



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 017-12

2224 GIBRALTAR ROAD

AMENDMENT TO FINAL MAP AND CONDITIONS OF APPROVAL

NOVEMBER 1, 2012

**APPLICATION OF ADAM SHARKEY, ARCHITECT FOR ALLISON ARMOUR, 2224 GIBRALTAR ROAD, APN 021-180-004, A-1 SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00187)**

The proposed project involves an amendment to site's building envelope in order to allow the construction of a new two-car garage and the conversion of the existing two-car garage into additional living area for an existing single-family residence.

The project site is 11.46 acres and is currently developed with a 3,714 square foot two-story residence with an attached 575 square foot two-car garage. The project would convert the existing garage area into habitable space and add a new 480 square foot attached two-car garage to the north of the existing residence.

The subject parcel has a 12,135 square foot building envelope that was identified when the lot was created in 1991. The proposed new garage would be located outside of the previously identified building envelope. The applicant is proposing to amend the building envelope by relocating 535 square feet of it to the area of the proposed garage addition in order to accommodate the project.

The discretionary application required for this project is an Amendment to the previously approved Building Envelope for the site, as required per Planning Commission Resolution 012-91 and shown on the approved Final Map for 931 Mountain Drive (Subdivision Map Act § 66472.1).

An Addendum to the approved Negative Declaration has been prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

**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, October 25, 2012
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. **ENVIRONMENTAL FINDINGS**

1. The previous Negative Declaration approved by the Planning Commission on February 14, 1991 (SB-91-90) and Addendum dated October 10, 2012 for the building envelope amendment have been considered prior to approval of the proposed project. Together they are determined to be adequate to serve as the environmental documentation for this

project and satisfy all the requirements of CEQA. The Addendum did not raise important new issues about significant environmental effects.

2. The decision to not prepare a Subsequent Negative Declaration pursuant to CEQA Guidelines Section 15162 was based on a review of substantial evidence in light of the whole record and a determination that:
  - a. No substantial changes are proposed in the project or with respect to circumstances under which the project is undertaken that will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
  - b. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was approved, shows any of the following:
    - (1) The project will have one or more significant effects not discussed in the previous Negative Declaration; and
    - (2) Effects previously examined will be substantially more severe than shown in the previous Negative Declaration.

**B. FINAL MAP AMENDMENT (SUBDIVISION MAP ACT, SECTION 66472.1)**

There is evidence in the record to support the required findings under Section 66472.1 of the Subdivision Map Act to amend the recorded Final Map. The subject application consists of an Amendment to the Final Map to revise the existing 12,135 square foot building envelope on Lot 4 of the Final Map to relocate a 525 square foot portion of the building envelope from an area behind the existing residence to the area immediately north of the previously approved building envelope. A Map Amendment is required to amend a recorded building envelope pursuant the Subdivision Map Act (Section 66472.1 of the Government Code).

There are changes in circumstances that make portions of the originally recorded building envelope no longer necessary. The building envelope was determined at the time of the original 5-lot subdivision of a 29.27-acre parcel. The requested building envelope amendment will relocate a 525 square foot area of the building envelope from a steep and vegetated portion of the site to a flat, paved area north of the existing two-car garage. The building envelope was originally chosen to avoid impacts to oak trees; however, the building envelope amendment and proposed development within that area has been reviewed by an Arborist that determined that the project would not have a negative impact on the existing oak trees. Therefore, the amendment to the building envelope and the proposed garage development will not cause additional impacts compared to the impacts from the development that was allowed under the original building envelope on the parcel.

The amendment to the building envelope will not impose any burden on the fee owners of the subject property. The amendment has been requested by the property owner. The amendment to the building envelope will not alter any right, title, or interest in the real property reflected on the recorded map.

