



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 061-05 2210 EDGEWATER WAY COASTAL DEVELOPMENT PERMIT OCTOBER 6, 2005

**APPLICATION OF MR. AND MRS. BRUCE VENTURELLI, PROPERTY OWNERS, 2210 EDGEWATER WAY, APN: 041-343-010, E-3/S-D-3 SINGLE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 5 UNITS PER ACRE (MST2005-00324; CDP2005-00009)**

The project site is a 7,100 square foot lot in the E-3, Single Family Residence zone and is currently developed with a 1,788 square foot, two-story, single-family residence and a detached 498 square foot garage attached to a 138 square foot workshop. The proposal consists of a 443 square foot second-story addition with approximately 170 square feet of new deck area. The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009); and
2. Two Modifications to allow an as-built fence to exceed the 3-½' height limit within 10' of the both front property lines (SBMC § 28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (addition to an existing facility).

**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 or in opposition of the application and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 29, 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. **FENCE HEIGHT MODIFICATIONS (SBMC §28.87.170)**

The modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The combined height of the fence and wall would be reduced to 3½' within 10' of the driveway to maintain a line of sight for vehicles backing out onto the street, and in all other areas it has been determined that the fence does not create a line of sight obstruction for vehicles. Finally, the as-built fence height combined with the wall height along the front

property lines does not give the appearance of walling off the property and is compatible with the aesthetics of the surrounding neighborhood.

**B. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.
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.
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 is consistent with all applicable policies of the California Coastal Act, the City's Coastal Plan, all implementing guidelines and all applicable provisions of the Code because the residential addition would be compatible with the existing residence and the neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access or public recreation, 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, which 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 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. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights does not include a right of surface entry on or from the Real Property.
3. **Allowed Development.** The development of the Real Property approved by the Planning Commission on October 6, 2005 is limited to approximately 443 sq. ft. of second story building area and approximately 170 sq. ft. of second story deck area for the existing single-family residence, and the improvements shown on the development plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.

**B. Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and 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. **Design Review Requirements Included on Plans:** Plan submitted for building permits shall show all design elements as approved by Architectural Board of Review.
2. **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 <sup>st</sup> *
Martin Luther King's Birthday.....	3 <sup>rd</sup> Monday in January
Presidents' Day.....	3 <sup>rd</sup> Monday in February
Memorial Day.....	Last Monday in May
Independence Day .....	July 4 <sup>th</sup> *
Labor Day .....	1 <sup>st</sup> Monday in September
Thanksgiving Day .....	4 <sup>th</sup> Thursday in November
Following Thanksgiving Day.....	Friday following Thanksgiving Day
Christmas Day .....	December 25 <sup>th</sup> *

\*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.

3. **Construction Best Management Practices Required.** Construction activities shall address water quality through the use of best management practices (BMPs) as approved by the City Building Official.
4. **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.

5. **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:

<hr/>		
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.

- C. **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, 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. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
- D **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.

**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 SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the Sixth day of October, 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.

  
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Deana Rae McMillion, Admin/Clerical Supervisor

11-17-05  
\_\_\_\_\_  
Date

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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.