



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 074-05 116 CHAPALA COASTAL DEVELOPMENT PERMIT NOVEMBER 17, 2005

**APPLICATION OF HARRISON DESIGN ASSOCIATES, ARCHITECTS FOR JEROME AND GABRIELLE BOUCHER, PROPERTY OWNERS, 116 CHAPALA STREET, APN 033-074-010, R-4/SD-3, HOTEL-MOTEL-MULTIPLE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2005-00180)**

The subject project consists of a proposal for a 529 square foot, single-story addition and a 206 square foot covered porch to an existing 1,090 square foot two-story single-family residence. The residence is on the City's Potential Historic Resources list and is located adjacent to Mission Creek.

The discretionary application required for this project is Coastal Development Permit for development in the appealable jurisdiction of the 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 (CEQA) Guidelines Section 15301 (Existing Structures).

**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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 17, 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:

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

1. The project is consistent with the policies of the California Coastal Act (commencing with Section 30200) including public access and public recreation because it would not affect public access or recreation opportunities.
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 Municipal Code.

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 by the City Attorney and as to content by the Public Works Director and the Community Development 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 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 November 17, 2005 is limited to 1,619 square feet of residence and 206 square feet of covered porch area and the improvements shown on the set of plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- B. **Prior to Building Permit Issuance.** The Owner shall complete the following prior to the issuance of building permits.
1. **Large Format Photography.** The west elevation of the existing residence and its setting shall be documented with large format photography. Two copies of the documentation, along with two copies of the Historic Structures Report, shall be submitted to the City's Urban Historian.
- C. **Public Works Submittal.** 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. **Water Rights Assignment.** "Agreement Assigning Water Extraction Rights". 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.
  2. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Chapala Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards: replace damaged sidewalk, gutters, removal of trees and shrubs encroaching into the right of way and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
  3. **Grant Permanent Construction and Maintenance Easement.** Owners shall grant to the Santa Barbara County Flood Control and Water Conservation District, a permanent construction and maintenance easement for Mission Creek. The easement area will begin 1 inch from the inside face (toward Mission Creek) of the existing retaining wall

and shall contain the portion of the Property from that plane continuing north-east to the northern Property line. A legal description of the permanent easement area shall be prepared by a licensed surveyor and be attached to said easement prior to recordation.

4. **Permanent Subsurface Easement.** Owners shall execute an irrevocable offer to dedicate a permanent subsurface easement for wall tiebacks to the Santa Barbara County Flood Control and Water Conservation District. The tieback easement will include all the Property lying five (5) feet or more below the surface of the existing ground beginning at the southern edge of the plane described in item 1 above and extending twenty (20) feet south-west towards Chapala Street. In the event a tieback easement is required, a legal description of the area covered by said easement shall be prepared by a licensed surveyor and attached thereto prior to recordation.
5. **Offer to Dedicate Permanent Construction and Maintenance Easement.** Owners shall execute an irrevocable offer to dedicate a permanent construction and maintenance easement to the Santa Barbara County Flood Control and Water Conservation District. The area covered by said irrevocable offer shall commence at the southern edge of the plane described in item 3 above and continue south to a curve parallel to the Army Corps' of Engineers Mission Creek project preliminary alignment as provided by Santa Barbara County Flood Control. Said curve shall not be closer than two (2) feet from the face of the foundation at the existing structure at any point. In the event the construction and maintenance easement is required, a legal description of the area covered by said easement shall be prepared by a licensed surveyor and attached thereto prior to recordation.
6. **Temporary Construction Easement.** Owners shall execute an irrevocable offer to dedicate a temporary construction easement and right to construct to the Santa Barbara County Flood Control and Water Conservation District. The area of the temporary construction easement shall commence at the southern edge of the construction easement described in item 5 above and continue 10 feet south-west towards Chapala Street. It shall also grant to Flood Control its agents or contractors the right to install underpinning under the house currently located on the Property. If constructed, said underpinning shall be done in accordance with applicable building codes and procedures.

D. **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. **Archaeological Monitoring Contract.** Contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during pavement removal in the areas identified in the Phase 1 Archaeological Resources Report prepared by Western Points Archaeology dated April, 2005. The contract shall be subject to the review and approval of the Environmental Analyst. The archaeologist's monitoring contract shall include the following provision: that the removal of the paving be in the first phase of the construction schedule and that there be allocated sufficient time for the

Phase I survey of the exposed ground surfaces area and the completion of the Phase I Archaeological Resources Report. The report shall be subject to the review and approval of the Historic Landmarks Commission.

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.

2. **Trash and Recycling Provision.** Equal areas for trash and recycling containers shall be provided on the Real Property.
3. **Construction Best Management Practices.** New development projects shall address water quality through the use of Best Management Practices (BMPs) per the list provided by the Public Works Department and applied as determined to be appropriate by the City. Furthermore, projects shall seek to reduce post-development runoff volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
4. **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.
5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction subject to the approval of the Water Resources Management Staff.
6. **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.

7. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
8. **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.
9. **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.

Notwithstanding the prohibition above, when, based on required construction type or other appropriate reasons, it is necessary to do work outside the hours allowed, owner/contractor may request a waiver from the construction hour limitations from the Chief of Building and Safety in accordance with the procedure outlined in SBMC§9.16.015, Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of the 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.

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. **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 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 caused by construction (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.

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.

**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 17th day of November, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2

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 McMillion, Administrative/Clerical Supervisor

1-19-06  
\_\_\_\_\_  
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.