking lot. In addition, the Careys requested imposition of additional conditions of approval intended to reduce the impacts of the proposed construction and objected to the environmental determinations for the project.

WHEREAS, on March 23, 2015, the City Council conducted a duly noticed site visit during which members of the City Council inquired into and observed the physical aspects of the issues presented on appeal, including the site planning. Mark and Lauren Carey and Richard Solomon also attended the site visit.

WHEREAS, on March 24, 2015, the City Council conducted a duly noticed public hearing on the appeal. The City Council in the appeal hearing considered the entire record of proceedings, including without limitation the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues and a PowerPoint presentation.
2. The Planning Commission staff report and attachments thereto.
3. Presentations by appellant Lauren Carey and her neighbor Richard Solomon, detailing the grounds of the appeal, which are part of the record in this case and were fully considered by the City Council in making its decision on this appeal.
4. A detailed presentation by Suzanne Elledge, agent for the Santa Barbara Museum of Natural History, including a Power Point presentation; by Luke Swetland, CEO of the Santa Barbara Museum of Natural History; and by Mike Huff of Dudek & Associates on behalf of the Museum regarding the Museum's Fire Protection Plan.
5. Public comments of Planning Commissioner Michael Jordan regarding the appeal issues and the deliberations of the Planning Commission.
6. Public comment, both oral and written, from members of public.

All of the above evidence and the entire record of proceedings is incorporated by reference into this Resolution, which is based upon the entirety of the record of proceedings.

WHEREAS, after consideration of all of the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council members, the City Council voted 6-1 (Council member Murrillo dissenting) to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal and grant the amended Conditional Use Permit and the parking modification.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the Planning Commission and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings.

SECTION 3. The Council has carefully reviewed the evidence it obtained during the site visit and public hearing as described above and from the record of proceedings, and based upon that evidence denies the appeal and upholds the decision of the Planning Commission approving the amended Conditional Use Permit and Parking Modification, making the findings and determinations set forth below:

A. Amended Conditional Use Permit.

1. The City Council finds that the uses proposed within the amended Conditional Use Permit are deemed essential and desirable to the public convenience and welfare and, with implementation of the adopted conditions of approval, are in harmony with the various elements or objectives of the Comprehensive General Plan. The City Council finds the Museum to be an important public institution of long-standing importance within the community and the neighborhood which contributes to the community's appreciation and understanding of the City's history and its natural environment. Substantial public testimony before the City Council establishes the important benefits that the Museum provides to the community as a whole. The Museum uses are in harmony with the various elements or objectives of the General Plan, as discussed in sections V and VII of the Planning Commission staff report dated December 23, 2014, incorporated by this reference.

2. The City Council finds that the Museum uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The Museum has operated in the same location in a similar manner for decades. The conditions included in the amended Conditional Use Permit are in many instances more restrictive regarding Museum operations than are existing conditions of approval. The implementation of the conditions of approval, particularly those relating to high attendance events/facility rentals and noise, insures that the uses proposed within the Museum Master Plan will not be materially detrimental to the public peace, health, safety, comfort and general welfare. Regarding the proposed exterior speaker system for public address announcements, the City Council has adopted a condition of approval that requires testing to verify that the system will not increase the ambient noise level by more than 2dBA at the property boundary before the system may be put into normal operation. The proposed location of the trash and recycling bins will be enclosed and will remain hundreds of feet from the residences of the appellants and of Mr. Solomon, which is an adequate setback for trash enclosures. The proposed bin enclosure is situated in the southwest corner of the parking lot, a location that facilitates pick up by collection trucks, improves safety by reducing the potential for pedestrian conflicts, and eliminates a 225-foot long back-up maneuver and associated beeping back up alarm, all of which the City Council determines to be a substantial benefit to the entire neighborhood. According to a noise study by DUDEK, dated July 2014, the relocation of the trash and recycling reduces Museum operational noise overall. The project plans and conditions of approval also reflect the Museum's commitment to construct a 120-foot long, 6-foot high sound wall, which will serve to further protect the appellants' residence from noise. Conditions of approval address construction implementation; these conditions include neighborhood notification prior to construction, contractor contact information, restricted construction hours, site rules to reduce noise, restricted areas for construction parking and materials and equipment staging, noise shields for certain stationary equipment and Museum contact information for noise complaints. Conditions of approval also incorporate Museum procedures to manage events, traffic and parking, and emergencies, including fire evacuation. Project components referenced in the Applicant's report dated December 1, 2014 will be gradually and individually implemented over the life of the Master Plan; construction will not be continuous over this time period. For all these reasons, the City Council determines that testimony regarding a potential material effect on neighborhood property values is speculative and based on inaccurate information; the City Council finds that the uses allowed under the amended Conditional Use Permit will not materially affect property values in the surrounding neighborhood.

3. The City Council finds that the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. 70% of the

project site consists of landscaping and open space area. The project proposes no new buildings and only minimal changes to the Museum site. Museum attendance utilizing these facilities will remain within previously achieved and permitted levels. As discussed above, adequate setbacks are provided for trash enclosures and other potential sources of noise. An enhanced landscape buffer and 120-foot long sound wall is proposed along the northern boundary of the parking lot adjacent to the appellants' property.

4. The City Council finds that the amended Conditional Use Permit proposes adequate access and off-street parking including parking for guests, provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. The parking demand study for the project demonstrates that the Museum's parking lot provides an adequate number of spaces to accommodate, and historically has accommodated, normal Museum operations. Conditions of approval require that measures be taken by the Museum to provide additional parking capacity when the Museum anticipates that such additional parking capacity will be needed; these measures are described in the Museum's Procedures and Requirements for Traffic and Parking Management, and include but are not limited to the provision of off site parking capacity out of Mission Canyon. Parking demand for all Museum operations can be met without altering the character of area public streets.

5. The City Council finds that the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The City Council finds the minor alterations proposed to the exterior of the Museum facility to be compatible with the character of the area, of which the Museum has been a part for nearly 100 years. The Historic Landmarks Commission unanimously found the proposed project improvements to be compatible with the existing buildings and area character.

6. There are no additional required findings for a Conditional Use Permit issued for a quasi-public use.

#### B. Parking Modification.

The City Council finds that the proposed modification will not be inconsistent with the purposes and intent of Title 28 of the Santa Barbara Municipal Code. Granting the modification will not cause an increase in the demand for parking or loading in the immediate area. The amended Condition Use Permit does not propose any increase in the maximum permitted attendance from what has historically occurred at the site. The applicant provided a Traffic, Circulation, and Parking Report prepared by Associated Transportation Engineers dated July 15, 2014 that projects a future peak parking demand of 137 spaces for regular use. The Museum has operated for many years providing a total of 156 spaces, and

has previously been granted parking modifications by the City. The proposed Master Plan reduces the number of parking spaces by one (1) space. Additional parking is needed during some high attendance events, so the conditions of approval require that the Museum provide enhanced parking capacity for such events, including but not limited to provision of offsite, out-of-canyon parking and shuttles. Based on the historical experience of the Museum operations within 156 parking spaces, the parking demand study anticipating a future parking demand of 137 for regular use, and the imposition of conditions of approval for additional parking for high attendance events, the City Council finds that the loss of one Museum parking space will not cause an increase in demand for parking space in the immediate area. A designated bus loading/unloading zone is required to be provided by the conditions of approval.

C. All summaries of information in the findings in this Resolution are based upon substantial evidence in the record. The absence of any particular fact from any summary contained in a finding does not indicate that a particular finding is not based upon that fact. All evidence in the record shall be considered when interpreting the findings.

D. California Environmental Quality Act Determinations. The State CEQA Guidelines identify the following applicable classes of projects that are exempt from CEQA review. The City Council finds the following classes of exemptions to apply to the following elements of the proposed project:

Museum Alterations, Western Residence, As-built Outdoor Activity Areas, Landscape Improvements, Asphalt Removal.

Section 15301 exempts the operation, maintenance, permitting, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The listed examples include: interior and exterior alterations involving such things as interior partitions, plumbing, and electrical and additions to existing structures of up to 2,500 square feet, and conversion of a single family residence to office use. This exemption applies to the alterations to the Museum campus buildings and structures; abatement of as-built violations for portions of the Western Residence; permitting of the as-built and proposed changes to the outdoor activity areas; and landscape improvements, including asphalt removal. The Museum renovations result in a net reduction of floor area and a net reduction in impermeable surface area.

Butterfly Exhibit Replacement.

Section 15302 exempts replacement and reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This exemption applies to the replacement of the Butterfly

Exhibit because the Butterfly Exhibit Replacement structure will be sited in the same location as the existing structure and will have the same purpose and capacity as the existing structure.

Creekside Terrace, Trash Enclosure, Sound Wall, Fencing, Conversion of MacVeagh Cottage, Parking Lot Changes, Sidewalk, Accessibility Improvements.

Section 15303 exempts construction and location of new small structures and the conversion of existing small structures from one use to another. This exemption applies to the new creekside terrace; accessibility improvements; trash enclosure; sound wall; new fencing; conversion of MacVeagh Cottage from residential to non-residential use; changes to the parking lot; and right-of-way improvements, including the new sidewalk. The Museum renovations result in a net reduction of floor area and a net reduction in impermeable surface area. These changes to existing structures and small structures fall well within the scope of examples listed in the Guideline. They are accessory or appurtenant structures and far smaller and less impactful than the addition of 2500 square feet of office or a single family dwelling listed in Section 15303.

