

# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 025-06 910 CAMINO VIEJO MODIFICATION, NPO FINDINGS JULY 6, 2006

#### APPLICATION OF KIRK GRADIN, ARCHITECT FOR DENNIS CARLTON, PROPERTY OWNER, 910 CAMINO VIEJO, APN 015-060-046, A-2, SINGLE FAMILY ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWO UNITS PER ACRE (MST2005-00344)

The project involves the construction of a new approximately 5,305 net square foot, two-story single-family residence with an attached approximately 848 square foot garage and 400 square foot swimming pool on a 50,094 square foot vacant lot in the Hillside Design District. There is also grading associated with the project consisting of approximately 1,071 cubic yards of cut and 1,048 cubic yards of fill outside of the main building footprint.

The discretionary applications required for this project are:

1. Modification to allow the covered parking to have a total aggregate floor area in excess of 750 square feet (SBMC § 28.87.160.4); and
2. Neighborhood Preservation Ordinance Findings for grading in excess of 500 cubic yards outside the building footprint (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, June 29, 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:

The proposed project would be compatible with development in the surrounding neighborhood, would be consistent with the Neighborhood Preservation Ordinance, and would conform to the provisions of the Municipal Code; therefore, the Planning Commission approves the project, making the findings outlined below, and subject to the conditions of approval in Exhibit A.

**A. FINDINGS FOR GARAGE FLOOR AREA MODIFICATION (SBMC §28.87.160.4)**

The modification for covered parking to have a total aggregate floor area in excess of 750 square feet is consistent with the purpose and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the site. A garage of this size is consistent with the scale of the house, with the added advantage that most of the square footage will be constructed below grade, minimizing the mass. The project meets all other provisions of the Code including meeting the minimum lot size, open yard area, and is consistent with the neighborhood character and development.

**B. FINDINGS FOR NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE (SBMC § 22.68.070)**

The grading as proposed appears appropriate to the site and will not significantly modify the existing topography. The project was reviewed by the Architectural Board of Review and found to be appropriate and consistent with the neighborhood and with the City's Hillside Design District practices. The Planning Commission makes the following findings and approves the project subject to the Conditions of Approval specified in Section II.

1. The public health, safety and welfare will be protected by the provision of adequate on-site drainage and placing the driveway curb cut in a location visible by drivers and pedestrians. Additionally, the project will comply with the Zoning Ordinance of the City of Santa Barbara Municipal Code and all applicable building and safety codes.
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 building's foundation will be cut into the slope and the graded slope behind the residence and will not be visible to neighbors or from the street. The terraced hillside will improve drainage and avoid tall retaining walls. Grading for the new driveway has been designed to appear natural in relation to the existing topography, and other graded areas will be generously landscaped. More than one-half of the lot will remain ungraded, allowing the house massing and roof forms to follow the descending slope.
3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum diameter of four inches (4") measured four feet (4') from the base of the trunk. Any specimen tree, skyline tree, or oak tree with a 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. Twenty-five existing trees will be preserved in place and new trees will be planted to mitigate the eight total trees removed or slated for removal.

4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood in that the residence has been designed in a traditional Mission Revival style with varied roof lines, a combination of horizontal and vertical design elements, the tall chimney placed at the center of the massing, and the retaining walls broken into segments.
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood in that the design of the residence conforms to the Hillside Design Guidelines. The neighborhood is comprised of houses ranging in size from 1,800 square feet to 10,000 square feet, and this residence will appear modest in size from the street below and will enhance the character of the street through its sensitive massing, proportioned composition, and traditional Santa Barbara vernacular. The oversized garage is a necessary amenity for a house of this size and most of the square footage of the garage is below grade, mitigating the mass.
6. The development will preserve significant public scenic views of and from the hillside by using low, terraced retaining walls, meandering the driveway, sitting the development well up on the parcel, and enhancing the existing landscaping.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission 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. **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 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. **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. **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. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the 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.
  4. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building permit is required to authorize such work.
  5. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 6, 2006, is limited to approximately 5,305 square feet of floor area and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  6. **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 are subject to the review and approval of the Architectural Board of Review (ABR) prior to the issuance of a building permit or public works permit (as applicable):
1. **Trash Enclosure Provision.** A trash enclosure area for trash and recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers. The location of the enclosure shall be approved by ABR.
  2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
    - a. **Fencing.** Fencing or protective barriers around the trees during construction.
    - b. **Landscaping Under Trees.** Landscaping under the trees that is compatible with the preservation of the tree(s).
    - c. **Biological Assessment.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Lawrence E. Hunt dated February 3, 2006, shall be implemented.

