



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: June 5, 2013
AGENDA DATE: June 13, 2013
PROJECT ADDRESS: 448 Alan Road (MST2013-00062)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4582
 Renee Brooke, AICP, Senior Planner *RLB*
 Peggy Burbank, Project Planner *PB*

I. PROJECT DESCRIPTION

The project consists of demolition of an existing one-story, 1,529 sq. ft. single-family residence and 329 sq. ft detached carport, and construction of a new one-story, 1,645 sq. ft. single-family residence and an attached 434 sq. ft. two-car garage.

The project will require 850 cubic feet of cut and 1,710 cubic feet of fill including 1,060 cubic feet of imported fill, because the present grade sits below Alan Road due to a large swale on the property. The fill will raise the building footprint to the same level as the neighboring properties on either side. To achieve this, it is necessary for the grading to extend onto the parcel located south of the subject lot at 444 Alan Road. The owner of that parcel has given written permission to the applicant for this grading. This will also allow the two neighbors to correct the location of their shared fence which currently is located about six feet onto 444 Alan Road.

II. REQUIRED APPLICATION

The discretionary application required for this project is:

A Coastal Development Permit (CDP2013-00002) to allow the proposed development in the Appealable and Non-Appealable Jurisdictions of the City's Coastal Zone (SBMC §28.45.009)

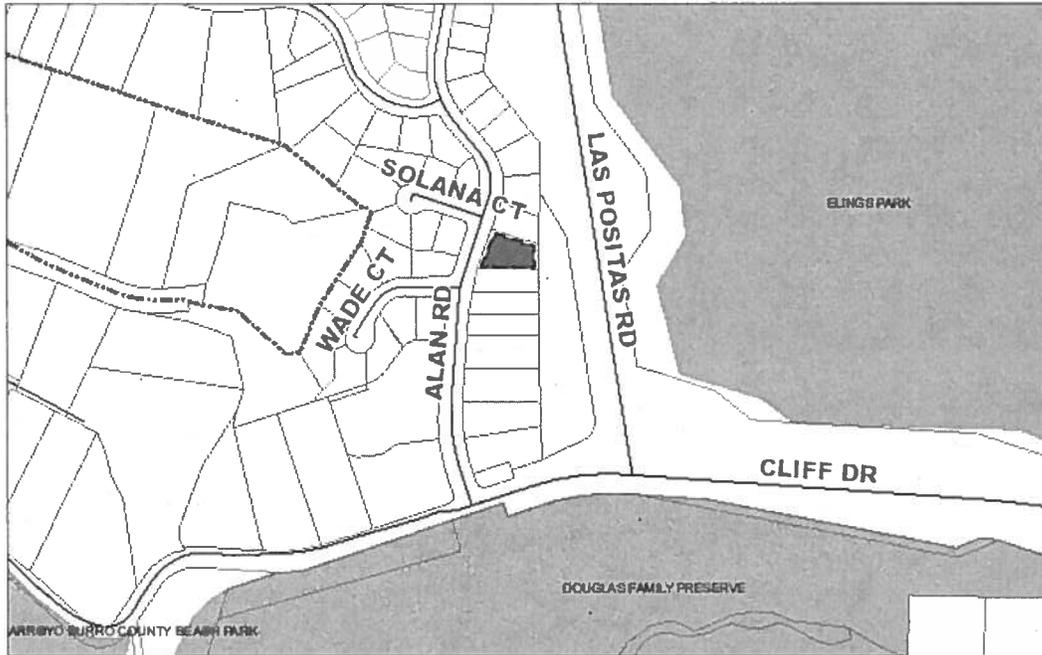
APPLICATION DEEMED COMPLETE: May 3, 2013

DATE ACTION REQUIRED: July 2, 2013

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan (LCP). The siting of the house on the parcel and landscaping plan protect and improve the creek and riparian resources. In addition, the size, scale and design of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

Figure 1: Vicinity map for 448 Alan Road (APN 047-072-007)



IV. BACKGROUND

A proposal by the applicant for a larger two-story single family residence on this parcel was made in 2011. The project was deemed incomplete, and staff was unable to support it due to its size and proximity to Arroyo Burro Creek. That application was withdrawn. The current application is for a smaller, one-story house set 50 feet back from the creek that complies with all other setbacks.