Conditional Use Permit Amendment and Parking Modification.

Section 15305 exempts minor alterations in land use limitation, which do not result in any changes to land use and density. The Museum has operated in the same location in a similar manner for decades. The conditions included in the amended Conditional Use Permit, particularly those relating to high attendance events/facility rentals and noise, insure that the uses proposed within the Museum Master Plan will maintain potential impacts to neighbors at existing levels or minimize potential impacts further. Regarding parking, based on the historical experience of the Museum operations within 156 parking spaces, the parking demand study anticipating a future parking demand of 137 for regular use, so loss of one space is a minor change in a land use limitation. This exemption therefore applies to the Conditional Use Permit Amendment and requested Parking Modification.

Habitat Restoration.

Section 15307 exempts City actions to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15333 exempts small habitat restoration projects that are less than five acres in size which are done to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that there would be no significant adverse impact on endangered, rare or threatened species or their habitat, there are no hazardous materials at or around the project site that may be disturbed or removed, and the project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current

projects, and the effects of probably future projects. Examples listed include the revegetation of disturbed areas with native plant species, stream bank revegetation, and projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment. The habitat restoration associated with this project will be on an area less than five acres in size. The biological report prepared by Mark De la Garza describes the area and type of activities to be conducted. Specifically, the activities will consist of maintenance, restoration, enhancement, and protection of the oak woodland and other impacted or degraded habitat around the Museum. These exemptions apply to the Western Parcels habitat restoration.

#### Annexation.

Section 15319(a) exempts annexations to a city of areas containing existing private structures developed to the density allowed by the current zoning of either the gaining or losing governmental agency, whichever is more restrictive, provided that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. Section 15319(b) exempts annexations of individual small parcels of the minimum size to allow for facilities exempted by Section 15303 (New Construction or Conversion of Small Structures), including single-family residences, accessory structures, utilities, and street improvements. The properties proposed for annexation (the Museum parcels identified as APNs 023-250-039; -066; and -068, and the 609 Mission Canyon Road parcels identified as APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way) are located in an unincorporated inholding surrounded by the City of Santa Barbara. These parcels are all already surrounded by City services and utilities. The annexation of these parcels qualify for this exemption because (a) they are already developed to the density allowed by both the City and the County or (b) they are an individual small parcel of the minimum size allowed under the small structures exemption (Section 15303).

None of the exceptions to the CEQA categorical exemptions listed in Section 15300.2 apply to the proposed project for a number of reasons. The Museum has had an existing facility on the site for almost 100 years. The current permits, structures, and operations have been in place for decades. The Museum is not making any significant changes to the facilities. Operationally, the Museum proposes more restrictive and protective constraints which will serve to minimize potential impacts on neighbors. Since the Museum proposes to modify its existing permit such that any potential environmental impacts are either maintained at permitted levels or reduced, the Project cannot result in any new significant impact. The Project therefore will either maintain or reduce potential impacts to neighbors and will not have a significant impact due to the existence of any sensitive environment, scenic highway, historical resource, unusual circumstance, or any other issue. Therefore, none of the exceptions to the categorical exemptions apply.

## **RECOMMENDED REVISED CONDITIONS OF APPROVAL**

2559 PUESTA DEL SOL  
ANNEXATION, CONDITIONAL USE PERMIT AMENDMENT, PARKING MODIFICATION  
MARCH 24, 2015

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

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur:
1. Obtain all additional annexation approvals. Refer to Condition B “Approval Contingent upon Annexation.”
  2. Obtain all required design review approvals.
  3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
  4. Record any required documents
    - a. Recorded Conditions Agreement (Section C.1.).
    - b. Dedications prior to completion of public improvements (Item E.1.b.).
    - c. Water Rights Assignment (E.1.c.).
    - d. Agreement to Construct (if required).
  5. Permits.
    - a. Submit applications for, obtain Building Permits (BLD), and construct the soundwall/visual screen along the northeasterly portion of the parking lot and associated landscaping within one year of approval of the amended Conditional Use Permit.
    - b. Submit applications for and obtain Building Permits (BLD) to address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.
    - c. Submit public improvement plans for all required public improvements, an engineer’s estimate of public improvements and application with fees for a Public Works Permit (PBW) and either complete said improvements or enter into an Agreement to Construct and post bonds for public improvements.
    - d. Submit applications for and obtain a Building Permits (BLD) for construction of the remainder of the approved development and complete said development.

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

- B. **Approval Contingent upon Annexation.** Approval of the project elements related to the Western Parcels is contingent upon approval of the General Plan Map and Zoning Map Amendments by the City Council and approval of the Annexation of the Western Parcels by the Local Agency Formation Commission and completion of that annexation.
- C. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The additional development of the Real Property approved by the City Council on March 24, 2015, in addition to the existing development shown on the site plan submitted by the Applicant in Sheet A1.11, is limited to the following improvements: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new soundwall/visual screen along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22). The following Assessor Parcel Numbers are subject to the terms of the Conditional Use Permit: APNs 023-272-003 and -004. Upon the completion of the proposed annexation, the following Assessor Parcel Numbers shall also be subject to the Conditional Use Permit: APNs 023-250-039; -056; -066; and -068 (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The project includes maintenance of the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation including public use of the trail network, and Museum educational activities. The project includes the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Operational Conditions.** The following conditions apply to the overall operations of the Museum and the use of the site.
    - a. **Allowed Uses.** The following non-residential uses are allowed on the subject property:
      - (1) **General Museum & Educational Use.** Research; collections maintenance; adult classes; children's camps; docent trainings; attendance by visitors and museum members to exhibits; Board of Trustees, Committee and volunteer meetings; appointments with staff by vendors and members of the public; attendance by school groups, children's classes, children's camps, evening films and lectures; special planetarium shows and evening star parties, SBCC and UCSB classes; and visitation

by researchers and persons by appointment, including professional symposia or similar gatherings.

- (2) **Community Uses.** Meetings; town hall discussions; memorials; wedding ceremonies; weddings with receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum.
- (3) **High-Attendance Events.** Museum-sponsored gatherings often held on weekends, which are not part of regularly scheduled or routine operations. Currently these include the Wine Festival (June), The Museum League Art Walk (September), the Tribal and Folk Art Marketplace (December), and an additional event associated with a specific exhibition or program offering (e.g. the Tinkertoy Family Festival held in summer 2013).

b. **Annual Attendance and Maximum Capacity.**

- (1) The maximum annual attendance including general admissions, members, volunteers, education programs, research programs, outside group use, special events, and weddings and memorials shall be monitored by the Museum and shall not exceed 165,147 people.
- (2) The maximum number of people allowed on-site at any one time shall not exceed 1,400 and shall be monitored by the Museum staff at Museum entrance and exit.

c. **Special Event Limitations.**

- (1) High Attendance events shall not exceed a total of four (4) events, seven (7) days (not including two (2) days with invitation-only receptions associated with the High-Attendance Event), and 11,588 attendees per year.
- (2) The Museum shall continue to coordinate scheduling of high attendance events with the Santa Barbara Women's Club and the Santa Barbara Botanic Gardens to minimize traffic, parking, and fire evacuation issues.
- (3) If a High Attendance Event is anticipated to potentially exceed the on-site parking supply, the procedures for addressing parking and transportation during special events in the Museum's Traffic and Parking Procedures shall be implemented as appropriate.
- (4) Wedding receptions shall be scheduled for Saturdays only and shall not exceed 15 per calendar year.
- (5) Wedding reception attendance shall not exceed 175 guests per wedding.
- (6) Amplified music shall be limited to the Fleishman Auditorium for wedding receptions and shall commence no earlier than 4:30 p.m.
- (7) The only outdoor amplified sound permitted associated with events is amplification of voices of wedding ceremony participants so wedding guests can hear the ceremony.

- (8) An additional non-Museum staff security officer shall be present for the duration of all wedding receptions to help ensure that event guests comply with Museum policies and requirements.
- (9) Town hall discussions; memorials; wedding ceremonies; wedding receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum shall end no later than 9:30 p.m. and guests shall vacate the site by 10:00 p.m. Monthly astronomical unit star parties and weekday college astronomy classes shall end no later than 10:30 p.m. and all participants shall vacate the site by 11:00 p.m. All other evening events shall end no later than 10:00 p.m. and all guests shall vacate the site by 10:30 p.m.
- (10) Outdoor post-event clean-up activities south of the creek are limited to the period between 8:30 a.m. and 7:00 p.m.; post-event clean-up activities outside Fleischmann Auditorium are limited to the period between 8:30 a.m. and 10:00 p.m.
- (11) Event guests shall not loiter in the parking lot or in front of the Museum.

d. **General Operations.**

- (1) Amplified music is prohibited outdoors.
- (2) All music must be stopped by 9:30 p.m. each day.
- (3) The use of the exterior speaker system for public address announcements is limited to the hours between 8:00 a.m. and 8:30 p.m. except for announcements necessary for public safety.
- (4) The exterior speaker system for public address announcements must be maintained such that noise from the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, except for emergency announcements. The Museum shall comply with any City Planning Division staff request to test the exterior speaker system to ensure compliance with this condition.
- (5) Public gatherings and picnicking are prohibited in the parking lot.
- (6) Regular Museum admission hours are between 10:00 a.m. and 5:00 p.m., seven days a week. Special activities and programs may occur outside these hours.
- (7) The parking lot shall be locked and access to the parking lot shall be limited after 11:00 p.m. and before 6:45 a.m., seven days a week.
- (8) The use of chainsaws, skip loaders and other noisy equipment is prohibited before 9:00 a.m., seven days a week.
- (9) The use of leaf blowers is prohibited before 9:00 a.m. and after 5:00 p.m. Monday through Saturday and any time on Sundays and national holidays.

