



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 017-07

2108 LAS CANOAS ROAD

NEIGHBORHOOD PRESERVATION ORDINANCE

APRIL 19, 2007

APPLICATION OF DAN AND LORNA MCGILVRAY, 2108 LAS CANOAS ROAD, 021-030-031, A1/ SINGLE-FAMILY RESIDENCE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE (MST2005-00456)

The project consists of a proposal for a new 2,192 square foot one-story single-family dwelling and a 611 square foot detached garage with a second-floor 478 square foot artist studio on a 4.64 acre vacant lot in the Hillside Design District. Grading of the site involves 490 cubic yards of cut and 505 cubic yards of fill outside of the main building footprint.

The discretionary applications required for this project are:

1. Neighborhood Preservation Ordinance Findings for grading in excess of 500 cubic yards outside of 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, for new construction of small 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 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, March 29, 2007
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

Findings for Neighborhood Preservation Ordinance Compliance:

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. Therefore, Staff recommends that the Planning Commission make the following findings and approve the project subject to the Conditions of Approval contained in Exhibit A.

1. The public health, safety and welfare will be protected, as the project is designed

appropriately for erosion control and meets engineering requirements. With incorporation of the requirements outlined in the soils report, no erosion is expected.

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, as the project does not impact the ridgeline and will be revegetated to cover exposed soil.
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 measured four feet from the base of the trunk. There are no trees in the project area, and new trees are proposed in the landscape plan. Designated Specimen, Historic, and Landmark trees will not be removed, as there are no such designated trees on site;
4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood due to the high quality of materials and landscaping;
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and the neighborhood, as the finished appearance of the developed lot will be consistent with surrounding residential development; and
6. The development will preserve significant views of and from the hillside, as the new landscaping will mask the exposed earth and cover the hillside with appropriate plant species.

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 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 April 19, 2007 is limited to construction of 2,192 square foot residence and detached 478 square foot accessory building as shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

3. **Zoning Compliance Declaration.** The Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community that limits the residential site development to one residential dwelling unit.
 4. **Irrigation System.** Any future irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
- B. **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 permits.
1. **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.
 2. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
 3. **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.
 4. **Grading work and/or vegetation removal.** Shall be prohibited from Nov 1 to April 15 of any year unless specific erosion control measures are in place as approved by Building and Safety Division.
 5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, pursuant to Santa Barbara Municipal Code Section 14.20.020, Water Saving Devices, subject to the approval of the Water Resources Management Staff.
 6. **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.
 7. **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 Transportation Operations Manager.
 8. **Fill Slope.** The owner shall continue the fill slope proposed below the new driveway to blend with the existing topography below to eliminate apparent scarring below the driveway.

- C. **Public Works Submittal Prior to Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department for review and approval prior to the issuance of a Building Permit for the project:
1. **Agreement Assigning Water Extraction Rights.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
 2. **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.
 3. **Drainage and Water Quality.** Any increase in runoff above existing conditions shall be retained on site, consistent with the City's NPDES Guidelines. Runoff should be directed into a bioswale-type area or landscape features such as planter beds and/or lawns to increase soil infiltration where it is a feasibly sound practice as determined by the Hydrology and/or Geotechnical Reports. Project plans for grading, drainage, stormwater facilities, and project development, shall be subject to review and approval by City Building Division and Public Works Department per City regulations. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the storm drain energy dissipater consistent with an approved maintenance plan. This plan shall be provided with the building plan submittal for review and approval by Community Development prior to approval of building permits.
 4. **Sewer System Requirement.** The Owner shall submit engineered plans for a private sewage system for approval that shall comply with all local codes and ordinances. The Owner understands and acknowledges that the City will not issue a building permit for building expansions until such plans for the private sewer system are approved. It is the Owner's obligation to demonstrate to the City that all rights and easements to install improvements to convey sewage have been acquired as necessary to demonstrate feasibility of the proposed private sewage system.
 4. **Improvement Plans.** The Owner shall submit building plans for construction of improvements. As determined by the Public Works Department, the improvements shall include *connection to City water and sewer mains*. A licensed plumber shall verify if the property requires a backwater valve

D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & 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. **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.

2. **Technical Reports.** All recommendations of the soils reports, approved by the Building and Safety Division, shall be incorporated into the construction plans.
3. **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.
4. **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.

5. **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 Transportation Operations Manager.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m., Monday through Friday, and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st *
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th *
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

7. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment. Any off-site storage location for equipment or materials shall be approved by the Community Development Director.
 - c. Storage of construction materials within the public right-of-way is prohibited without an encroachment permit issued by the City.
8. **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.
9. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
10. **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 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.** Install public improvements as shown on C-1 public improvement plans.
 3. **Cross Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
- 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.

This motion was passed and adopted on the 19th day of April, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jostes)

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



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.