



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 028-06

1380 SHORELINE DRIVE

FRONT YARD MODIFICATION, COASTAL DEVELOPMENT PERMIT

JULY 6, 2006

**APPLICATION OF MARK AND JACQUELYN BOYD, PROPERTY OWNERS, 1380 SHORELINE DRIVE, 045-193-018, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL FIVE UNITS PER ACRE (MST2004-00873)**

The project consists of approximately 992 square feet of first and second-story additions and a new attached 400 square foot garage to an existing 999 square foot single-family residence with an attached two-car garage on a 6,190 square foot lot. The proposal includes removal of 97 square feet from the existing residence and garage and conversion of 341 square feet of garage to habitable space with a new window in the required front yard setback and associated improvements. The project is located in the Appealable Jurisdiction of the Coastal Zone.

The discretionary applications required for this project are:

1. A Modification to allow an intensification of use and alterations within the required front yard setback in the E-3 Zone (SBMC §28.15.060.1 & SBMC §28.92.100.A); and
2. A Coastal Development Permit (CDP2005-00011) to allow the proposed development in the Appealable Jurisdiction of the City's 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 Guidelines Section 15301.

**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:
  - A. **Front Yard Modification (SBMC § 28.15.060.1)**  
The modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. Due to the conversion of the existing garage to habitable space and its relocation to the rear of the property it will provide better vehicular access to the site, the existing interior yard encroachment will be eliminated, and there will be a benefit of an improved pedestrian-friendly sidewalk across from Shoreline Park.

**B. Coastal Development Permit (SBMC §28.45.009)**

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and 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, would not contribute to safety or drainage hazards on the site and will improve pedestrian access along Shoreline Drive.

**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, 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 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 6, 2006 is limited to approximately 2,635 square feet of building area, one dwelling unit, 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.
3. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
4. **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).

**B. Public Works Submittal Prior to Building Permit.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property:

1. **Water Rights Assignment Agreement.** The Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.

2. **Off-Site Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Shoreline Drive. As determined by the Public Works Department, the improvements shall include new City standard driveway apron, new City standard curb and gutter to close existing curb cut, two curb drain outlets, and drought tolerant parkway planting. Any existing survey monuments or contractor stamps shall be preserved and/or reset under the direction of the Public Works Inspector. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
- C. **Construction Best Management Practices (BMPs).** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
- D. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
  1. **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.
  2. **Plan Discrepancies.** Review plans to assure that discrepancies between plans and elevations for the garage be resolved in favor of the one-window version.
  3. **Front Elevation.** Provide additional detail to increase charm of the front elevation.
- 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. **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.
  2. **Soils Report.** Submit to the Building and Safety Division a soils report.
- 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, 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 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.
- 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 an adjacent container for collection of demolition/construction materials.

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.). The purpose of this condition is 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 Public Works Director.
7. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
8. **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.
9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
10. **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.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **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 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. **Complete Public Improvements.** Public improvements, as shown on the building plans, including utility undergrounding and protection of street trees.

H. **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 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.
3. The project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail.

**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 Santa Barbara Municipal Code §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.


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 6th day of July, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jostes/Mahan)

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.