- (10) There shall be no storage of any materials, trailers, landscape trimmings, construction debris, temporary structures, refuse bins, or vehicles, of any kind on the Las Encinas Road easement
- (11) No recreational vehicles, boats, or trailers shall be stored on the project site.
- (12) No animal carcass preparation or decomposition activities, or burial, shall be permitted on the project site.
- (13) The Museum shall implement the following:
  - a. *Procedures and Requirements for Emergency Response* as approved by the Museum President June 22, 2014 and on file at the City.
  - b. *Procedures and Requirements for Traffic and Parking Management* approved by the Museum President on November 25, 2014 and on file at the City.
  - c. *Procedures and Requirements for Events* approved by the Museum President on December 1, 2014 and on file at the City.

Any proposed changes to these documents shall be reviewed by City Staff for consideration of substantial conformance.

e. **Reporting.**

- (1) Submit to City staff an annual report of monthly attendance data of the three categories of use allowed and defined under this CUP:
    - a. General Museum and Educational Uses
    - b. Community Uses, including the number of weddings with receptions and the number of attendees at weddings with receptions.
    - c. High Attendance Events, identifying the number of these events, attendance at each, and statistics on use of off-site parking.
  - (2) Maintain and submit to City staff upon request all complaints submitted to the Museum and the Museum's responses to complaints.
3. **Public Access.** The Museum shall continue to provide free public access to the trail network on the western portion of the Museum property (, excluding the paths within the fenced fee area.. The free public access trail network is illustrated in the plans on file as required by Condition E.2.c.
  4. **Development Rights Restrictions.** Other than the improvements shown on the approved plans and improvements within the building envelope, the Owner shall not develop the portion of the Real Property labeled "Native Woodland Garden" on Sheet L0.1. Tree protection and replacement shall be consistent with the Watershed Environmental, Inc. report dated March 6, 2014. The Museum shall continue to be responsible for

maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

Other than elements of the subject project and proposals within the building envelope shown on Sheet L0.1, future development proposals within the restricted area shall be subject to following Mission Canyon Community Plan Development Standards as they existed at the time of the Planning Commission approval of the Conditional Use Permit, in addition to applicable City policies:

DevStd BIO-MC-3.3 Development shall be required to include the following Environmentally Sensitive Habitat (ESH) buffer areas:

- Creeks and streams, including steelhead critical habitat streams—50 feet as measured from the geologic top of creek bank.
- Central and Southern Coast Live Oak Riparian Forest and Woodland, Coast Live Oak/Olive Riparian Woodland, California Sycamore Riparian Forest, and Central Coast Arroyo Willow Riparian Forest—50 feet from edge of canopy.
- Coast Live Oak Woodland and Forest—25 feet from edge of canopy.
- Habitats containing Nuttall's scrub oak or other special status animal or plant species or rare natural communities—25 feet minimum, full extent to be determined on a case-by-case basis.
- Wetland Habitats—50 feet from edge of wetland habitat.
- Buffer areas from other types of ESH shall be determined on a case-by- case basis.

These buffers areas may be adjusted upward or downward on a case-by-case basis given site-specific conditions, such as slopes, biological resources, and erosion potential, as evaluated and determined by the City.

DevStd BIO-MC-3.4: Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that protects the sensitive habitat areas to the maximum extent feasible.

DevStd BIO-MC-8.2: The stream or creek buffer area shall be indicated on all site and grading plans. All ground disturbance and native vegetation removal shall be minimized in the buffer area to the maximum extent feasible.

5. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit 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.
8. **Pesticide or Fertilizer Usage.** The use of pesticides or fertilizer shall be prohibited within any area that drains directly into Mission Creek.
9. **Transportation Demand Management.** The following alternative transportation incentives shall be implemented reduce parking demand and traffic impacts.
  - a. **Bus Passes.** The Museum shall provide MTD bus passes free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired.
  - b. **Housing Priority.** The Museum shall provide rental preference of the onsite residential units in the following order: (1) Museum employees, (2) persons who currently live on the South Coast or households with a member employed on the South Coast; and (3) the general public.
  - c. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal alternative transportation arrangements of any employee, the Museum shall guarantee a free ride home.
  - d. **Flexible Work Hours.** The Museum shall encourage staggered or flexible work hours that allow staff to arrive and depart at times which are outside the morning and afternoon peak traffic hours as established by the City of Santa Barbara (currently Monday through Friday 7-9 a.m. and 4-6 p.m.).
  - e. **Bicycle Parking.** A total of 22 bicycle parking spaces are to be provided on-site, including at least four covered bicycle parking spaces for employees only. Final rack locations and types of racks shall be approved by City Transportation staff and Historic Landmarks Commission.

D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Historic Structures Report.** All project features described in the Historic Structures and Sites Report(s) accepted by Historic Landmarks Commission shall be implemented to the satisfaction of the City Urban Historian.
2. **Tree Protection and Replacement.** Include a note on the plans that the tree protection and replacement project components included in the Watershed Environmental, Inc. report dated March 6, 2014, shall be implemented. All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained.
3. **Landscape Plan.** Identify on the Landscape Plan the portion of the Real Property outside of the Las Encinas Road easement designated as "Proposed Restoration/Enhancement Area" on the Exhibit labeled "Revised Figure 7 Woodland Habitat Restoration/Enhancement Area" in the Biological Assessment prepared by Watershed Environmental, Inc., dated July 10, 2014, so that those portions of the Real Property remain in their natural state.
4. **Public Improvements.** General Plan Implementation Actions HR6.1, HR6.2, and HR6.3 shall be considered in the review of proposed public improvements on Puesta del Sol.
5. **Exterior Lighting.** All new exterior lighting shall conform with Municipal Code Chapter 22.75 and shall be shielded and directed away from the tree canopy, the creek bed, creek banks, and undisturbed woodland habitat.
6. **Parking Lot Screening.** A soundwall/visual screen shall be provided to buffer the adjacent residences along Las Encinas Road at the location shown on Sheet L3.0.
7. **Bus Loading/Unloading.** The Museum shall designate a bus loading/unloading area near the Museum entrance.
8. **Screened Backflow Device.** All new 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 HLC.
9. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

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 other than building permits for the soundwall/visual screen and required alterations to the Western Residence. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.d "Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.
- b. **Dedication.** Owner shall submit an application and fees to the City Public Works Department for the following dedications and shall complete dedication prior to acceptance of public improvements.
  - (1) Owner shall grant an easement for right of way purposes to the City of Santa Barbara northeast of the face of the existing historic wall on APN 023-271-004 at the intersection of Puesta Del Sol and Mission Canyon Road.
  - (2) Owner shall dedicate to the City of Santa Barbara a new onsite ten-foot-wide sewer easement centered over the actual sewer main with right of access and reservation to the owner to continue use of a butterfly exhibit at the existing location over the sewer main.
- c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- d. **Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Puesta del Sol. Plans for public improvements shall be prepared by a licensed civil engineer registered in the State of California and shall be submitted prior to or concurrent with (but separately from) plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following:
  - (1) Installation of frontage improvements along Puesta del Sol from the western extent of the sandstone wall on Puesta del Sol to the driveway entrance of the Carriage House. An in-lieu fee shall be provided to fund the remaining Puesta del Sol frontage improvements. The improvements shall include a minimum of six-foot wide pathway, and minimum of four-foot wide parkway.

- (2) Design of all frontage improvements shall be designed to protect existing trees located at the property frontage in the street as required by the Urban Forest Superintendent.
    - (3) The frontage improvements shall include the installation of one or two new City Standard Dome Style street lights. The locations shall be as approved and modified by the City Engineer. The lighting changes on Puesta Del Sol will be either to install one 20' Type B City Standard street light or two 14' Type A City Standard pedestrian lights. The existing SCE cobra-head shall be removed.
    - (4) The entire width of Puesta Del Sol along the Museum frontage shall be slurry sealed and striped.
  - e. **In-lieu Fee for Sidewalk.** The Owner shall pay \$7,000 of in-lieu fees for the future construction of the remaining pathway frontage improvements on the easterly end of Puesta del Sol.
  - f. **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.
  - g. **Agreement to Construct and Install Improvements.** Prior to building permit issuance, the Owner shall either complete public improvements or submit preliminary plans for the required public improvement with engineers estimate, securities for construction and execute an *Agreement to Construct*.
  - h. **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.
2. **Community Development Department.**
- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in Condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
  - b. **Unpermitted Work.** The Building Permit scope of work shall address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.
  - c. **Trail Network.** Include a plan sheet illustrating the trail network on the western portion of the Museum property as shown within the Proposed Restoration/Enhancement Area on the exhibit labeled "Revised Figure 7 Woodland Habitat Restoration/Enhancement Area" in the Biological Assessment prepared by Watershed Environmental, Inc., dated July 10, 2014. The trail network shall be clearly labeled as public access as provided in Condition C.3.