V. SITE INFORMATION AND PROJECT STATISTICS

The proposed project is in LCP Component 1 (the western-most portion of the City’s coastal zone), and in the General Plan Campanil Neighborhood. It is located at 448 Alan Road, and zoned both E-3 and SD-3 (coastal). The closest major intersection is Las Positas Road and Cliff Drive.

The lot and existing house were part of the Braemar Subdivision which was annexed to the City in 1956. Lots in that subdivision, especially along Alan Road, are generally smaller than found elsewhere in the Campanil Neighborhood which is mostly zoned E-1. The subject parcel conforms with the requirements of the E-3 zone for street frontage and lot area, and comfortably accommodates the proposed residence.

A. SITE INFORMATION

Applicant:	Michael Merrill
Property Owner:	Merrill Family Trust, 7/20/2000
Site Information	

Parcel Number: APN 047-072-007	Lot Area: 10,018 sq. ft.
General Plan: Low-Density Res 3du/ac	Zoning: E-3/SD-3
Local Coastal Plan Land Use Designation: Res 1 du/ac	
Existing Use: SFR and 1-car Carport	Topography: Parcel gradually slopes to creek and contains a deep swale
Adjacent Land Uses	
North - Residential	East – Arroyo Burro Creek; Vacant Farmland; Las Positas Road; Elings Park
South - Residential	West - Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,529 sq. ft.	1,645 sq. ft.
Garage	329 sq. ft.	434 sq. ft.
Accessory Space	0	0
Floor Area Ratio	0.187 = 50% of Maximum Guideline FAR	0.208 = 56% of Maximum Guideline FAR

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

The SD-3 coastal zone overlay defers to the underlying zone (E-3) development requirements.

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20 ft.	16 ft.	20 ft.
-Interior	6 ft.	6/11 ft.	6 ft.
-Rear	6 ft.	>6 ft.	>6 ft.
Building Height	30 ft.	15 ft.	19 ft.
Parking	2 Covered Spaces	1 Covered Space*	2-Car Garage
Lot Area Required	7,500 sq. ft.	10,018 sq. ft.	10,018.sq.ft.
Open Yard	1,250 sq. ft.	2,907 sq. ft.	5,625 sq. ft.
Lot Coverage		Sq. Ft.	Sq. Ft
-Building	N/A	1,873 18.6%	2,190 22.0%
-Paving/Driveway	N/A	200 2.0%	1,240 [†] 12.3%
-Landscaping	N/A	7,945 79.4%	6,588 65.7%

* In recent years the car port has been inaccessible from the street so currently there are no useable on-site parking spaces.

[†] 100% of paving will be permeable.

As demonstrated in the above tables, the proposed project conforms with the basic requirements of the E-3 zone. The proposed project would be set further back from the street frontage than the existing house. Although only one story, the new house would appear taller than the existing house both because it would be four feet taller (though well within the 30-foot height limit) and because the finished grade would be raised to the same level as the neighboring parcels on both sides. Existing one-story houses across the street from the proposed project are even higher because the topography there begins to rise steeply.

B. LOCAL COASTAL PLAN CONSISTENCY

An LCP amendment has not yet been approved for the recently updated General Plan. Therefore, the previous General Plan Land Use Designation, in this case Residential 1 du/acre, continues to serve as the Local Coastal Plan Land Use Designation. The proposal is not consistent with the Local Coastal Plan Land Use Designation because one house on a 10,000-sq. ft. parcel is a greater density than 1 dwelling unit per acre. However, the existing parcel pre-dates the California Coastal Act and Santa Barbara's Local Coastal Plan, and the proposed new house to replace an existing house does not make the land use any less consistent.

The main coastal issues associated with the project location are the proximity to Arroyo Burro Creek, a sensitive habitat area, compatibility with the existing surrounding neighborhood, fire hazard and to a lesser extent, flood hazard.

