



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** November 26, 2008  
**AGENDA DATE:** December 3, 2008  
**PROJECT ADDRESS:** 1405 Harbor View Drive (MST2007-00278 & CDP2008-00016)  
 Case Planner  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DYK*  
 Kelly Brodison, Assistant Planner *KAB*

### I. PROJECT DESCRIPTION

The project consists of a proposal to demolish an existing 960 square foot single-family residence and 560 square foot detached garage and construct two (2), two-story, single-family residences each with an attached two-car garage. The first unit is proposed to be 1,474 square feet with a 451 square foot attached garage and the second unit is proposed to be 1,409 square feet with a 400 square foot attached garage. Total proposed development includes 3,734 net square feet on a 7,320 square foot parcel in the non-appealable jurisdiction of the Coastal Zone. The project requires Staff Hearing Officer approval for a Coastal Development Permit.

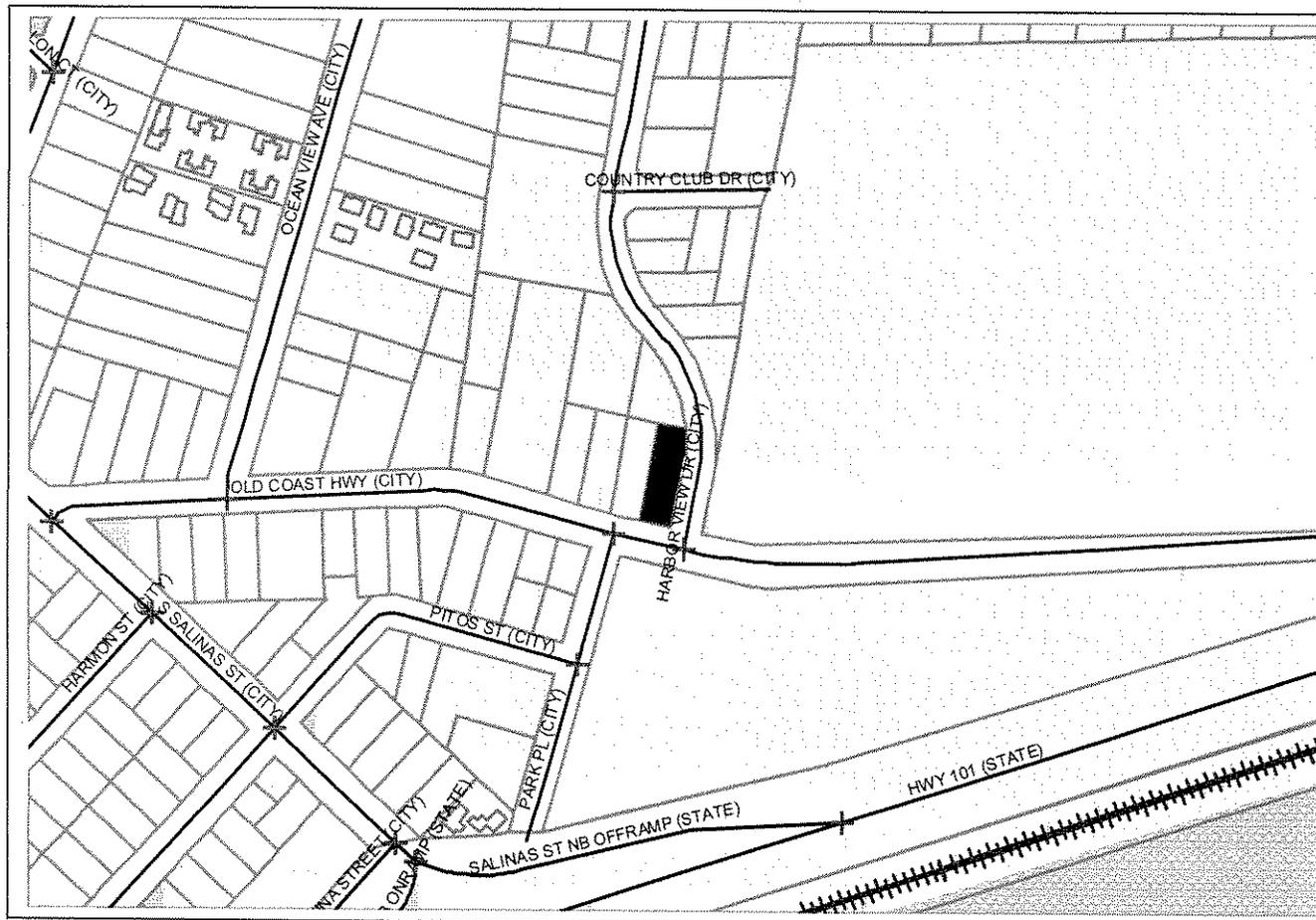
### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2008-00016) to allow the proposed multi-family residential development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC §28.44).

### III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**APPLICATION DEEMED COMPLETE:**  
**DATE ACTION REQUIRED:**

October 29, 2008  
January 27, 2009

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Tom Jacobs, Architect	Property Owners:	Francisco Javier Villareal & Carlos Villareal
		Lot Area:	7,320 sq. ft.
General Plan:	Residential – 12 units/acre	Zoning:	R-2/SD-3
Existing Use:	Single Family Residence	Topography:	~2%
Adjacent Land Uses:			
	North – Multi-Family Residential		East – Montecito Country Club & Golf Course
	Southwest – Single-Family Residential		West – Multi-Family Residential
	Southeast - Municipal Tennis Courts		

**B. PROJECT STATISTICS**

	Existing	Proposed (Unit 1)	Proposed (Unit 2)
Living Area	995 sq. ft.	1,475 sq. ft.	1,409 sq. ft.
Garage	387 sq. ft.	451 sq. ft.	400 sq. ft.
Total	1,382 sq. ft.	1,926 sq. ft.	1,809 sq. ft.