- d. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of construction/demolition with ground disturbance in close proximity to existing trees. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- e. **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.
- f. **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.
- g. **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.
- h. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of each of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____	_____	_____
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. **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) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m. (Saturday construction is limited to non-noise-generating activities only, such as interior painting), 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.

4. **Project Site Rules.** No radios, music playback equipment, musical instruments, recreational drugs, or alcohol shall be used by workers while on the project site.
5. **Early Arrivals.** If construction workers arrive at the project site before 8:00 a.m. Monday through Friday or before 9:00 a.m. Saturday, they shall remain in the area of actual construction, and away from any neighbors' property lines.
6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. Materials storage and construction worker parking shall be prohibited on the northern section of the parking lot along and adjacent to the Las Encinas Road easement. The 'northern' section of the parking lot is defined to include all spaces north of the large landscaped island in the parking lot. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
7. **Noise Control.** All construction equipment used on the site, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and site activity silencing devices. Sound control devices and techniques, such as noise shields and blankets, shall be employed as needed to reduce the level of noise of all project development activity to surrounding residents consistent with the requirements of SBMC Section 9.16.025.C.
8. **Portable and Stationary Equipment.** When portable or stationary equipment, such as, but not limited to generators, air compressors and wood sawing stations are required on the project site, the equipment shall be located as far from the project boundaries with residences (other than those owned by the Museum) as possible. If it is necessary to locate portable/stationary equipment within 200 feet of the project perimeter, methods to provide noise shielding for that equipment shall be implemented. This may include but is not limited to: providing a two or three sided enclosure which is lined with a sound absorbing material between the equipment and the property line, or locating the equipment so that noise shielding is provided by existing or new structures located on the project site consistent with the requirements of SBMC 9.16.025.C.
9. **Noise Complaints and Resolution.** Include on relevant signage a Museum-designated representative's telephone number to address noise complaints. The Museum will include construction related complaints and methods of resolution in its annual reporting to the City. In response to verified complaints the City may require the applicant to implement a noise monitoring program. The noise monitoring program shall be designed and conducted to ensure that appropriate noise reduction and control measures are identified and implemented so that construction related noise levels at the property lines of sensitive receptors (residents) adjacent to the project site are consistent with the requirements of SBMC Section 9.16.025.C.
10. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. Tree removal/relocation/trimming activities shall not occur during nesting season (March 1 – July 1). If these activities must occur during this time, a qualified biologist shall conduct surveys to identify, no more than one week prior to the activity, active nests and nest

holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius, no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young fledglings have left the nest.

11. **Storm Water Pollution Prevention.** A Storm Water Pollution Prevention Plan with appropriate erosion/sediment control devices will be implemented between the construction area and Mission Creek. An erosion and sediment control plan that satisfies City of Santa Barbara requirements will be prepared and included in the construction drawings of each project component. Prior to the start of any demolition or construction activity within 100 feet of the topographic top of the creek bank, the perimeter of the work area shall be fenced and sediment and erosion control materials shall be installed to prevent demolition debris, soil, sediment, and other contaminants from falling or washing down into Mission Creek.
12. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used 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.
13. **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. **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.** For the phase of the project that includes public improvements, those improvements as shown in the public improvement plans or building plans, shall be completed.
3. **Noise Measurements.** For the phase of the project that includes the exterior speaker system, compliance with Condition C.2.d(4) shall be verified before the exterior speaker system is put into regular operation. Verification of compliance shall occur in the following manner:
  - a. Upon installation of the exterior speaker system, and prior to initiation of their use for Museum purposes, the Museum shall schedule a test of the speakers. The Museum shall provide at least fourteen (14) days prior written notice of the date and time of the test to the owners and residents of any property adjacent to the Museum property that is developed with a residential use.
  - b. If the test demonstrates that use of the exterior speaker system does not exceed the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall submit a final report from a licensed acoustical engineer describing the design and operational parameters of the exterior speaker system and verifying that the sound produced by the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary where the property adjacent to the Museum is developed with a residential use.

If the test demonstrates that use of the exterior speaker system exceeds the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall not initiate the use of the exterior speaker system for announcements. Instead, the Museum's noise specialist shall recommend additional measures to limit the noise level associated with the use of the exterior speaker system subject to the review and approval of the Building and Safety Division. Such additional measures may include volume reduction, relocation, reorientation, or removal of speaker(s).
  - c. Once the additional measures are approved by the Building and Safety Division, the Museum shall schedule another test of the speakers. The Museum shall provide at least fourteen (14) days prior written notice of the date and time of the

test to the owners and residents of any property adjacent to the Museum property that is developed with a residential use.

- d. If the additional test demonstrates that use of the exterior speaker system does not exceed the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall submit a final report from a licensed acoustical engineer describing the design and operational parameters of the exterior speaker system and verifying that the sound produced by the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary where the property adjacent to the Museum is developed with a residential use.

If the additional test demonstrates that the use of the exterior speaker system, including the implementation of the additional mitigation measures, continues to exceed the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall limit the use of the exterior speaker system to public safety emergency announcements.

4. **Biological Monitoring.** For any phase of the project that includes planting of new native trees, submit a plan and contract with a qualified biologist acceptable to the City for the five-year monitoring period.

#### H. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolutions 33-1979, 10-1980, 002-89, 025-91, 054-92 and Substantial Conformance Determinations dated April 9, 2007, September 16, 2008, and November 12, 2009.
2. **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.
3. **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.

4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

**RESOLUTION NO. 15-029**

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SANTA BARBARA        ) ss.  
  )  
CITY OF SANTA BARBARA                )

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on April 28, 2015 by the following roll call vote:

- AYES:                    Councilmembers Dale Francisco, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Pro Tempore Gregg Hart
- NOES:                   None
- ABSENT:                Mayor Helene Schneider
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on April 29, 2015.



*Gwen Peirce*  
\_\_\_\_\_  
Gwen Peirce, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on April 29, 2015.

*Gregg Hart*  
\_\_\_\_\_  
Gregg Hart  
Mayor Pro Tempore



# Santa Barbara Museum of Natural History



Western Parcels Annexation  
City Council - August 11, 2015



# Museum's Request

- ◆ Annexation of Museum's Western Parcels
- ◆ Detachment from:
  - Mission Canyon Lighting District
  - County Fire Protection District
  - County Service Area 12
- ◆ General Plan Amendment
- ◆ Zoning Map Amendment



# Museum CUP

- ◆ Allows Museum use of residentially zoned property
- ◆ Approved by Council March 5, 2015
- ◆ Includes the development and use of Western Parcels



# Western Parcels

- ◆ 5.28 acre site
  - Includes a single-family residence
  - Within designated Sphere of Influence and contiguous with City boundaries
- ◆ Annexation effectuates the Conditional Use Permit and would place all Museum operations in the City

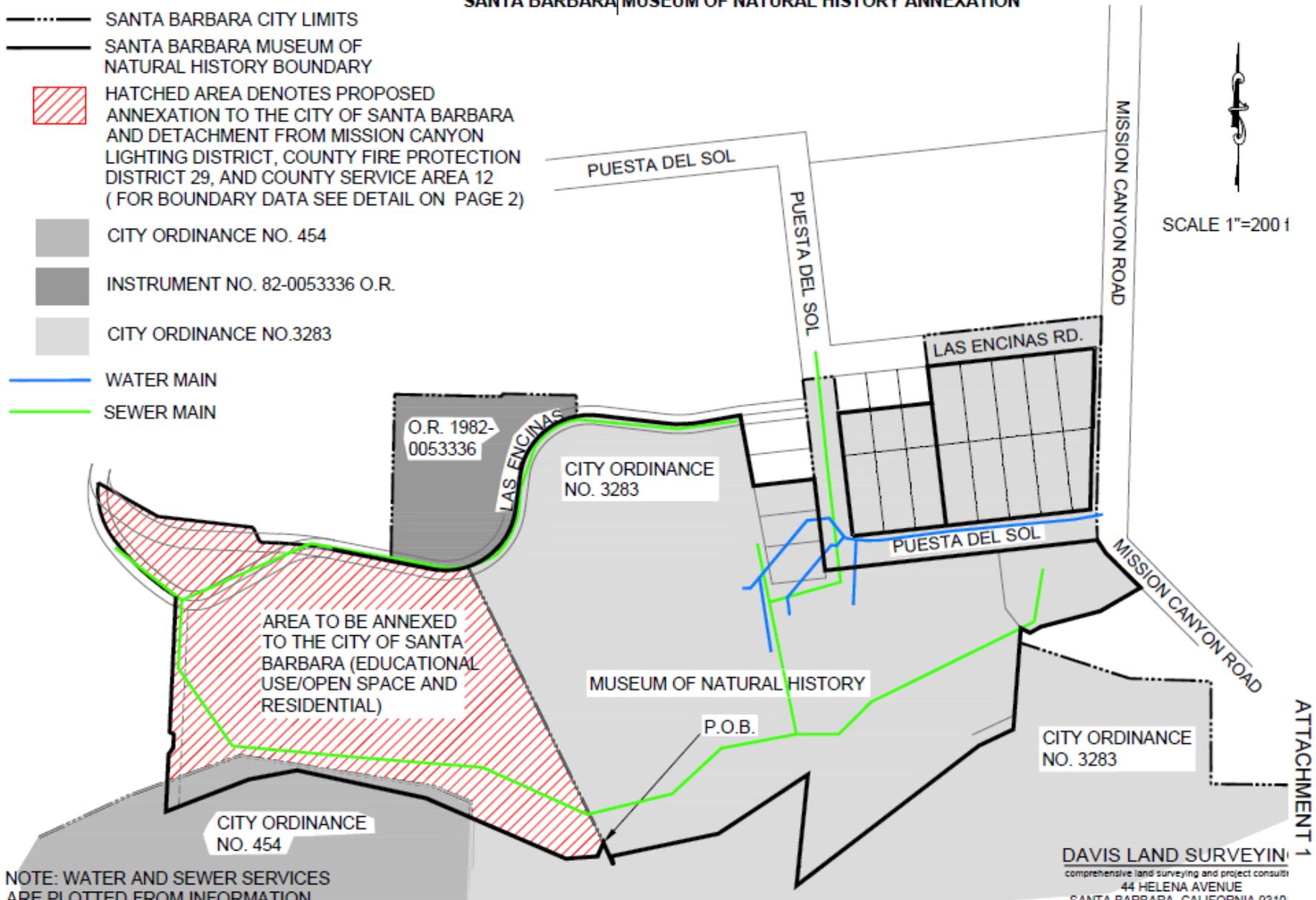
# EXHIBIT B (MAP SHEET)