1. CREEK AND RIPARIAN ENVIRONMENT

Coastal policies 6.8 and 6.10 aim to protect coastal creeks and riparian zones through adequate building setbacks and maintenance, and where feasible, restoration of riparian vegetation. The proposed house would be set back 50 feet from the top of the creek bank. Within the 50-foot setback, existing exotic and invasive vegetation would be removed and all landscaping is proposed to consist of local native, riparian species. This would enhance and restore the creek's riparian zone. All storm water from the roof and paved areas would either percolate directly into the soil or be conveyed to bubblers for retention and eventual percolation. The driveway and paved patios would be constructed using permeable pavers over gravel as requested by the Creeks Division.

2. NEIGHBORHOOD COMPATIBILITY

LCP Policy 5.3 states, "new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood." The proposed project consists of replacing an existing single-family residence with a new one in an established Single Family Neighborhood. While most of the Campanil Neighborhood consists of large homes on large, steep lots, Alan Road runs on a gentle grade inland from Cliff Drive along Arroyo Burro Creek, the eastern edge of this neighborhood and LCP Component 1, lined with modest-sized lots.

Alan Road may be one of the oldest parts of Campanil, and as a result there is some diversity of size and style of residences present. In the vicinity of 448 Alan Road, most houses are single story. The proposed house would be single story and would be sited outside all setbacks for the E-3 zone. The proposed residence would be of a scale and size appropriate to the existing neighborhood's given the existing diversity and the rapid

change of terrain from one side of the street to the other. A mature jacaranda tree in the front yard will be retained and protected. The provision of a two-car garage for the new house would reduce demand for street parking.

The applicant has identified roof area for a future photovoltaic installation. However, half of the area is on the portion of the garage roof facing the street. A condition is proposed to require the applicant to find alternative roof area hidden from the street view of the house and lot.

3. HAZARDS

The City's LCP incorporates the Seismic Safety/Safety and Conservation Element policies by reference, which requires that all land development proposals in the High Fire Hazard Zone be accompanied by detailed plans for fire prevention and control measures. Coastal Act Section 30253 also calls for minimizing risks to life and property in areas of high geologic, flood and fire hazards. The proposed house would not be located in the flood zone. It would sit higher than the current one and further back from the creek, reducing flooding risk. A condition of approval requires the landscape plan for the creek set-back area to incorporate plant species and planting techniques that reduce fire hazard in this High Fire Hazard Zone.

VII. ENVIRONMENTAL REVIEW

Under the California Environmental Quality Act, this project is categorically exempt per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. There are aspects of the proposed project that will benefit the environment: increased set-back from the creek, landscaping with native species, and the use of energy conservation building techniques. The applicant provided a Phase I Archaeological Resources Report prepared by David Stone, Stone Archaeological Consulting, January 2011, which was approved by the Historic Landmarks Commission on May 22, 2013. The report concluded that the project would not result in significant impacts as long as the City's standard conditions were applied to grading and construction.

VIII. DESIGN REVIEW

This project was reviewed by the Single-Family Design Board (SFDB) on April 8, 2013 (meeting minutes are attached as Exhibit D). The SFDB continued the item indefinitely to the Planning Commission, with their comments focusing mainly on architectural details. They found the landscaping acceptable as proposed and did not comment on the height of the building, which was the trigger for SFDB review of this project.

IX. FINDINGS

The Planning Commission finds the following:

COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

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, as described in Section VI.B of the Staff Report, because the proposed residence would improve the creek

and riparian environment, be consistent with the existing single-family neighborhood, and reduce fire and flood hazards on the parcel.

The proposed project is consistent with all requirements of the E-3 residential zone.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, March 28, 2013
- D. SFDB Minutes, April 8 2013 excerpt
- E. Local Coastal Plan Policies

PLANNING COMMISSION CONDITIONS OF APPROVAL

448 ALAN ROAD
COASTAL DEVELOPMENT PERMIT: MST2013-00062/CDP2013-00002
June 13, 2013

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants 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. **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 a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with Condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Building and Public Works Permits.
 - 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 all required public improvements and complete said improvements.