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front	15' (1 <sup>st</sup> story) 20' (2 <sup>nd</sup> story)	~12' & ~55'	15' (1 <sup>st</sup> story) 20' (2 <sup>nd</sup> story)
-Interior	6' 3' (garage)	~4' (house) and 0' (garage)	6' (house) and 3' (garage)
Building Height	30'	One-story	25'-7"
Parking	2 covered, 2 uncovered	1 covered	4 covered
Lot Area Required for Each Unit	3,500 sq. ft.	3,500 sq. ft.	No Change
Open Yard	1,250 sq. ft.	>1,250 sq. ft.	1,250 sq. ft.
Lot Coverage			
-Building	N/A	1,476 sq. ft. 20%	2,539 sq. ft. 34%
-Paving/Driveway	N/A	2,173 sq. ft. 30%	1,294 sq. ft. 18%
-Landscaping	N/A	3,671 sq. ft. 50%	3,486 sq. ft. 48%

The proposed project is consistent with the regulations of the R-2 Zone, two-family residence zone related to building height, setbacks, solar access, open yard requirements and parking.

## **VI. ISSUES**

### **A. ENVIRONMENTAL REVIEW**

*Archaeological Resources:* Based on the City's Cultural Resource Sensitivity Map, the project site is located within a Prehistoric Sensitivity Area. A Phase 1 Archaeological Report was prepared for the property and it was determined that the proposed project is not considered to have the potential to impact unknown, intact significant or important historic or prehistoric cultural remains and therefore, no mitigation measures are required.

*Conclusion:* Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303 (a) New Construction and 15301 (l) (1) Existing Facilities.

### **B. DESIGN REVIEW**

This project was reviewed by the ABR on November 19, 2008 (meeting minutes are attached as Exhibit D). The ABR stated that the project does not appear too large in size, bulk, and scale, and understood the raising of the property since it is in a flood zone. The Board requested that the applicant study details of the project, but stated that the project appears appropriate for the neighborhood, and is nicely articulated. Some Board members were concerned that the roof level stair element may be adding unnecessary height, and requested that the applicant study ways to mitigate this affect. The project will return to ABR for Preliminary and Final Approval subsequent to the Staff Hearing Officer's approval.

### **C. COMPLIANCE WITH THE GENERAL PLAN**

*Land Use Element:* The proposed project is located within the Eastside neighborhood and has a General Plan designation of Residential – 12 dwelling units per acre. The Eastside neighborhood is bordered on the north by Canon Perdido Street; on the south by Highway 101; on the east by the base of the Riviera; and on the west by the rear of the commercial strip along the east side of Milpas Street. The General Plan designation for most of the Eastside neighborhood calls for twelve dwelling units to the acre with an R-3 zone. However, the area to the east of Salinas Street is zoned R-2 to ensure a lower density for future development. The Eastside neighborhood is an area of modest homes with a scattering of duplex and apartment development. The proposed project would result in a density of 11.9 units per acre.

*Housing Element:* Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. A goal of the Housing Element is to encourage construction of a wide range of housing types to meet the needs of various household types and to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The project would be consistent with the Housing Element as it will contribute one new residential unit, on an R-2 zone lot, to the City's existing housing stock. The homes are in close proximity to shopping, parks the beach front and Highway 101.

*Noise:* The project site is located in close proximity to Highway 101. A review of the City's Noise Contour Map indicates that the project is within an area in which the noise level exceeds 60 dBA Ldn (average A-weighted sound level over a 24-hour day). The guideline for exterior noise levels for residential uses is 60 dBA Ldn. The guideline for interior noise levels for residential uses is 45 dBA Ldn. The applicant provided a Noise Study that concluded the proposed project can comply with the exterior noise guidelines. The applicant successfully demonstrated the project would not exceed these thresholds due to its design and location of the open yard area.

#### **D. COMPLIANCE WITH THE LOCAL COASTAL PLAN**

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. A Coastal Development Permit (CDP) is required for this project because it is located within the Non-Appealable Jurisdiction of the Coastal Zone and includes an increase of 1 unit on a lot with an existing single family residence. The project is in Component Seven of the Local Coastal Plan (LCP), which is located north of U.S. Highway 101 between Pitos/Salinas & Ocean View on the west and Olive Mill Road on the east. The LCP states that the western section of this area, where the project is located, is a residential neighborhood with single and multiple-family dwellings and a few trailers with some of these dwellings being part of the City's housing stock for low and moderate income families. The residential zones in this area of the Coastal Zone are a mix of R-2 (duplexes; 7,000 sq. ft. minimum), R-4 (multiple family dwellings, motels and trailer park). A shopping center is nearby at the intersection of Hot Springs Road and Old Coast Highway and the area also includes the municipal tennis courts and the Montecito Country Club, a private golf course which represents significant open space.

The project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines because it is not located on a coastal bluff and would not affect public access, open space or public recreation areas. Further, the structures would not block existing public views of the ocean, nor be visible from the public beach or public lookouts along the bluff top. Finally, the project has been designed to be compatible with the prevailing character of the surrounding neighborhood, which includes a mix of single family homes and two story apartment buildings. The project is located within a large area that is identified by the City's Master Environmental Assessment maps as an archaeologically sensitive area. However, the project site was reviewed by an archaeological consultant and it was concluded that the proposed project would not have an impact on archaeological resources (see Environmental review section).