## SANTA BARBARA MUSEUM OF NATURAL HISTORY ANNEXATION

- SANTA BARBARA CITY LIMITS
- SANTA BARBARA MUSEUM OF NATURAL HISTORY BOUNDARY
-  HATCHED AREA DENOTES PROPOSED ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTRICT 29, AND COUNTY SERVICE AREA 12 ( FOR BOUNDARY DATA SEE DETAIL ON PAGE 2)
-  CITY ORDINANCE NO. 454
-  INSTRUMENT NO. 82-0053336 O.R.
-  CITY ORDINANCE NO.3283
-  WATER MAIN
-  SEWER MAIN



SCALE 1"=200'



AREA TO BE ANNEXED TO THE CITY OF SANTA BARBARA (EDUCATIONAL USE/OPEN SPACE AND RESIDENTIAL)

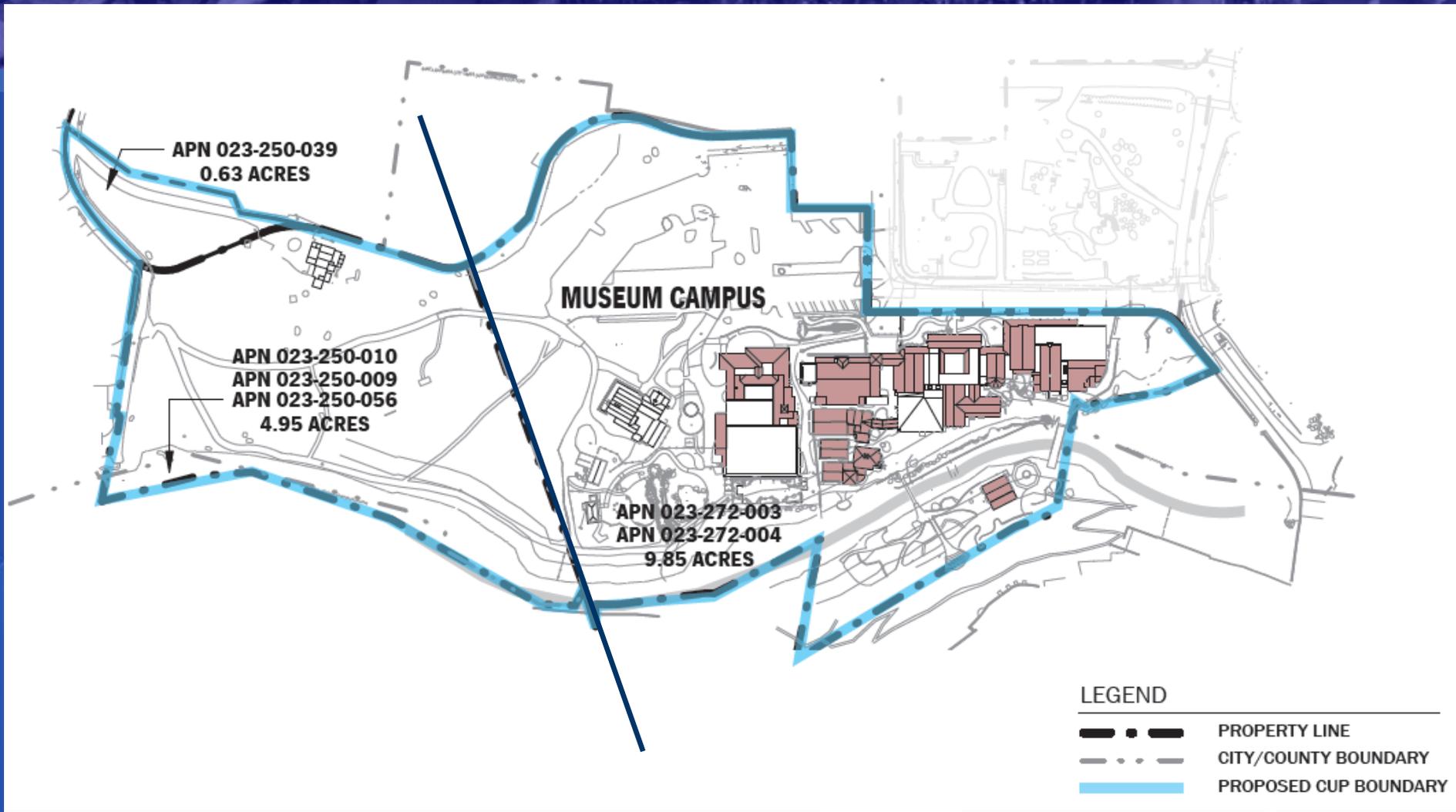
MUSEUM OF NATURAL HISTORY

P.O.B.

ATTACHMENT 1

NOTE: WATER AND SEWER SERVICES ARE PLOTTED FROM INFORMATION PROVIDED BY THE CITY OF SANTA BARBARA

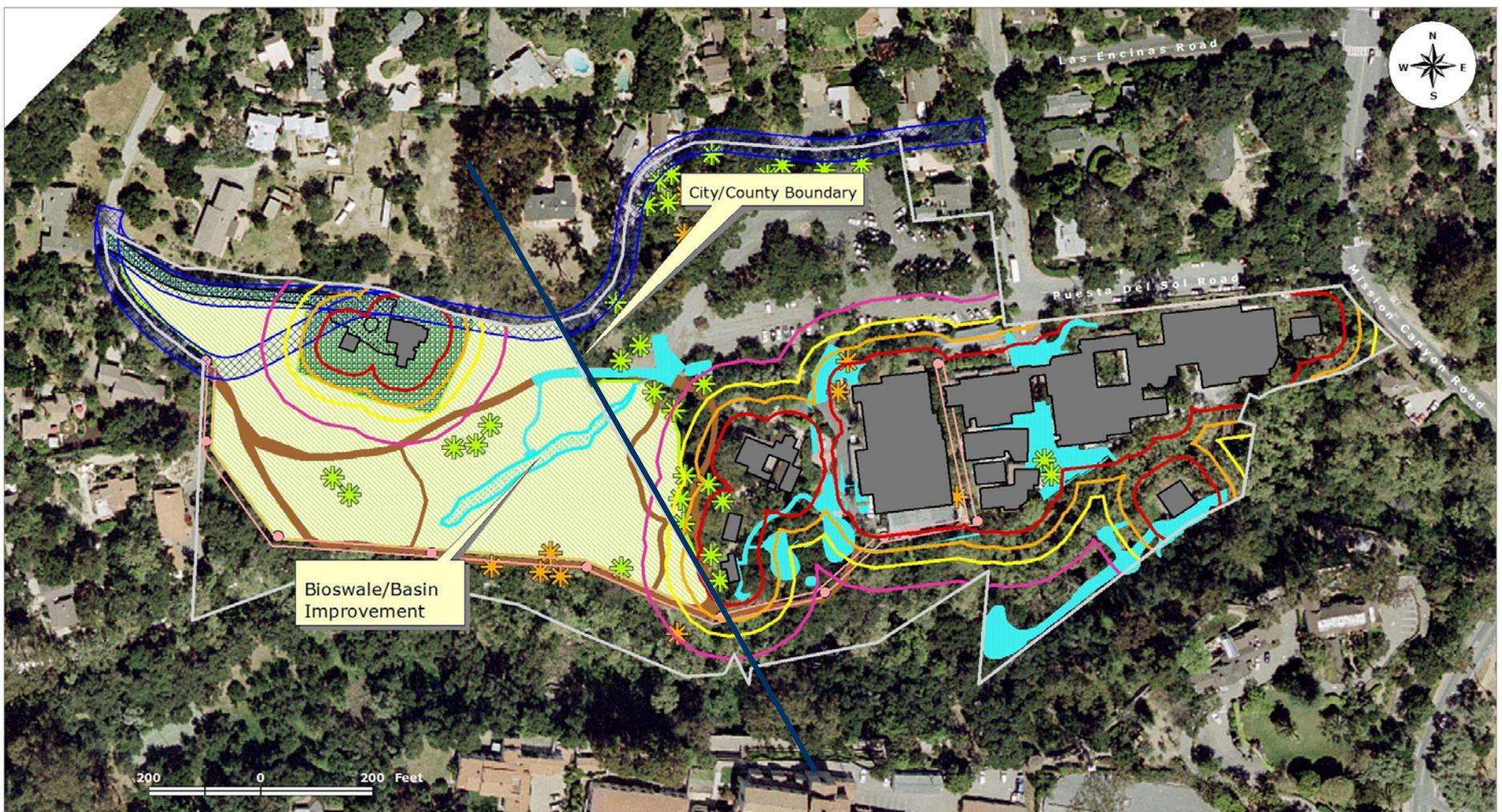
**DAVIS LAND SURVEYING**  
 comprehensive land surveying and project consult  
 44 HELENA AVENUE  
 SANTA BARBARA, CALIFORNIA 9310  
 L.S.5742 (805)564-8756