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

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 _____ is limited to demolition of an existing one-story 1,529 square foot single-family residence and 329 square foot detached carport, construction of a new one-story 1,645 square foot single-family residence and an attached 434 square foot two-car garage, and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Development Rights Restrictions.** The Owner shall not make active use other than maintenance of the restricted portion of the Real Property between Arroyo Burro Creek and 30 ft. westward from the established top of creek bank as designated on the approved plans in order that those portions of the Real Property remain in their natural state. Restricted uses include, but are not limited to: grading, irrigation following plant establishment, installation of structures,

ornamental landscaping, or utility service lines. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any vegetation clearance shall be performed without the use of earth moving equipment.

3. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (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.
 5. **Tree Protection.** The existing jacaranda tree shown on the Landscape Plan in the front yard setback shall be preserved, protected, and maintained.
 6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development 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.
 7. **Pesticide or Fertilizer Usage Near Arroyo Burro Creek.** The use of pesticides or fertilizer shall be prohibited within 30 feet of the top of bank.
- 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 landscape plan shall be preserved, protected, and maintained, in accordance with the any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under trees shall be compatible with the preservation of the trees, as determined by the SFDB.

c. **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 driplines of the existing trees to be retained, except as indicated on the grading and site plans.
- (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.

d. **Extent of Landscaping Required.** The landscape plan shall cover all portions of the project parcel, APN047-072-007 and those portions of the adjoining parcel, APN047-072-008, graded as part of this project. The landscaping on the adjoining parcel shall avoid the use of species identified on the list of invasive plant species available from the California Invasive Plant Council (www.cal-ipc.org/is/inventory), and limit plantings within 30 feet of the top of bank to locally sourced native species. Replanting and landscaping shall strive to use native species with low combustibility ratings to reduce fire hazards.

2. **Screened Backflow Device.** The backflow devices for fire sprinklers, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
3. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.

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. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.d Alan Road Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may

be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements*.

- b. **Water Rights Assignment Agreement.** 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*. Engineering Division Staff prepares said agreement for the Owner's signature.
- c. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan treatment, rate, and volume. 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan for the operation and use of the storm water management equipment. The Plan shall be reviewed and approved consistent with the Storm Water BMP Guidance Manual.

- d. **Alan Road Public Improvements.** The Owner shall obtain a Public Works permit for construction of improvements along the property frontage on Alan Road. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: removal of existing driveway curb cut and replacement with approximately 12 linear feet of sidewalk, curb and gutter, and a new driveway apron modified to meet Title 24 requirements with a maximum width of 16 feet.
- e. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul routes for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.
- f. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.
- g. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.

2. **Parks and Recreation Department, Creeks Division.**

- a. All planted areas within 30 feet of the top of Arroyo Burro Creek bank must be planted with native vegetation of local genetic stock only.
- b. The landscape architect shall meet with Creeks Division Staff to review the draft restoration plan prior to final approval from the SFDB for compliance with 2.a above. (please contact George Johnson 897-1958).

3. **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. **Archeological Report.** To comply with HLC conditions of adoption, prior to issuance of a building permit the applicant's archaeologist shall submit: (1) a legible site map in color; and (2) photographs of the existing house elevations; as attachments to the report.
- c. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans (site plan):

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

- d. **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," above and all elements/specifications shall be implemented on-site, or as otherwise directed in these Conditions of Approval.

- e. **Solar Access Requirements.** Prior to review and approval by the SFDB, the applicant shall submit drawings identifying 300 sq. ft. of roof area for future solar panels that would not be visible from the street view of the proposed house.
- f. **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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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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 list the contractors (contractors' names, construction work hours, site rules, and construction-related conditions), to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence.
- 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. **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).

4. **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.

- 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.

5. **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. **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.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

G. **General Conditions.**

1. **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.
2. **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.
3. **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.
4. **Site Maintenance.** The existing site and structure shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
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.

II. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

Uncovered: Etc.
 Uncovered: Etc.
 Covered: Etc.
 Based: Etc.
 Usable: Etc.