### **VII. FINDINGS**

The Staff Hearing Officer finds the following:

#### **A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.060)**

1. The project is consistent with the policies of the California Coastal Act.

*The project is consistent with the Coastal Act Policy 30251, which requires new development to be visually compatible with the character of surrounding areas as discussed in section VI of the Staff Report.*

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

*The project is found to be consistent with the policies of the Local Coastal Plan, with regard to land use, neighborhood compatibility and environmental resources and is consistent with all Zoning Ordinance requirements as discussed in Section V and VI of the Staff Report.*

3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

*The project would not have an effect on public access or public recreation as described in Section VI of the Staff Report.*

Exhibits:

- A. Conditions of Approval
- B. Site Plan (under separate cover)
- C. Applicant's letter, dated September 22, 2008
- D. ABR Minutes

## STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1405 HARBOR VIEW DRIVE  
COASTAL DEVELOPMENT PERMIT  
DECEMBER 3, 2008

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). SFDB shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied.
1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
  2. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
  3. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  4. **Permeable Paving.** Incorporate a permeable paving system for the project driveway(s) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on December 3, 2008 is limited to approximately 3,734 square feet of building area and two dwelling units and the improvements shown on the project plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  5. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
    - a. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
    - b. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
    - c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **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 will prepare said agreement for the Owner's signature.
  2. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
  3. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water

treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

4. **1405 Harbor View Drive Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Harbor View Drive. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: ensure the accessibility of City maintenance equipment and personnel by maintaining the existing six foot (6') sewer main easement conditions, two (2) driveway aprons modified to meet Title 24 requirements, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, underground service utilities, connection to City water (one existing and one new water meter) and sewer mains (Unit #1 service lateral), public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, slot/trench drain, detention, erosion protection (provide off-site storm water BMP plan), preserve and /or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

D. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

If 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 Planning Division 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 Planning Division grants authorization.

3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
4. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). 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:

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Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	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 Chief of Building and Safety 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 night 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 that is answered by a person, not a machine.

3. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.

- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
    - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
  4. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
    - a. Site grading and transportation of fill materials.
    - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
    - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
    - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
    - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site 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.
  5. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
  6. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
  7. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
  8. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
  9. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

10. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding.
  3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
  4. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
- G. **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 the City Council denial of the appeal and approval of 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.

STAFF HEARING OFFICER CONDITIONS OF APPROVAL  
1405 HARBOR VIEW DRIVE  
NOVEMBER 19, 2008  
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**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

**ENSBERG JACOBS DESIGN**  
 ARCHITECTURE  
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 Phone: (805) 964-8844  
 Fax: (805) 964-8844

**SHEET INDEX**

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**DIRECTORY**

**ARCHITECT:**  
 Ensberg Jacobs Design  
 1405 Harbor View Drive  
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 Fax: (805) 964-8844

**ENGINEER:**  
 [Name]  
 [Address]  
 [City, State, Zip]  
 [Phone]  
 [Fax]

**PLANNING:**  
 [Name]  
 [Address]  
 [City, State, Zip]  
 [Phone]  
 [Fax]

**CONTRACTOR:**  
 [Name]  
 [Address]  
 [City, State, Zip]  
 [Phone]  
 [Fax]

**CODES & ZONING DATA**

**Textural Scope of Work**

1. General (2) New detached residential Units A & B w/ attached 2-car Garage.
2. General (2) New detached residential Units C & D w/ attached 2-car Garage.
3. General (2) New detached residential Units E & F w/ attached 2-car Garage.
4. Approx. 200 sq. ft. of concrete paving.
5. Approx. 200 sq. ft. of high wood fence.
6. Approx. 200 sq. ft. of high wood fence.
7. Approx. 200 sq. ft. of high wood fence.
8. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
9. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
10. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
11. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
12. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
13. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
14. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
15. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
16. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
17. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
18. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
19. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.
20. Underground utilities (power, telephone, cable TV) and poles to street, water, sewer, gas, and storm sewer.

**Applicable Building Codes**

2007 International Building Code, 2007 Uniform Plumbing Code, 2007 California Building Code, 2007 National Electrical Code, and 2007 California Building Code.

**Fire Department Notes:**

1. Fire sprinklers not required.
2. Fire alarm not required.
3. Fire hydrant not required.
4. Fire department access not required.
5. Fire department access not required.
6. Fire department access not required.
7. Fire department access not required.
8. Fire department access not required.
9. Fire department access not required.
10. Fire department access not required.
11. Fire department access not required.
12. Fire department access not required.
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14. Fire department access not required.
15. Fire department access not required.
16. Fire department access not required.
17. Fire department access not required.
18. Fire department access not required.
19. Fire department access not required.
20. Fire department access not required.