- d. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
- (1) During construction, fencing or protective barriers shall be placed around the dripline of all oak trees located within 25 feet of development.
  - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the residence. 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.
  - (3) 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.
  - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
  - (5) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the ABR. No irrigation system shall be installed under the dripline of any oak tree.
  - (6) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
  - (7) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
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.
- 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. **Street Improvement Plans.** The Owner shall submit C-1 public improvement/building plans for construction of improvements along the subject property road frontage on Camino Viejo. Public Works C-1 Improvement Plans shall be submitted separately from Building Permit plans. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: driveway apron modified to meet Title 24 requirements, curbs, gutters, apply crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City sewer mains, drainage system (slot/trench drain, drop inlet, detention, erosion protection, etc.), preserve and/or reset survey monuments, on-site biofilter/swale, drought-tolerant parkway landscaping, street trees, and provide adequate positive drainage from site. The C-1 public improvement/building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
  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. **Drainage Calculations or Hydrology Report.** Submit to the Land Development Engineer drainage calculations/hydrology report justifying that the existing on-site and proposed on-site drainage conveyance system adequately conveys a minimum of a 25-year storm event.
  4. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- D. **Construction Erosion/Sedimentation Control.** Plans shall include an Erosion/Sedimentation Control Plan as per the Building & Safety Division's Erosion/Sedimentation Control Policy.
- E. **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 B above.
  2. **Pre-Construction Conference.** Prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Contractor and any other required personnel.

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 (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
4. **Technical Reports.** All recommendations of the Updated Foundation Exploration Report and Slope Stability Analysis prepared by Pacific Materials Testing Laboratory dated March 13, 2006 and approved by the Building and Safety Division shall be incorporated into the construction plans.
5. **Biologist Contract Required Per Biological Assessment.** Submit a contract with a qualified biologist to conduct the monitoring recommended in the Biological Assessment prepared by Lawrence E. Hunt dated February 3, 2006 to implement the monitoring recommendations in the report.
6. **Grading Limitations.** Excavation and grading shall be limited to the dry season of the year (i.e., April 15 – November 1.)
7. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
8. **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 (e.g., Final Map submitted to Public Works 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. \_\_\_\_\_

F. **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 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 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, name, contractor's telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
3. **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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.



4. **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 for collection of demolition/construction materials, the size of which shall be determined by Public Works Water Resources, Environmental Services Division.
5. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
6. **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.
7. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
8. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
9. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained in accordance with the Tree Protection Plan and any related Conditions of Approval.
10. **Tree Protection.** Notes on the grading plan that specify the following:
  - a. No grading shall occur under the driplines of the existing trees.
  - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
  - c. All excavation within the dripline of the trees shall be done with hand tools.
  - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
  - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
  - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.

11. **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 Public Works Director.
  - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
12. **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.
  - a. 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.
13. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
14. **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.
15. **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.

- G. **Prior to Certificate of Occupancy.** 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 along subject property frontage (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. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.

#### **NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) year 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 issued within twenty-four (24) months of granting the approval. An extension may be granted by the Community Development Director, 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) two (2) years from granting the approval.

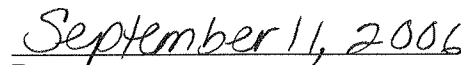
PLANNING COMMISSION RESOLUTION No. 025-06  
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This motion was passed and adopted on the 6th day of July, 2006, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Larson/Mahan/White)

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.

  
\_\_\_\_\_  
Gabriela Feliciano, Commission Secretary

  
\_\_\_\_\_  
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.