



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 053-06
1443 SAN MIGUEL AVENUE
COASTAL DEVELOPMENT PERMIT
DECEMBER 21, 2007

APPLICATION OF KEVIN AND JILL DUMAIN, PROPERTY OWNERS, 1443 SAN MIGUEL AVENUE, APN 045-132-003, E-3/SD-3, SINGLE-FAMILY/COASTAL OVERLAY ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS PER ACRE (MST2005-00498/CDP2006-00022)

Proposal to demolish an existing 413 square foot residence and 85 square foot storage shed and construct a new 2,356 square foot three-story residence with an attached 461 square foot two-car garage on a 6,767 square foot lot in the non-appealable jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Coastal Development Permit (CDP2006-00022) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, which allows for the construction of a new single-family residence in a residential zone.

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

WHEREAS, two people appeared to speak in favor of the application, and three people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 21, 2006
2. Site Plans
3. Correspondence received in support of the project:
 - a. Dennis Wayman, Pastor, Free Methodist Church of Santa Barbara
 - b. Mary E. Rem
 - c. Michele Vedder
 - d. Michael and Susan Clevenger
 - e. Marty Reitz
 - f. Kent and Suzy Briggs
 - g. Christopher Browne

4. Correspondence received in opposition to the project:
Shaun and Pamela Rai

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

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

Coastal Development Permit (SBMC §28.45.009)

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Municipal Code. The proposed project would be compatible with the existing residential neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access and would not contribute to safety or drainage hazards on the site.

- II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
2. **Allowed Development.** The development of the Real Property approved by the Planning Commission on December 21, 2006 is limited to one residential unit of no more than 2,356 net square feet of interior floor area including the garage and the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
3. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.
4. **Drainage System Maintenance.** The Owner(s) shall maintain the on-site drainage system, storm drain water interceptor and other on-site storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.

- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):

1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 2. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.
 3. **Height Reduction.** The height of the third story portion shall be lowered by two feet and the garage height shall be lowered by six inches.
- C. **Public Works Submittal Prior to Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the project:
1. **Water Rights Assignment.** The Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
 2. **Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on San Miguel Avenue. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards any sidewalk, curb and/or gutter that is uplifted/cracked, new driveway apron, any overhead service utilities that provide exclusive service shall be placed underground, any existing survey monument or contractor stamp shall be preserved and/or reset under the direction of the Public Works Inspector, drought-tolerant parkway landscaping, and provide adequate positive drainage from the site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
 3. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall submit a Storm Water Operations and Maintenance Procedure Plan for approval by the City Engineer.
 4. **Storm Water Quality.** New residential development projects, shall address water quality through the use of best management practices (BMPs) as determined by the City. Projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
 5. **Construction Best Management Practices.** Construction Best Management Practices Required. Construction activities shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & Safety Division

with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:

1. Written evidence shall be provided by the Applicant from the State of California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) that the oil well located on the proposed project site has been adequately capped per general capping requirements as described in letter to Applicant from Jim Carnahan of DOGGR dated April 3, 2006.
2. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

3. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.

4. **Construction-Related Truck Trips.** Construction-related truck trips 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.) to help reduce truck traffic on adjacent streets and roadways.
5. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m., Monday through Friday, and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

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

7. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. 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 Streets, Parking, and Transportation Operations Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment. Any off-site storage location for equipment or materials shall be approved by the Community Development Director.
 - c. Storage of construction materials within the public right-of-way is prohibited without an encroachment permit issued by the City.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

9. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
10. **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, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner Date

Contractor Date License No.

Architect Date License No.

Engineer Date License No.

- E. **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 damaged public improvements along subject property frontage (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. 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.** Install public improvements as shown on the building plans.
3. **Check Valve / Anti-Backflow Device.** Provide an approved check valve or anti-backflow device placed on the private property side of consumer's service pursuant to Municipal Code Section 14.20.120 and Public Works Construction Standard Detail 5-009.0.
4. **Cross Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. An extension has been granted by the Planning Commission. The Planning Commission may grant an extension of up to one (1) year as long as the extension is requested before the expiration date. Not more than three (3) extensions may be granted.

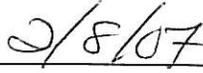
This motion was passed and adopted on the 21st day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (White) ABSTAIN: 0 ABSENT: 1 (Larson)

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



Kathleen Goo, Acting Planning Commission Secretary



Date

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