**Discretionary Applications Required:**

1. [Application]
2. [Application]
3. [Application]
4. [Application]
5. [Application]
6. [Application]
7. [Application]
8. [Application]
9. [Application]
10. [Application]
11. [Application]
12. [Application]
13. [Application]
14. [Application]
15. [Application]
16. [Application]
17. [Application]
18. [Application]
19. [Application]
20. [Application]

**Other Applications Required:**

1. [Application]
2. [Application]
3. [Application]
4. [Application]
5. [Application]
6. [Application]
7. [Application]
8. [Application]
9. [Application]
10. [Application]
11. [Application]
12. [Application]
13. [Application]
14. [Application]
15. [Application]
16. [Application]
17. [Application]
18. [Application]
19. [Application]
20. [Application]

**PROJECT DATA**

**Address:** 1405 Harbor View Drive, Santa Barbara, CA 93101

**Project Name:** Two Dwelling Units for Javier & Carlos Villareal

**Client:** Javier & Carlos Villareal

**Architect:** Ensberg Jacobs Design

**Engineer:** [Name]

**Contractor:** [Name]

**Permit No.:** [Number]

**Project No.:** [Number]

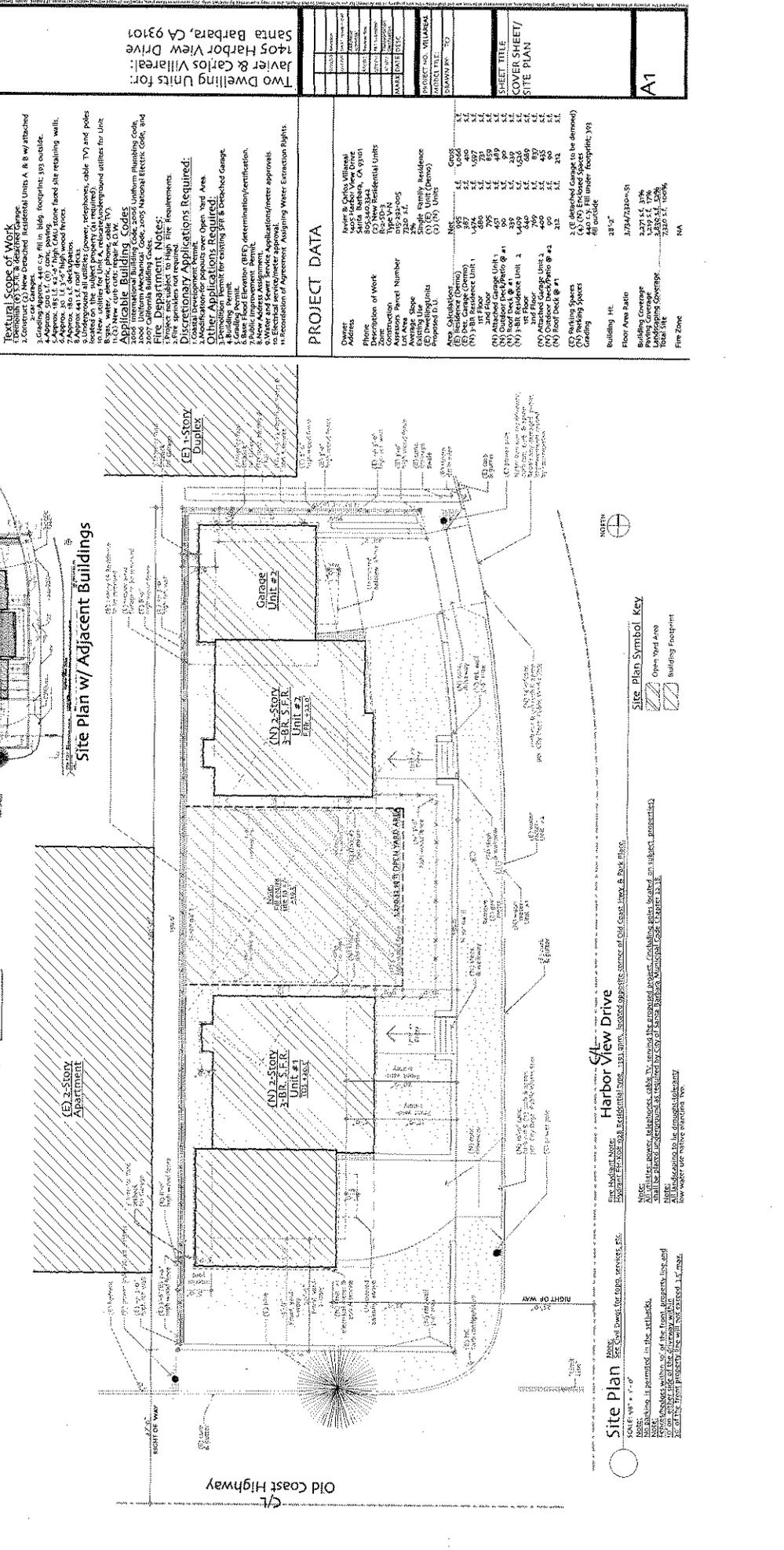
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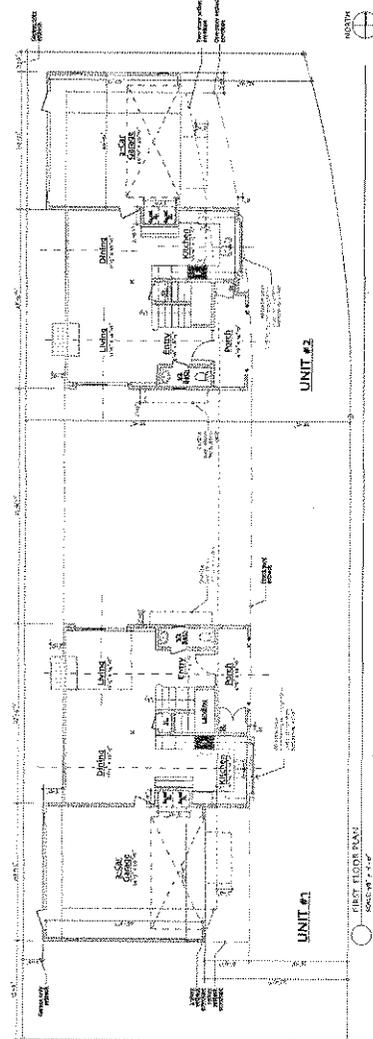
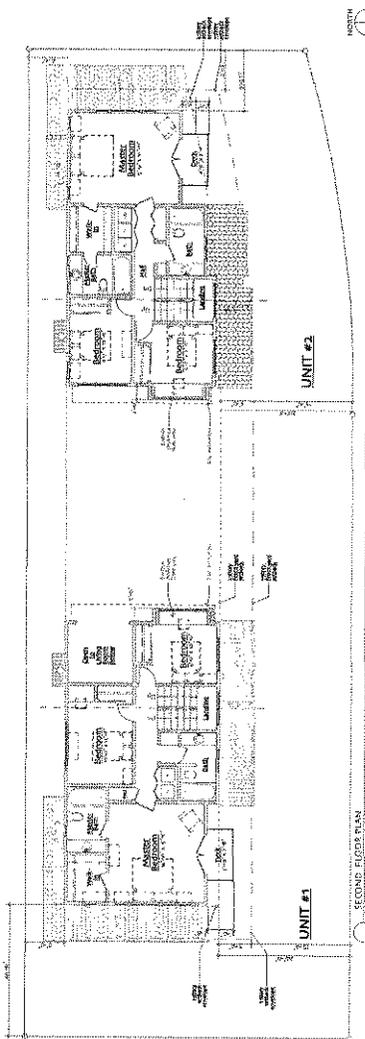
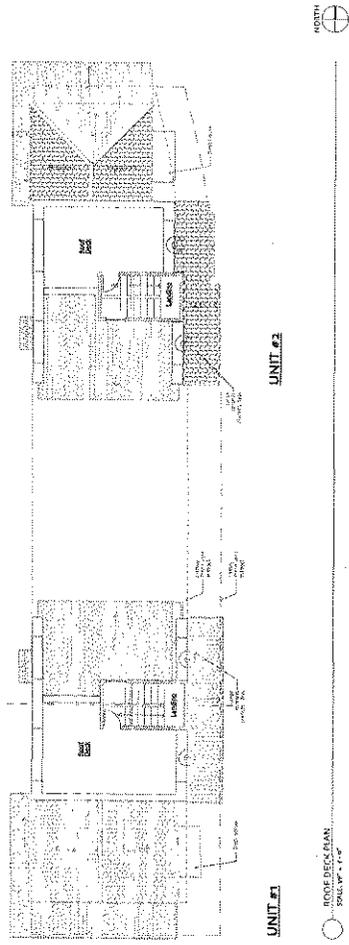
**Site Plan Symbol Key:**

