



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 053-05

2280 SANTIAGO ROAD

MODIFICATIONS AND NEIGHBORHOOD PRESERVATION ORDINANCE

JULY 14, 2005

APPLICATION OF JAMES MAYO MACARI (ARCHITECT), AGENT FOR JOSEPH E. JOHNSTON III (PROPERTY OWNER), 2280 SANTIAGO ROAD, APN 019-072-003, A-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2004-00225)

The project proposes to increase the size of the recently approved 882 square foot detached accessory building (which is beneath the 749 square foot garage) by an additional 393 net square feet. The detached building will be comprised of 1,275 square feet of accessory space and 749 square feet of garage space, for a total of 2,024 square feet, on a 2.79-acre lot located in the Hillside Design District. The proposal also includes an 840 square foot detached three-car carport, a swimming pool with a 189 square foot open pavilion, a 1,086 square foot trellis, and associated site walls. Construction of the project would increase total square footage of buildings on the site from 7,807 square feet to 9,040 square feet. The proposal requires 1,324 cubic yards of grading.

The discretionary applications required for this project are:

1. Modification to allow an accessory structure in the remaining front yard (SBMC §28.87.160.2);
2. Modification for an accessory building to have a total aggregate floor area in excess of 500 square feet (SBMC §28.87.160.3);
3. Modification for covered parking to have a total aggregate floor area in excess of 750 square feet (SBMC §28.87.160.4);
4. Neighborhood Preservation Ordinance Compliance to allow the floor area of all existing and proposed structures to exceed a cumulative total of 6,500 square feet on the subject property located in the Hillside Design District (SBMC §28.68.070.2); and
5. Neighborhood Preservation Ordinance Compliance to allow the amount of grading to exceed 500 cubic yards (cut and/or fill), excluding grading necessary for the building foundations for the main buildings, on the subject property located in the Hillside Design District (SBMC §28.68.070.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301 and 15303.

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

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 7, 2005
2. Site Plans

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

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

A. Modification to Allow an Accessory Structure in the Front Yard (SBMC §28.87.160.2)

The required findings to allow an improvement to an accessory building in the remaining front yard can be made because, although the accessory building technically fronts on Tremonto Road, it is not accessed, nor can it be seen from Tremonto Road, as the building is 70 feet above and 102 feet from the road. Additionally, the Planning Commission previously approved a modification to allow the existing accessory building to be located within the remaining front yard.

B. Modification to Allow an Accessory Building to Have a Total Aggregate Floor Area in Excess of 500 Square Feet (SBMC §28.87.160.3)

The required finding can be made that the accessory building is an appropriate improvement and would meet the intent and purpose of the Zoning Ordinance, because the accessory building is not excessive or unreasonable for its intended purpose. The size of the lot can accommodate an over-sized accessory space and the design of the residence and existing landscaping are mitigating factors. It would also promote uniformity of improvement in the neighborhood, since the proposed architectural style is the predominant style of the neighborhood, and the overall mass, bulk and scale is also proportional to the neighborhood. The design of the accessory space is consistent with the Hillside Design techniques and the standards set forth in the Single Family Residential Guidelines.

C. Neighborhood Preservation Ordinance (SBMC §22.68.060)

The project can be found consistent with the following NPO Findings:

1. The public health, safety and welfare will be protected. The project has been designed structurally and with appropriate drainage and erosion control measures as required by the Building and Safety Division;
2. The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside. No further grading is proposed for the accessory addition, as the area has already been set into the hillside, and part of the existing patio will be used for the footprint of the addition. The areas of grading for the swimming pool and landscape structures are on the south side of the ridge behind the dwelling, and the dwelling is situated on a level area at approximately the mid-point of the property, straddling the ridgeline. From the building pad, the property slopes gradually to the south. The grading and development will be along this southern

slope and will avoid visible scarring of the ridgeline and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside as viewed by the public.

3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches measured four feet from the base of the trunk. No trees are proposed to be removed as part of the project and oak tree and tree protections measures will be implemented prior to commencement of construction.
4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The architecture is of a high quality, detailed Mediterranean style and will be consistent with the City's scenic character and most of the surrounding homes.
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood. The project site development is representative of the type of homes in the neighborhood. The proposed accessory addition would not increase the existing visual mass, bulk, and scale, as the proposed mass is on the first story and would be set into the hillside. The proposed trellis, pavilion, and carport would not increase the visual mass, bulk, and scale, as the mass is not visible from any public view and the size of the lot diminishes the scale of the development.
6. The development will preserve significant public scenic views of, and from, the hillside. The property is only visible from certain angles further up in the foothills and, even then, only portions of the existing residence are visible. The project will not have an adverse impact on any public views due to the lack of visibility of the structures from any public area, and the high quality of landscaping that exists on-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 Owner shall execute a written instrument containing the following, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, and shall be recorded in the Office of the County Recorder:
 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 watercourses, 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 which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 14, 2005 is limited to one dwelling unit,

approximately 1,275 square feet of accessory building space, but not including the proposed 840 square foot carport, 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.

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

1. **Oak Tree Protection Measures.** The following provisions shall apply to oak trees on site:
 - a. Oak trees not indicated for removal on the site plan shall be preserved protected, and maintained.
 - b. During construction, fencing or protective barriers shall be placed around the driplines of all oak trees with driplines within 25 feet of development.
 - c. No grading shall occur under any oak tree dripline except as necessary for the addition to the accessory building. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - d. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - e. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - f. Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
2. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

3. **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.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 5. **Defensible Space/Fire Protection.** Work with the Fire Department and the ABR to assure that adequate defensible space and fire protection will be provided on the northerly slope below the accessory structure.
 6. **Solar Panel Location.** Because the carport has been denied, look for another appropriate location for the pool solar panels, consistent with the Neighborhood Preservation Ordinance.
- C. **Public Works Submittal prior to Permits.** 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 or Public Works permit.
1. **Storm Water Pollution Control Systems Operations and Maintenance Procedure Plan.** The Owner(s) shall submit a maintenance plan for drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the manufacturer's specification and/or good practice to be approved by the City Engineer.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Building & Safety with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:
1. **Design Review Requirements Included on Plans:** Plans submitted for building permits shall show all design elements, as approved by the Architectural Board of Review, outlined in Section C above.
 2. **Best Management Practices.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
 3. **Grading.** Excavation and grading shall be limited to the dry season of the year (i.e., April 15-November 1) unless otherwise approved by the Building Division, based on identified erosion-control measures.
 4. **Construction Contact Sign.** Signage shall be posted at the points of entry to the site that list the contractor(s) name and phone number, work hours, and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions.

5. **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.
6. **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.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 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:

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.

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC § 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.

8. **Construction Parking/Storage.** 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 Streets, Parking, and Transportation Operations Manager.
 - b. Storage of construction materials within the public right-of-way is prohibited.
9. **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.

10. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out by containers provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
13. **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.

14. **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 C of O.** Prior to issuance of a Temporary Certificate of Occupancy, or 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, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
2. **Complete Public Improvements.** 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. **Landscape Plan Compliance.** Owner shall comply with the Landscape Plan as 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.

- F. **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.

This motion was passed and adopted on the 14th day of July, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

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.



Deana Rae McMillion, Administrative/Clerical Supervisor

11-10-05

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.