STATIS
 Project: S1
 Date: _____

APN: 047

EXISTIN

PROPOS

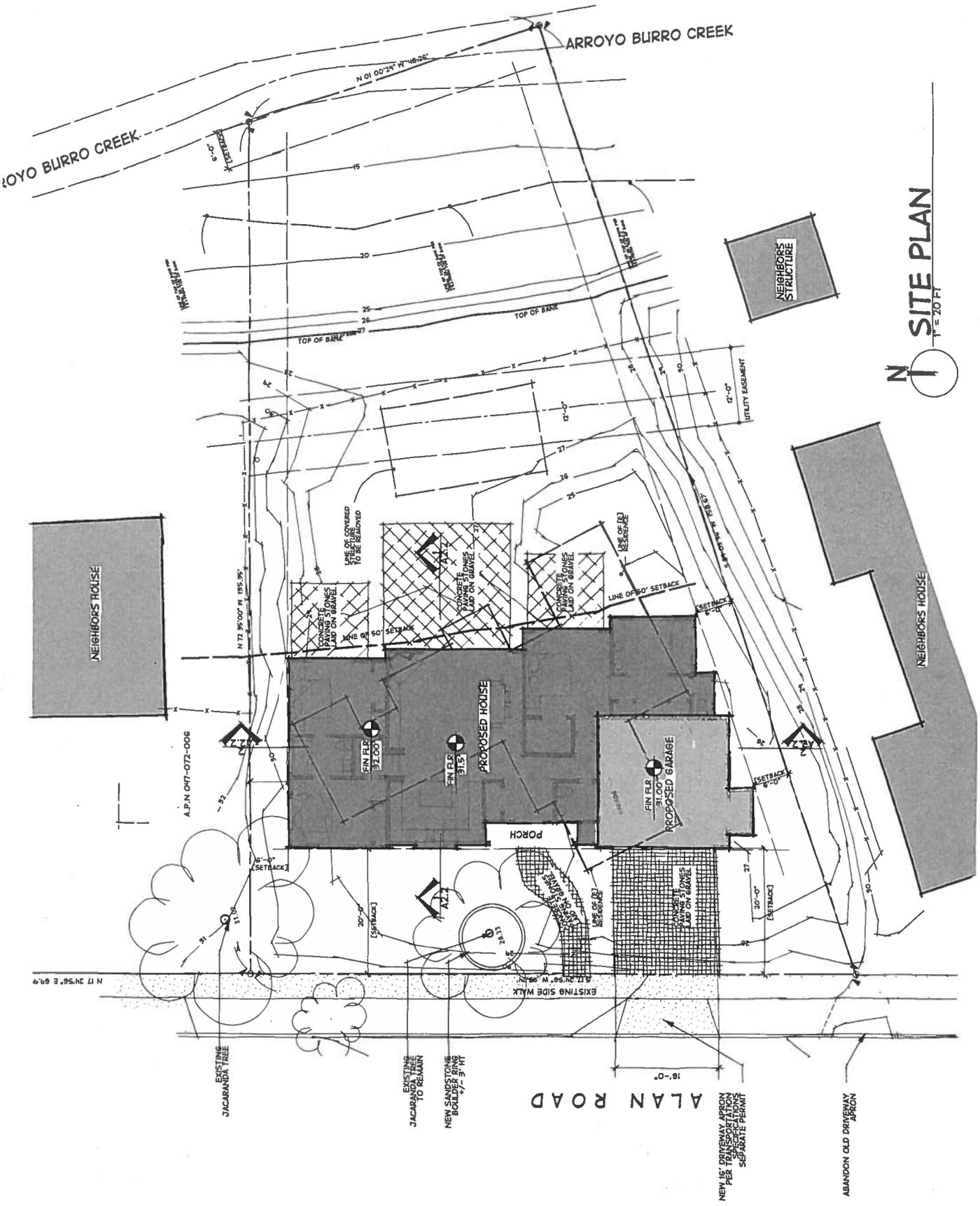


EXHIBIT B

January 30, 2013

TO: Suzanne Riegle (City of Santa Barbara Zoning and Planning Department)

FROM: Michael Merrill (owner of 448 Alan Road, Santa Barbara CA)