# Western Parcels

- ◆ Woodland Restoration
- ◆ Bioswale with a boardwalk and overlook
- ◆ Resource protections apply to future development
- ◆ Free public trail access provided
- ◆ Unpermitted alterations to existing house to be addressed



- Fuel Management Zones**
- 0-30 ft.
  - 30-50 ft.
  - 50-70 ft.
  - 70-100 ft.

- Proposed Restoration/Enhancement Area (3.6 acres)
- Trail
- Proposed Replacement Tree (Van Atta Landscape Arch. 02/19/14)
- Coast Live Oak (Q=30)
- Sycamore (Q=10)
- Site Improvement (2014)
- Building Envelope (0.7 acre)
- Project Boundary

- Existing Features**
- Structure
  - Sewer Manhole
  - Sewer Easement
  - Las Encinas Road Easement
  - Driveway

**Revised Figure 7. Woodland Habitat Restoration/Enhancement Area**  
 Biological Assessment  
 Santa Barbara Museum of Natural History  
 2014 Master Plan Project  
 2559 Puesta Del Sol, Santa Barbara, CA  
 Watershed Environmental, Inc. 7/10/14



# PC Recommendation

- ◆ June 5, 2014
  - PC initiated annexation of the Western Parcels
- ◆ January 8, 2015
  - PC approved the CUP Amendment
  - PC recommended that Council annex the Western Parcels
    - General Plan designation: Low Density Residential (Maximum Density: 3 Units per Acre)
    - Zoning designation: E-1 (One-Family Residence)

# 609 Mission Canyon Rd & ROW

- ◆ PC and staff recommended that two parcels at 609 Mission Canyon Road & a portion of ROW be included
- ◆ The additional annexation area isn't ready for LAFCO and would be processed separately



# General Plan & Zoning

- ◆ General Plan Amendment
  - Designation: Low Density Residential (Maximum Density: Three Dwelling Units per Acre)
- ◆ Zoning Map Amendment
  - Designation: E-1 (One Family Residence Zone)

**County General Plan: RES-1.8  
Recommended General Plan:  
Low Density Residential (3 units/acre)**

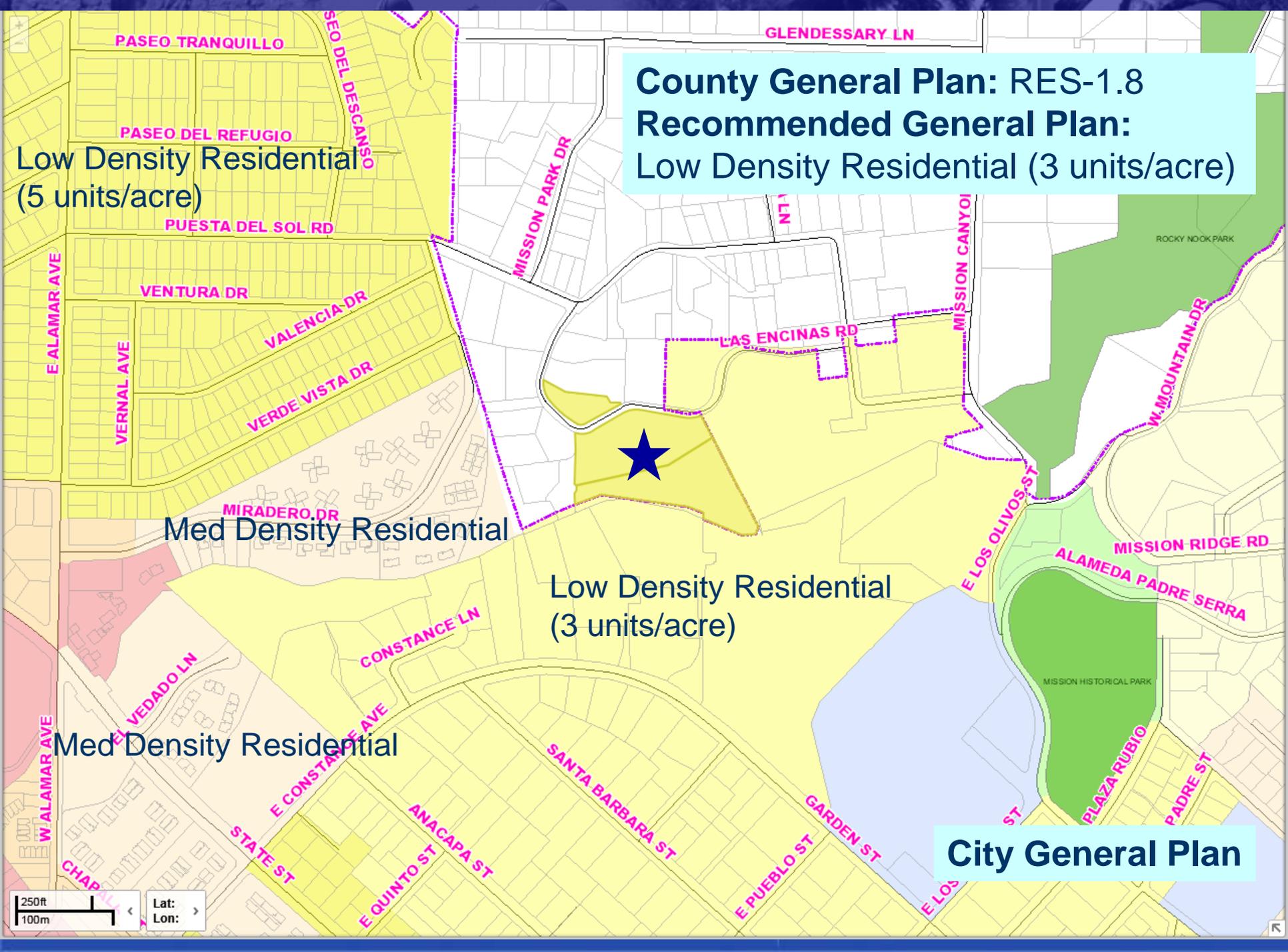
**Low Density Residential  
(5 units/acre)**