- Open Yard Area
- Building Footprint

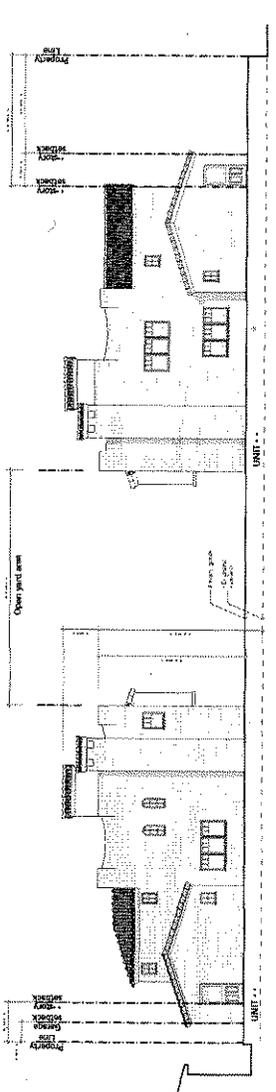
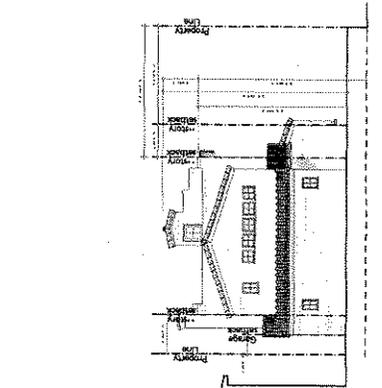
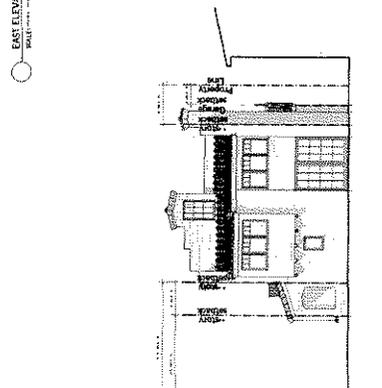
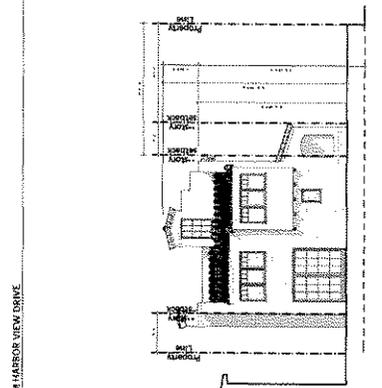
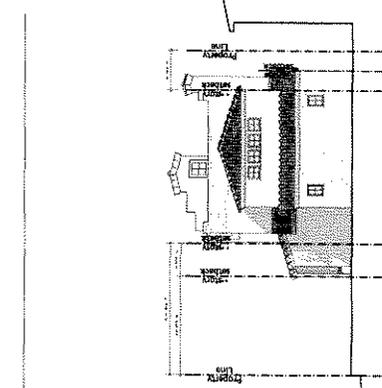
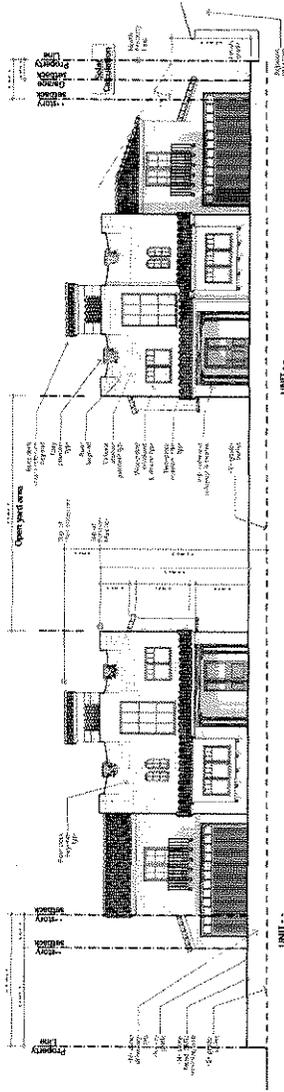