RE: 448 Alan Road, Santa Barbara /APN : 047-072-007

I am seeking a Coastal Development Permit and need Planning Commission approval. A CDP is required for this project as the parcel abuts the Arroyo Burro Creek and falls within the Coastal Development Zone. I previously submitted a Development Application, for the above referenced property, on February 7th, 2011 (MST#2010-00366). The 30-day review was completed and I received the DART Team comments dated March 9, 2011. (Attached) The 1st DART meeting occurred on March 15th, 2011 at 630 Garden Street. Following that meeting, I then received a "post DART" email from Suzanne Riegel dated March 24th, 2011. (Attached). It was after receipt of these communications that I decided to withdrawal my application and re-evaluate the project. In March of 2012, I requested a pre-DART meeting with Autumn , Suzanne Riegel, and Dale Weber (Mac design) to address the "Tier 3" drainage requirements and to begin the process of modifying the project in an effort to incorporate the requirements of DART.

After careful consideration of all comments and requirements expressed by the DART Team, I have hired a new Architect, Kurt Magness, and have modified the proposed project to incorporate the required changes. To be specific, we have modified the home so it fits within the prescribed setbacks of 50' from TOB, 20' from street, and 6' at the East and West property lines. We are therefore no longer seeking an encroachment into the standard 20' front set back as was previously discussed. Based on the previous submittal comments form DART we were told that if we did not seek approval for less than a 50 ft. setback, from TOB, then we would not be required to obtain an Environmental and Geotechnical Study.

We have scaled down the home and eliminated the second story as well as the partial subterranean garage, which were part of the previous proposal. We propose to demolish and remove the existing 1529 sq. ft. SFR and 329 detached carport and construct a new single story SFR consisting of 1730 gross sq Ft. and an attached 460 sq. ft. 2 car garage (total Net sq. ft. is 2079 and total gross is 2190). The proposed home would be comprised of 3 bedrooms, 2.5 bathrooms, and a 2 car garage. The approximate size of the lot is 10,018 sq. ft. We have completed the PGDP and have met the Tier-3 Drainage requirements as previously requested and discussed. Please see the PGDP as prepared by Mac Design which includes the grading and soil importation calculations.

Please find attached, the following reports/studies: Archeological Study, Soils Report, Storm Water BMP, copy of PGDP, copy of letter to my neighbors, Notice to current Tenant , Preliminary Title Report, General Project Stat sheet, and the required site plans. In addition, have contacted my next door neighbor and gained his written agreement to either co-sign or to obtain a concurrent permit to account for the necessary grading on his property.

I have made a concerted effort to incorporate all of the DART Teams previous requirements into this proposal. With this in mind, It is my hope that this revised proposal will garner the support of DART and allow me to obtain Planning Approval for this project.

Sincerely,

Michael Merrill, Property Owner

EXHIBIT C

DART #2

March 28, 2013

W.O. 0380

Ms. Peggy Burbank
City of Santa Barbara
Planning Division
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
APR 09 2013
CITY OF SANTA BARBARA
PLANNING DIVISION

Subject: 448 Alan Road, APN 047-072-007
MST 2013-00062

Dear Ms. Burbank,

Attached please find the following:

- Three (3) sets of the Preliminary Grading and Drainage Plan
- Three (3) sets of the Architect's Plans
- Three (3) sets of the Landscape Architect's Plans

*note: 5 additional copies
submitted later in day*

*PPH
4/9/2013*

In accordance with the DART comments dated March 5, 2013, we are responding as follows:

Page 2

V. – Additional Information Required for Application Completeness

A. Planning Division

1.

- a. The estimated quantities in this table typically are computed from existing ground elevations to the proposed elevations shown on the plan, as mentioned in note #1 below the table. The 5 feet of excavation under the house as required by the soils engineer, is considered temporary cut that will be replaced in compacted lifts as preparatory work to support the house. This is not considered permanent cut, and the earthwork table typically reflects permanent volumes. However, we have adjusted the table to reflect the 5 feet of excavation under the house per your direction.
- b. The site and building statistics are shown on the Architectural Site Plan and the grading statistics from the Preliminary Grading & Drainage Plan have been added to that plan.
- c. The existing single family residence, covered patio, driveway apron, and sewer pump station with associated piping will be demolished, and indicated on the demolition plan, which has been added to the Civil set of plan sheets.