**Med Density Residential**

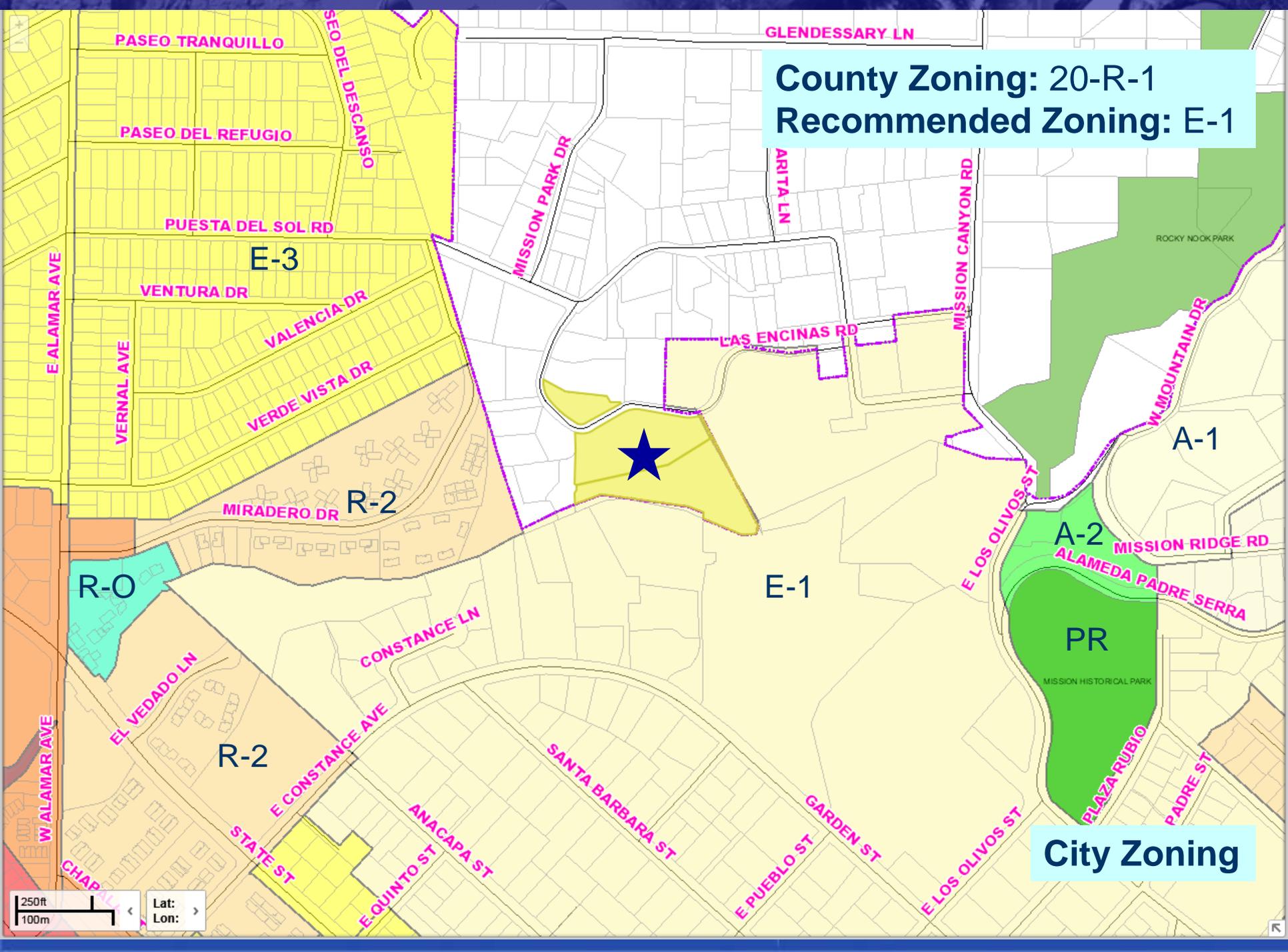
**Low Density Residential  
(3 units/acre)**

**Med Density Residential**

**City General Plan**



**County Zoning: 20-R-1**  
**Recommended Zoning: E-1**



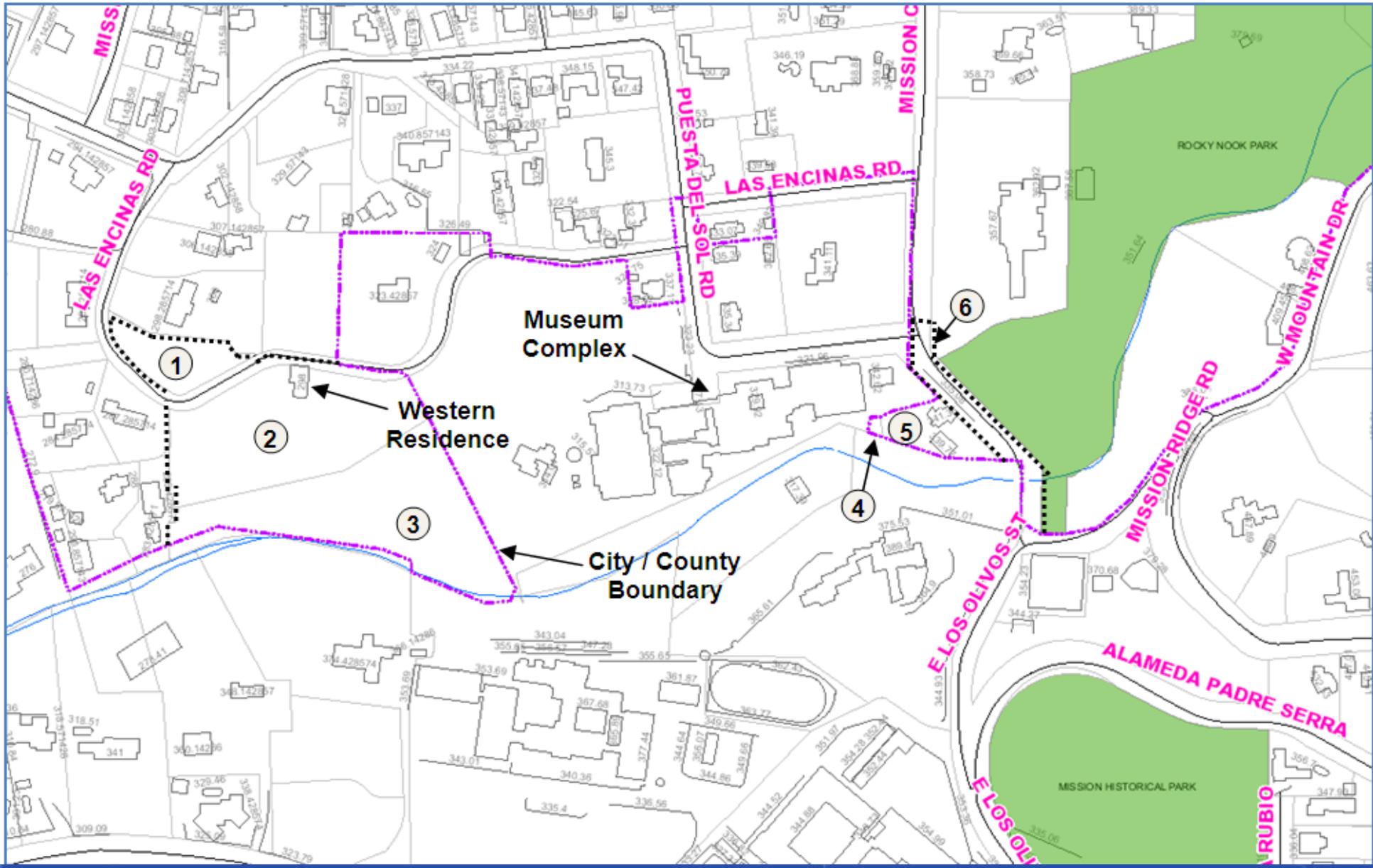
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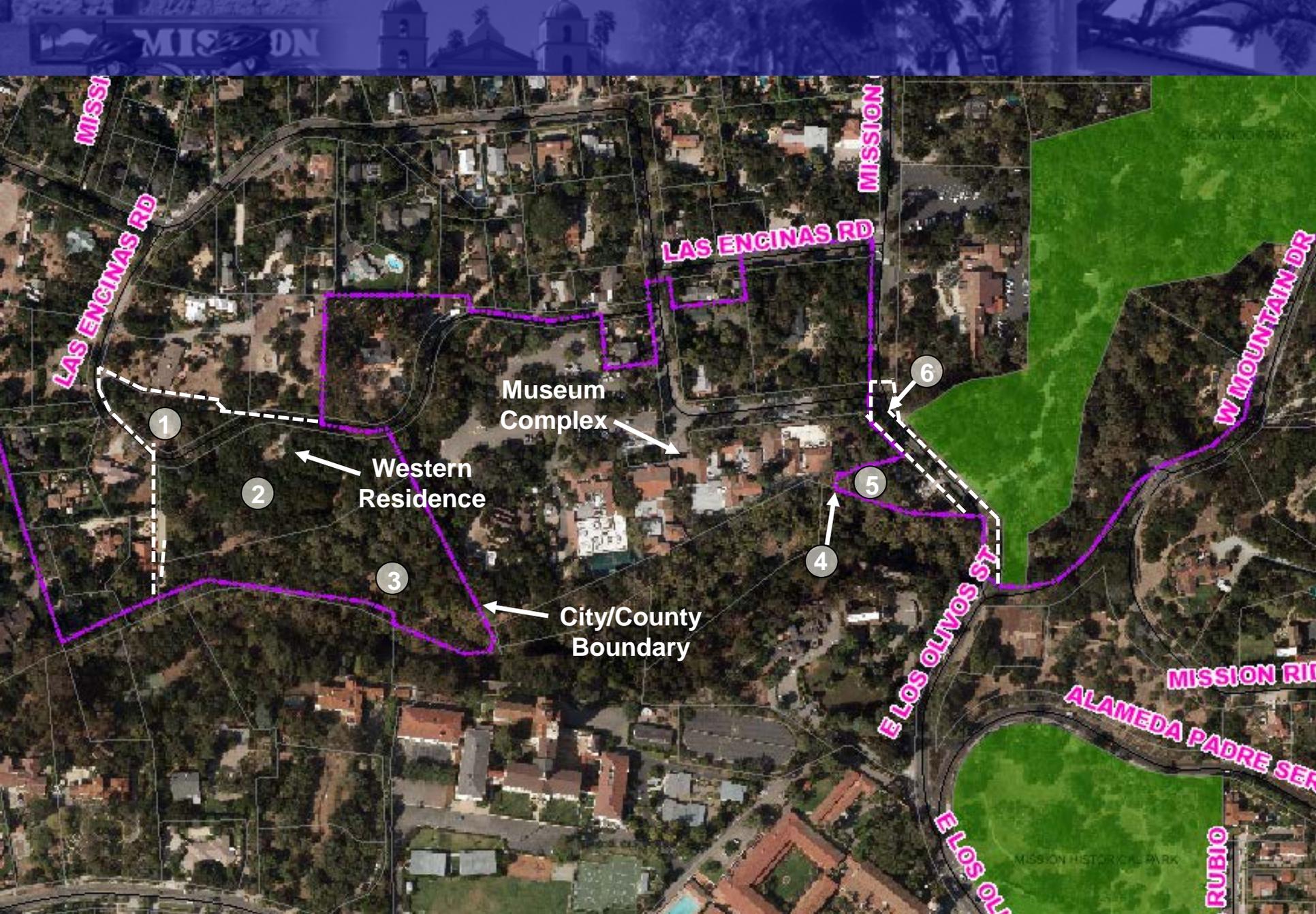
**City Zoning**