**EXHIBIT B**

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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Project Name	Two Dwelling Units
Client	Javier & Carlos Villarreal
Address	Harbor View Drive, Santa Barbara, CA
Architect	Ensberg Jacobs Design
Date	10/20/11
Scale	1/8" = 1'-0"
Sheet Title	Exterior Elevations
Sheet No.	A



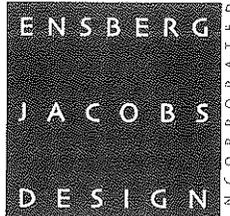
○ NORTH ELEVATION UNIT - FROM OPEN YARD AREA

○ SOUTH ELEVATION UNIT - FROM OPEN YARD AREA

○ NORTH ELEVATION @ UNIT - FROM OPEN YARD AREA

○ SOUTH ELEVATION UNIT - FROM OPEN YARD AREA

○ WEST ELEVATION FROM ADJACENT APTS.



9.22.08

Staff Hearing Officer  
City of Santa Barbara  
630 Garden St.  
Santa Barbara, CA 93101

**RE: DART/CDP  
MST 2007-00278  
(2) New 2-Story Detached Single Family Residences  
1405 Harbor View Drive  
APN 015-292-005  
R2 & S-D-3 Zone**

**RECEIVED**  
SEP 29 2008  
CITY OF SANTA BARBARA  
PLANNING DIVISION

**ATTN: Bettie Weiss**

Dear Bettie:

**EXISTING CONDITIONS, PROPOSED PROJECT**

Existing structures on this **corner lot** include the following:

- 1.) 960 s.f. Single Family Residence, and
- 2.) Detached 560 s.f. Garage (accessory building).

**The existing Residence and detached Garage currently encroach into required yards; however they will be demolished prior to construction of the proposed project.**

**PROPOSED PROJECT**

- 1.) Unit 1: (N) 1,473 s.f. S.F.R. (and attached 451 s.f. Garage).
- 2.) Unit 2: (N) 1,409 s.f. S.F.R. (and attached 400 s.f. Garage).

**SPECIFIC DISCRETIONARY REQUEST**

**1.0 I am seeking a Coastal Development Permit which will require Planning Commission Approval (as required for development in the Coastal Zone) and one Modification, as described below.**

- 1.1 To allow proposed 2<sup>nd</sup> story cantilevered "pop-out" (for Bedroom built-in desk areas) of Unit 1 & Unit 2 Bedrooms to encroach approximately 2'-0" into the area above the designated Open Yard Area.

**PREVIOUS STAFF CONTACTS**

1. I have had a pre-application review with Roxanne Milazzo re the Modification. She responded positively to the requested modifications and felt that they would be supportable.
- 2.1 I have had phone conversations regarding Public Works r.o.w. sidewalk requirements with Chelsea Swanson confirming that sidewalks would not be required.
- 2.2 I met with Stacey Wilson and Steve Foley and got their support for the design comprising two separate units served by two separate driveways and confirmed that the location of the driveways of both units is acceptable to the Transportation Division. They confirmed that the feeder area affecting traffic in this specific location and the effected stop sign is a small circumscribed area that generates minimal impact on this intersection. They also confirmed that the 150 ft. lot length of street frontage was a mitigating factor to placing two curb cuts on the same lot, and that this was essentially the length of two lots.
3. I have contacted staff to verify information regarding flood zone issues.  
I have been issued a Flood Determination Letter by Chris Short attached.

RE: DART/CDP  
MST 2007-00278  
(2) New 2-Story Detached Single Family Residences  
1405 Harbor View Drive  
APN 015-292-005  
R2 & S-D-3 Zone

