



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 008-06  
260 EUCALYPTUS HILL DRIVE  
PERFORMANCE STANDARD PERMIT  
FEBRUARY 16, 2006

**APPLICATION OF JESSICA GRANT, AGENT FOR DAVID AND MARILYN WENNER, PROPERTY OWNER, 260 EUCALYPTUS HILL DRIVE, APN 015-050-012, A-2, SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 2 UNITS PER ACRE, (MST2005-00707)**

The project consists of converting an existing 1,026 square foot accessory structure and attached 2,093 seven-car garage to into a 2,878 square foot single-family residence with an attached 761 square foot four car garage, which will provide parking for the additional dwelling unit and an existing residence located on the site. The proposed project also includes minor alterations to doors and windows, including some as-built exterior changes, and permitting an as-built exercise room and full bath on the lower floor, the enclosure of a patio (now a den), and a media room and bar sink on the upper floor of the accessory structure.

The discretionary applications required for this project are a Performance Standard Permit for an Additional Dwelling Unit within a Single-Family Residence Zone (SBMC §28.93); and Neighborhood Preservation Ordinance Findings to allow the total floor area of all structures to exceed 6,500 square feet in the Hillside Design District (SBMC §22.68.070).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 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, February 9, 2006
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. **Performance Standard Permit (SBMC §28.93)**

The Performance Standard Permit is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The subject lot has an area of more than the

required lot area for the A-2 Zone and adequate provisions for ingress and egress. The minimum site area per dwelling unit meets the required minimum lot area required for the A-2 zone, including slope density. The location of the additional dwelling unit complies with the provisions of all applicable ordinances.

**B. Neighborhood Preservation Ordinance Findings (SBMC §22.68.070)**

1. The public health, safety and welfare will be protected.  
*The conversion of the accessory structure and portion of the garage to a single-family residence would be in compliance with California Building Code requirements and would not affect the public health, safety, or welfare.*
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.  
*The scope of the project is limited to interior alterations and minor exterior alterations to the building. The removal of some hardscaping and addition of new landscaping would be minimal.*
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 (4") or more at four feet (4') above natural grade that must be removed will be replaced on a one-to-one basis, at a minimum. Designated Specimen, Historic and Landmark trees will not be removed.  
*No vegetation removal is proposed.*
4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.  
*The conversion of the accessory structure and a portion of the garage would be compatible with the scenic character of the neighborhood as they are one existing building and only minor exterior changes to doors and windows are proposed.*
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.  
*The conversion of the accessory structure and a portion of the garage would be compatible with the neighborhood, and its size, bulk, and scale, as they are one existing building and only minor exterior changes to doors and windows are proposed.*
6. The development will preserve significant public scenic views of and from the hillside.  
*No new development is proposed.*

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 memorialized in a written instrument executed by Owner, reviewed and approved as to form and content by the City Attorney, Community Development Director and/or Public Works Director and recorded by the City 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. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
  3. **Fire-safe Landscape Plan Compliance.** The Owner shall comply with the Fire-safe Landscape Plan as approved by the Fire Department. Such plan shall not be modified unless prior written approval is obtained from the Fire Department. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, which shall comply with the High Fire Hazard Area Requirements Minimum Brush Clearance Standards.
  4. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 16, 2006 is limited to two dwelling units, one with 761 square feet of garage and 2,878 square feet of living area, and a second with 4,888 square feet of living area, and the improvements on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  5. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- B. **Design Review.** The following is subject to the review and approval of the ABR:
1. **Landscaping.** Landscaping shall be provided at the front entrance of the additional dwelling unit as recommended by the ABR, and shall include protection of the oak trees adjacent to the accessory structure.

- C. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Soils Report.** Submit to the Building and Safety Division a soils report.
  2. **Geology Report and Slope Stability Analysis.** Submit to the Building and Safety Division a geology report and slope stability analysis prepared by a licensed engineer or geologist for change of use from accessory and garage to a dwelling unit.
  3. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal and attach documents as appropriate.
  4. **Fire Safe Landscape Plan.** Submit to the Fire Department a fire safe landscape plan., which complies with High Fire Hazard Area Requirements Minimum Brush Clearance Standards, and implement it prior to Certificate of Occupancy.
- 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, and oak tree protection elements, as approved by the Architectural Board of Review (ABR), outlined in Section B. above.
  2. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
  3. **Conditions on Plans/Signatures.** The final Planning Commission 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. 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. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **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:

|                               |                                      |
|-------------------------------|--------------------------------------|
| 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 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.

2. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

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, 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. **Public Utility Connection.** Both houses shall be connected to the City's sewer system.
3. **Check Valve / Anti-Backflow Device.** (For the irrigation meter) 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.

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.

**NOTICE OF APPROVAL TIME LIMITS:** The Planning Commission's action approving the Performance Standard Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. A Building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if

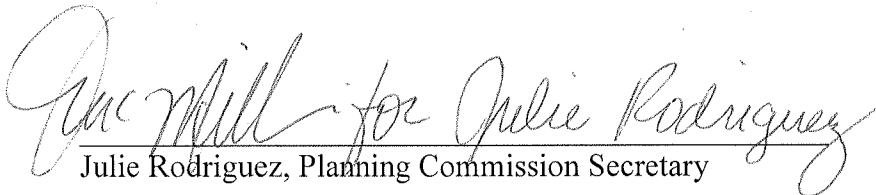
the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.

This motion was passed and adopted on the 16th day of February, 2006 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.

  
Julie Rodriguez, Planning Commission Secretary

3-16-06  
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.