# Staff Recommendation

- ◆ Staff recommends that Council:
  - Consent to Reorganization (Annexation of Western Parcels and Detachment from Special Districts);
  - Approve the General Plan Amendment; and
  - Approve the Zoning Map Amendment





LAS ENCINAS RD

LAS ENCINAS RD

MISSION

W MOUNTAIN DR

Museum Complex

Western Residence

City/County Boundary

1

2

3

4

5

6

E LOS OLIVOS ST

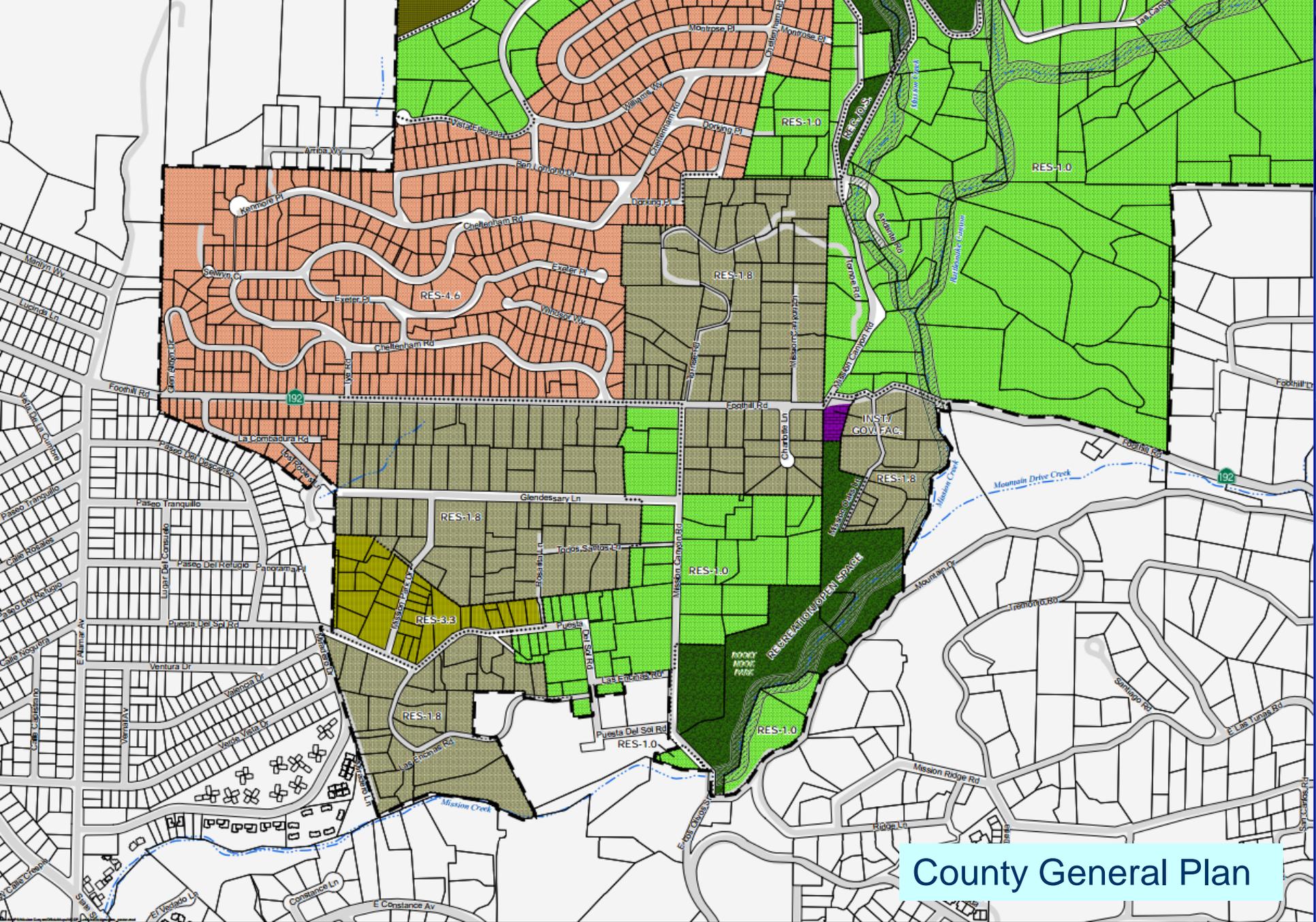
MISSION RIVER

ALAMEDA PADRE SERRA

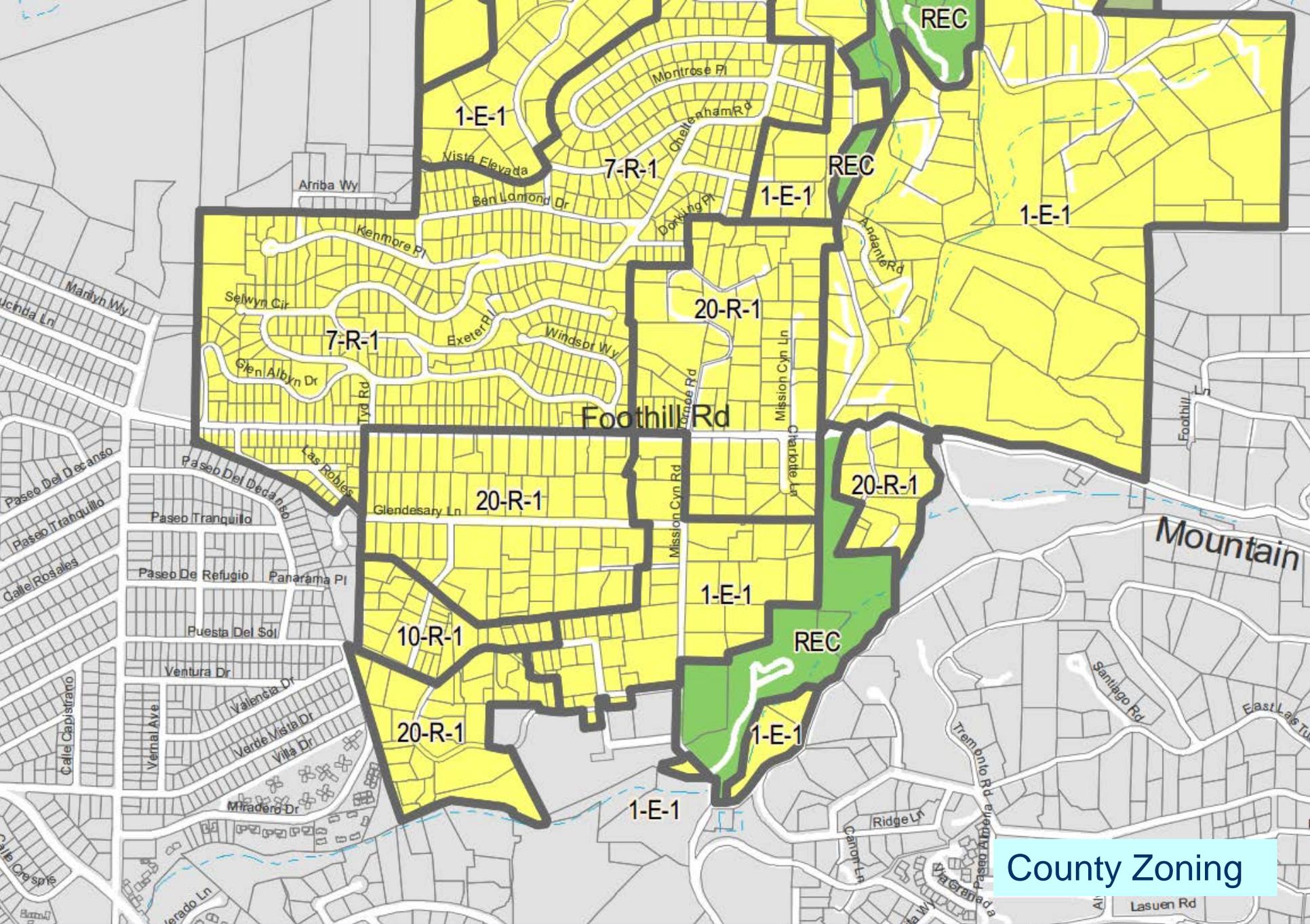
E LOS OLIVOS ST

RUBIO

MISSION HISTORICAL PARK



# County General Plan



## County Zoning