2

## **PROJECT BENEFITS/JUSTIFICATIONS**

### **GENERAL**

- 1.) The two unit detached single family residential project is in accordance with zoning regulations and will provide needed entry level housing for two extended families who will also be owner-builders.
- 2.) The design based on two detached units reinforces the concept of home ownership and stakeholding in the community. The long 150 ft. frontage on Harbor View is essentially comparable to two typical 75' residential lots, and separating the units is consistent with this.
- 3.) The design based on two detached units will be an attractive visual feature transitioning from the open space of the adjacent Montecito Country Club golf course on the east side of Harbor View and the Municipal Tennis Courts to the south opposite to the more densely developed area to the west on Old Coast Highway. It is visually preferable to attached units which have a denser feel.
- 4.) Raising the finish floor elevations per the Civil Engineering Drawings will address the issues of water flow in maximum storm events. The property and surrounding area is currently subject to seasonal inundation and represents a health and safety liability; addressing this problem will improve the valuation of the property and reinforce development patterns in the neighborhood.
- 5.) The project has the required open yard area as designed. The single open yard area between the two units is a superior configuration that provides for usable open space buffered and away from the busy and noisy Old Coast Highway frontage. This configuration allows the project to meet the minimum Noise Level requirements (confirmed per submitted Noise Study) per the UBC and the City General Plan and avoids conflicting and irreconcilable requirements between the Noise Element and fence/wall requirements for corner lots. Placing one of the open spaces in the front yard on Old Coast Highway would require a sound wall that would not meet corner lot fence height requirements.
- 6.) The separated driveways diminish the overall amount of paving required and enhance the design by reinforcing the individuality of the units. Having two contiguous two car garages would not be a visually pleasing configuration, and the requirement to place them together would also force the separation of the open yard area into two locations. These locations would compromise the quality of the project; one of the areas would be on busy Old Coast Highway and the noise levels in that location are incompatible with the open space noise level requirements. The curb cut near the intersection has been reviewed by Transportation in relation to the design requirement for two separate driveway approaches and has their support. In addition, the lot immediately adjacent @ 1415 Harbor View has the same 150 ft. frontage length and also has two curb cuts, separated by less distance than that which we propose (see panorama photos).
- 7.) The roof deck areas increase the net usable space for modestly sized residential units and is an appropriate and valued amenity of any residential development in our Mediterranean climate. In essence, the Open Yard Area available to the residents is increased, thus improving their quality of life and meeting and exceeding the requirements of the Ordinance.

### **MODIFICATION**

- 1.) The proposed pop-outs for built in desks in the 2<sup>nd</sup> story childrens' bedrooms of Unit 1 and Unit 2 are cantilevered over the Open Yard Area. Section 28.87.062 pertains to architectural details intruding into Required Yards (**setbacks**), not into required Open Yard **Areas, which although similar to setbacks, are not the same and do not necessarily ask for or require similar treatment, as health and safety is not involved.** They maintain the intention of the Open Yard Area and do not decrease the area or impact it in any way. No shading of the Open Yard Area would occur from these minimal architectural details. They allow very minimal childrens' Bedrooms (approximately 9'-0" x 10'-0") to have an area for a built in desk to accommodate homework activities and do not provide floor area.

RE: DART/CDP  
MST 2007-00278  
(2) New 2-Story Detached Single Family Residences  
1405 Harbor View Drive  
APN 015-292-005  
R2 & S-D-3 Zone

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They are additionally an architectural feature which adds to the articulation of the facing facades. They received positive comment and support from the Board of Architectural Review.

- 2.) The window boxes at the Kitchen Sinks on the East Elevation are not added floor area; they are architectural projections and do not require modifications. The bottom of the framing would be +2'-6" above the grade. They received positive comment and support from the Board of Architectural Review.
- 3.) By allowing the applicants to provide these amenities the quality of the residential development is enhanced, benefiting both the applicant and the community at large. There are no negative impacts associated with the proposed encroachments.

### **PROJECT ISSUES**

- 1.) Project is in a 100 year flood zone (FEMA AE zone); the adjacent flood elevation is approximately +17.5' to +17.75' above sea level. County Flood Control requires the finish floor elevation to be minimum +2 ft. above the BFE (Base Flood Elevation); *see the Civil Engineering plans for the elevated pads; site grade is similarly raised. See attached FEMA maps.*
- 2.) Project requires a Modification for the overhanging areas as described and justified above.
- 3.) Owners of the project wish to avoid installing sidewalks if possible. Based on conversations with Chelsea Swanson at Public Works that the project is not a condominium development, it appears that they would not be required. They do not exist in adjacent contiguous parcels.
- 4.) Grade to slope away from the structures 2% minimum typical. Drainage to be addressed by creating an onsite retention basin in the Open Yard Area (See attached Hydrology calculations by Civil Engineer for retention basin).
- 5.) Project is in a zone where noise levels are a concern and a Sound Level Assessment was required. Per the attached Sound Level Assessment by 45dB.com (David Lord, PH.D. Acoustics Consulting), the project as designed falls within required noise levels. Open space in the front yard of Unit #1 would not comply with required noise levels.
- 6.) A Phase I Archaeology Resources Report was required and according to the report by Stone Archeology Consulting, "the potential for substantial subsurface prehistoric archaeological resources to exist within the project site is low."

### **DETAILED PROJECT DESCRIPTION**

- 1.) Use: Single Family Residential, existing and proposed.
- 2.1) (E) S.F.R. 1000 s.f.; (e) detached Garage 385 s.f.
- 2.2) Proposed: (2) detached S.F.R.'s with attached 2-car Garages.
  - 2.2.1. Unit #1: 1475 (net) s.f. S.F.R with attached 486 s.f. Garage.
  - 2.2.2. Unit #2: 1409 (net) s.f. S.F.R. with attached 400 s.f. Garage.
- 3.) (E) S.F.R. 1000 s.f.; (e) detached Garage 385 s.f. to be demolished.
- 4.) Site area 7320 s.f.
- 5.) No significant vegetation to be removed.
- 6.) Site filled approximately 1.5 ft. to 2.5 ft. to address FEMA flood zone requirements (see above and attached FEMA maps and Civil Engineering Drawings).
- 7.) 4 enclosed parking spaces, 52% landscape coverage.
- 8.) Approximately 440 c.y. fill under building footprint and 393 c.y. fill outside of building footprint, imported from off-site landscaping sources (see #6 above).
- 9.) Adjacent surrounding Land Uses:  
West: R-2/S-D-3  
East: A-2/S-D-3 & E-1/S-D-3  
North: R-2/S-D-3 & E-1/S-D-3  
South: R-3/S-D-3 & P-R/S-D-3
- 10.) i.) Typical code required residential style exterior lighting @ exits.