The amendment to the building envelope conforms to Section 66474 of the Government Code, as follows:

- a. The proposed Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Section VI of the staff report.
- b. The design and improvements of the subdivision is consistent with applicable general and specific plans and these improvements were approved by the Planning Commission in 1991 (see Resolution 012-91) and have subsequently been constructed. The Amendment to the Final Map will not change or impact those previously-approved improvements and basic subdivision design;
- c. The site is physically suitable for the proposed development as identified in Sections VI and VIII of the staff report;
- d. The site is physically suitable for the density of the development because the site is 11.46 acres and developed with one single-family residence, which is a much lower density than the site's one dwelling unit per acre General Plan designation and its minimum lot size requirement of three acres (based on A-1 zoning for a site with a slope of greater than 30%);
- e. The design of the project will not cause substantial environmental damage, as summarized in Section VII of the staff report, because it has been located such that it will not impact surrounding oak trees and is in an area that is flat and without other significant environmental constraints;
- f. The design of the subdivision is not likely to cause serious health problems because the proposal is for an amendment to a building envelope in order to construct a new two-car garage to serve an existing single-family residence; and
- g. The design of the subdivision and the type of improvements does not conflict with easements for access through or use of property within the previously-approved subdivision, and the proposed Amendment to the Final Map will have no impact on any easements.

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. Pay Land Development Team Recovery Fee.
  3. Submit an application for and obtain City Council approval of the Final Map Amendment and Agreement(s) and record said documents.
  4. Permits following recordation of Final Map Amendment.
    - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
    - b. Submit an application for and obtain a Public Works Permit (PBW) for any required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, 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 concurrent with the Final Map amendment, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 1, 2012 is limited to an amendment of the previously approved Building Envelope for Lot 4 of the prior subdivision of 931 Mountain Drive (per Planning Commission Resolution No. 012-91). Approximately 535 square feet of the previously approved Building Envelope will be removed from behind the existing residence and relocated to the north of the existing building to allow for construction of a new garage, as shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  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 Single Family Design Board.
  3. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- 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 project plans shall include the following tree protection measures:
    - a. **Tree Protection.** All trees not indicated for removal on the approved site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
    - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), 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 ten to one (10:1) 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. **Arborist's Report.** Include a note on the plans that the recommendations/conditions contained in the arborist's report prepared by Progressive Environmental Industries, Inc., dated July 30, 2012, shall be implemented.

e. **During Construction.**

(1) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.

(2) No grading shall occur within three feet of the dripline(s) of the existing tree(s).

(3) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

(4) Any root pruning and trimming shall be done under the direction of a qualified Arborist.

(5) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within five (5) feet of the dripline of any oak tree.

(6) 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.

2. **Tree Removal and Replacement.** All trees removed, except oak trees (see replacement ratio identified above), fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.

3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

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 standard submittal requirements.

1. **Public Works Department.**

a. **Final Map Amendment.** The Owner shall submit to the Public Works Department for approval, a Final Map Amendment prepared by a licensed land

surveyor or registered Civil Engineer. The Final Map Amendment shall conform to the requirements of the City Survey Control Ordinance.

- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations 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, stormwater 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, or groundwater pollutants would result from the project.

2. **Community Development Department.**

- a. **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.
- b. **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. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that lists the contractor(s) name and telephone number(s) and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Said sign shall not exceed six

feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed six square feet if in a single family zone.

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
3. **Construction Parking.** 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 Transportation Manager.
4. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).
5. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use

clearance for map recordation and land use clearance for finish grading of the structure.

- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

6. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.



F. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution No. 012-91 (931 Mountain Drive), with the exception of prior design review (conditions E1-E4) and construction-related (conditions F1 and G1-G4) conditions, which are replaced by Sections C Design Review and E Construction Implementation Requirements, respectively, as identified herein.
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.
  - d. The Planning Commission action approving this Final Map Amendment shall expire two (2) years from the date of approval. The applicant may request an extension of this time period by requesting an amendment to these conditions of approval from the Planning Commission.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
5. **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 being notified of a lawsuit regarding 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

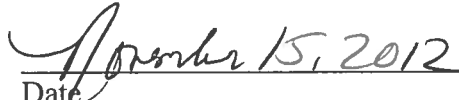
within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently 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 1st day of November, 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.**