- [?] d. Have been provided and attached to this letter.
 - e. Please see the Tier 3 report for hydrology calculations.
 - f. Coastal High Fire Hazard Area note has been added to the plans.
 - g. The General Plan land use designation and the Local Coastal Plan land use designation has been added to the plans.
2. The Architectural Plan has addressed this.
 3. A subsurface gravel layer will be implemented.
 4. A Landscape Plan has been prepared by the Landscape Architect to address this.
 5. A Landscape Plan has been prepared by the Landscape Architect to address this.
Confirmation of Creeks
 6. The owner will provide a 60 day notice to the current tenant.
already done (see DAAT #1)

B. Engineering Division

1.

 - a. The sewer lateral has been redrawn to show it as existing. We intend to use the existing lateral providing it is in good condition.
 - b. The sewer pump station and above ground line currently serves only the residence at 448 Alan Rd., and it is not connected to the residence at 444 Alan Rd. The sewer pump station and associated piping will be removed, and the new residence will have a gravity sewer line that ties to the existing sewer lateral at the property line. This has been indicated on the added Demolition Plan.
 - c. The rear yard Public Utility Easement currently contains overhead utility lines and to our knowledge there are not any underground utilities here. We have revised the delineation of the utility line to reflect it being overhead.
 - d. An updated Title Report has been ordered to determine dominant and serviant tenement.
2. The utilities in the street are now shown on the Preliminary Grading and Drainage Plan.
3. Size, make & model of existing water meter is unknown. This we be determined upon preparation of the Final Grading & Drainage Plan. The water facilities will be sized, and replaced if necessary, to meet City standards.
4. The FEMA flood zone is now shown on the Preliminary Grading and Drainage Plan.

5. The existing structures to be demolished are now shown on the added Demolition Plan.

C. Fire Department

1. Note has been added to the Architectural Plans and Preliminary Grading and Drainage Plans regarding the automatic fire sprinkler system required.

D. Transportation Division

1. The existing driveway curb cut is to be removed and replaced with City standard gutter, curb, parkway and sidewalk to match existing. A new driveway curb cut will be constructed to provide access to the new garage.
2. Architectural drawings have been revised to reflect the change in door swings.

VII. Advisory Comments

B. Engineering Division

1. We met with Tom Scott, on Tuesday, March 19th, and discussed the sewer lateral and main construction plans, and we have reached agreement.
2. The Preliminary Grading and Drainage plan has not been renamed, per meeting with Tom Scott.
3. The Preliminary Grading and Drainage plan has not been renamed, per meeting with Tom Scott.
4. The survey data is now shown on sheet 1 of the Preliminary Grading and Drainage Plans.
5. Cut and fill quantities are shown on sheet 1 of the Preliminary Grading and Drainage Plans.
6. The property owner's information and the APN are now shown on sheet 1 of the Preliminary Grading and Drainage Plan.

C. Transportation Division

1. The driveway is 16' in width to match the standard width of a two-car garage door.

D. Building and Safety Division

1. All utilities will be undergrounded, and will be shown on the Final Grading & Drainage Plan.
2. The structure does not encroach into the FEMA floodway.

VIII. Additional Applications Required

A. Planning Division

1. An Archaeological Report was previously prepared and has been submitted.

B. Engineering Division

1. An application for construction of improvements in the public right of way will be submitted.

C. Fire Department

1. A residential fire sprinkler system application will be submitted.

If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,



Michael Merrill

enclosure



City of Santa Barbara Planning Division

SINGLE FAMILY DESIGN BOARD MINUTES

Monday, April 8, 2013

David Gebhard Public Meeting Room: 630 Garden Street

3:00 P.M.