RE: DART/CDP  
MST 2007-00278  
(2) New 2-Story Detached Single Family Residences  
1405 Harbor View Drive  
APN 015-292-005  
R2 & S-D-3 Zone

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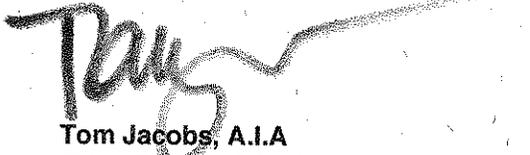
- ii.)None other than occasional family bbq's.
  - iii.)None other than typical residential household generated noise.
  - iv.)No geotechnical reports have been previously generated.
  - v.)A Phase 1 Archeology report has been submitted for review.
  - vi.)No recreational trails or easements traverse the property.
  - vii.)No creeks or other water courses are adjacent to the property.
- 11.) Construction Activity:
- i.)Demolition duration: Approximately 3 wks.
  - ii.)Grading duration: Approximately 3 wks.
  - iii.)Construction duration: Approximately 8 mos.
  - iv.)Typical small construction crew consisting of 2-6 workers on each phase.
  - v.)Staging area on site.

**HAZARDOUS MATERIALS**

- 1.) No hazardous materials are involved or being disposed of.

Your consideration of these requests is greatly appreciated. Please let me know if you have any further questions.

Sincerely,



**Tom Jacobs, A.I.A**  
**ENSBERG JACOBS DESIGN INC**

**Javier and Carlos Villareal**  
**HOMEOWNERS**



ARCHITECTURAL BOARD OF REVIEW  
CASE SUMMARY

1405 HARBOR VIEW DR

MST2007-00278

R-TWO NEW UNITS

Page: 1

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**Project Description:**

Proposal to demolish an existing 985 square foot single-family residence and 337 square foot detached garage and construct two new two-story, single-family residences with attached two-car garages. Unit one is proposed to be 1,900 square feet and the second unit is proposed to be 1,834 square feet, including the two-car garage. Total proposed development includes 3,734 square feet on a 7,320 square foot parcel in the non-appealable jurisdiction of the Coastal Zone. The project requires Planning Commission review of a Coastal Development Permit.

**Activities:**

**11/17/2008**                      **ABR-Consent (New)**

*(Conceptual comments received at ABR on 11/19/07. Review of Landscape Plan prior Staff Hearing Officer review.)*

**10/29/2008**                      **ABR-Resubmittal Received**

*Review of Landscape Plan for comments prior to SHO hearing. Full project will return to Full Board subsequent to SHO hearing.*

**11/19/2007**                      **ABR-Concept Review (New)**

*(COMMENTS ONLY; PROJECT REQUIRES PLANNING COMMISSION REVIEW OF A COASTAL DEVELOPMENT PERMIT AND ZONING MODIFICATIONS.)*

*(7:26)*

*Present: Tom Jacobs, Architect.*

*Public comment opened at 7:39 p.m. As no one wished to speak, public comment was closed.*

*Motion: Continued indefinitely to the Planning Commission and return to Full Board with the following comments:*

*1) The modification required for the pop outs is technical in nature. The second-story location does not prohibit the use of 1,250 square feet of outdoor space.*

**Activities:**

- 2) Applicant is to verify heights as required for natural grade per the Zoning Ordinance. The Board finds that the project does not appear too large in size, bulk, and scale.
  - 3) The applicant is to study window proportions, locations, styles and variety of uses on the east and other elevations. Some Board members find the use whimsical and playful.
  - 4) The Board understands and appreciates the raising of the property and the stone veneer to cover the wall since it is in a flood zone.
  - 5) Some Board members commented that the south elevation of Unit 1 needs more design character as it faces Old Coast Highway.
  - 6) Study the master bedroom balconies as they appear to be cantilevered a bit too far.
  - 7) The rear elevation garage of Unit 1 is to match the Unit 2 garage by eliminating the recessed pop outs.
  - 8) Some Board members prefer that the units have a less mirrored image. Some Board members are concerned that some windows are too large at the stairways and other locations.
  - 9) The project appears appropriate for the neighborhood, and is nicely articulated.
  - 10) Some Board members are concerned that the roof level stair element may be adding unnecessary height. Applicant to study mitigation.
  - 11) Provide a landscape plan.
  - 12) Provide information about existing and proposed retaining walls and proposed landscaping for the west elevation.
  - 13) Verify and show on the site plan locations of existing neighbors and the proximity of windows and outdoor spaces.
- Action: Mosel/Mudge, 6/0/0. Motion carried. (Manson-Hing/Sherry absent.)

**11/19/2007**                      **ABR-Notice Prepared-PC/SHO Req**

**11/14/2007**                      **ABR-Resubmittal Received**

*Resubmittal received for 11/19/2007 ABR meeting.*

**11/5/2007**                      **ABR-Notice Prepared-PC/SHO Req**

**10/3/2007**                      **ABR-Posting Sign Issued**