



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 012-12

909 CALLE CORTITA

FAR MODIFICATION

AUGUST 9, 2012

**APPLICATION OF GEORGE & DEANNA GREGG, 909 CALLE CORTITA, APN 041-176-015, E-1 ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL, 3 UNITS PER ACRE (MST2011-00353)**

The proposed project involves 999 square feet of one- and two-story additions to an existing 2,080 square foot two-story single-family residence with an attached 418 square foot two-car garage. The project site is located on a 9,727 square foot lot in the Hillside Design District and has an average slope of 33%. A total of 290 cubic yards of grading is proposed and will be balanced on site. This project will result in a three-story, 3,497 square foot single-family residence and is 99% of the maximum allowed floor-to-lot area ratio (FAR).

The discretionary application required for this project is a Modification to allow the net floor area of the proposed residence to exceed 85% of the maximum allowable net floor area for the lot (SBMC§28.92.110.A.6).

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person 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, August 2, 2012.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Evanne Jardine, via email
  - b. John B Rowe and Andre Glaser, Santa Barbara
4. Correspondence received in opposition to the project:
  - a. John and Carolyn Strahler, via email
  - b. Paula Westbury, via fax

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

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

**FAR Modification Findings (SBMC §28.92.110.a.6)**

1. Not less than five (5) members of the Single Family Design Board have voted in support of the modification following a concept review of the project.

*On February 27, 2012, the Single Family Design Board voted 6-0 to support the FAR modification.*

2. The subject lot has a physical condition (such as location, surroundings, topography, or the size of the lot relative to other lots in the neighborhood) that does not generally exist in other lots in the neighborhood.

*The subject parcel and the surrounding neighborhood are within the E-1 single-family residential zone, and located within the Hillside Design District with average slopes of greater than 30%. The current requirement for E-1 zoned parcels is a minimum 15,000 square foot lot, and lots with a slope over 30% require a minimum of 45,000 square feet; however, this parcel has a gross lot area of 9,727 square feet. For the purposes of the FAR calculation, the net lot area is used. Therefore, in this case the public right-of-way easement is deducted from the gross lot area, which results in a further reduced apparent lot area and therefore a slightly greater FAR. In this instance, the proposed development would not exceed the 100% FAR ordinance requirement, which would allow for a maximum house size of 3,554 square feet. Although the building height exceeds 25-feet, when viewed from east (street view from Calle Cortita) the residence appears as one-story, and when viewed from the west the proposed addition will be screened from public view by the existing trees and site vegetation.*

3. The physical condition of the lot allow for the project to be compatible with existing development within the neighborhood that complies with the net floor area standard.

*As described in Section V of the Staff Report, the project is consistent with the General Plan and, with the prior approved modifications, is consistent with the Zoning Ordinance setbacks and maintains the single-family residential density of the neighborhood. The project is consistent with the Single Family Residential Design Guidelines because it follows the natural topography of the site with only minimal site grading to occur under the proposed building footprint. The proposed development will not contribute to any additional visual mass and remains consistent with the one-story street presence similar to adjacent homes. Additionally the existing mature trees and vegetation will remain to provide vegetative screening from adjacent properties.*

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
  1. Obtain all required design review approvals.
  2. Submit an application for and obtain a Building Permit (BLD) for construction of approved development.
- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 9, 2012, is limited to approximately 1,000 square feet of additional building area to the existing 2,080 square foot single-family dwelling located on a 9,727 square foot lot, resulting in a three-story, 3,497 square foot, single-family residence, and the improvements shown on the plans signed by the Chair of the Planning Commission on said date and on file at the City of Santa Barbara. The project shall

include the engineering and repair of the driveway in order to restore and maintain access to the existing two-car garage.

2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the SFDB. Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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. 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.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
  - a. **Tree Protection.** All trees not indicated for removal on the approved site plan / landscape plan shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval. Specifically the two (2) Monterey Pine trees, and one (1) Cypress tree along the western property line, and the six (6) Coast Live Oak trees along the northern property line, shall be protected.
  - b. **Landscaping Under Trees.** Landscaping under the trees shall be compatible with the preservation of the trees, as determined by the SFDB.
  - c. **Oak Trees.** The following additional provisions shall apply to existing oak trees on site:
    - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree.

- (2) 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 five to one (5:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
- (3) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
- (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.

D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department:**

- a. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan for treatment, rate and volume. The Owner shall submit drainage calculations and/or worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices, prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, storm water facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. 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 pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

2. **Community Development Department:**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

F. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in the 1972 Planning Commission approval and the 1995 Modification Hearing Officer approval.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

**III. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:**

The Planning Commission action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 9th day of August, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**