BOARD MEMBERS:

DENISE WOOLERY, *Chair*
FRED SWEENEY, *Vice-Chair*
BERNI BERNSTEIN PRESENT
BRIAN MILLER (Consent Calendar Architecture Representative)
LISA JAMES (Consent Calendar Landscape Representative)
JAIME PIERCE (Consent Calendar Landscape Representative)
JIM ZIMMERMAN (Consent Calendar Architecture Representative)

CITY COUNCIL LIAISON: DALE FRANCISCO
PLANNING COMMISSION LIAISON: ADDISON THOMPSON
PLANNING COMMISSION LIAISON (ALTERNATE): JOHN CAMPANELLA

STAFF: JAIME LIMÓN, Design Review Supervisor
MICHELLE BEDARD, Planning Technician
ROSA ROGERS O'REILLY, Commission Secretary

Website: www.SantaBarbaraCA.gov

(Excerpt from pages 4 – 5)

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

4. 448 ALAN RD

E-3/SD-3 Zone

(4:35) Assessor's Parcel Number: 047-072-007
Application Number: MST2013-00062
Owner: Merrill Family Living Trust
Architect: Kurt Magness
Engineer: Dale Weber
Applicant: Michael Merrill

(Proposal to demolish an existing one-story 1,529 square foot single-family residence and 329 square foot detached carport and construct a new one-story 1,645 square foot single-family residence and an attached 434 square foot two-car garage. The proposal involves 830 cubic yards of grading. The proposed total of 2,079 square feet, located on a 10,018 square foot lot, is 56% of the maximum floor-to-lot area ratio (FAR). The project includes Planning Commission review for a Coastal Development Permit. This is a revised application to replace the prior two-story proposal (MST2010-00366).)

(Comments only; project requires environmental assessment and Planning Commission review of a Coastal Development Permit.)

Actual time: 4:24 p.m.

EXHIBIT D

Present: Kurt Magness, Architect, Michael Merrill, Owner; and Chuck McClure, Landscape Architect.

Public comment opened at 4:29 p.m.

- 1) Eddie Harris; wishes project to minimize impacts to Arroyo Burro Creek, and encourages project to make improvements to the creek.

A letter of expressed concerns from Paula Westbury was acknowledged.

Public comment closed at 4:30 p.m.

Motion: Continued indefinitely to Planning Commission to return to Full Board with comments:

- 1) Study the corner treatment of shingles.
- 2) The Board finds the landscaping is acceptable as proposed.
- 3) Provide light fixture locations on elevations and plans, and provide catalog cut of light fixtures.
- 4) Study alternative color schemes for the metal roof.
- 5) Provide catalog cut of metal roof.
- 6) Study window on west elevation.
- 7) Study chimney cap details.
- 8) Provide photographs of homes in the neighborhood with this type of metal roof.

Action: Sweeney/Bernstein, 7/0/0. Motion carried.

****THE BOARD RECESSED FROM 4:45 p.m. TO 5:07 p.m.****

448 ALAN ROAD SFR PROJECT

LOCAL COASTAL PLAN POLICIES

A. LOCAL COASTAL PLAN

1. GENERAL POLICIES

- a. Policy 1.1 The City adopts the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as the guiding policies of the land use plan.
- b. Policy 1.2 Where policies within the land use plan overlap, the policy which is the most protective of resources, i.e. land, water, air, etc., shall take precedence.
- c. Policy 1.3 Where there are conflicts between the policies set forth in the land use plan and those set forth in any other element of the City's existing General Plan or existing regulations, the policies of the land use plan take precedence.

2. WATER AND MARINE ENVIRONMENT

- a. Policy 6.8 The riparian resources, biological productivity, and water quality of the City's coastal zone creeks shall be maintained, preserved, enhanced, and where feasible, restored.
- b. Policy 6.10 The City shall require a setback buffer for native vegetation between the top of the bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project.

3. HOUSING

Policy 5.3 New Development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design, with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

4. Hazards

Seismic Safety/Safety Element recommended "Development Controls"

1. Require that all land development proposals in the High Fire Hazard Zones be accompanied by detailed plans for fire prevention and control measures, prepared in accordance with City regulations.

B. CALIFORNIA COASTAL ACT

ARTICLE 6: DEVELOPMENT

Section 30253 Minimization of adverse impacts

New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

...