



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 004-16

1211 SERRA VISTA LANE

AMENDMENT TO CONDITIONAL USE PERMIT AND SETBACK MODIFICATION

FEBRUARY 11, 2016

APPLICATION OF JARRETT GORIN, AGENT FOR BRIAN AND CINDY McCOY, 1211 SERRA VISTA LANE, APN 029-510-004, E-1 ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2015-00211)

The proposed project involves additions to an existing 1,202 square foot one-story single-family residence. The project is located in a Planned Residence Development on a 3,071 square foot lot which serves as the building envelope. The project would add 227 square feet of floor area and 200 square feet of unenclosed terrace area to the first floor, a 552 square foot second floor, and an attached 494 square foot two-car garage at the upper floor level accessed from a new driveway on the uphill side of the lot. The proposed total square footage of the residence, exclusive of the garage, would be 1,981 square feet.

The discretionary applications required for this project are:

1. An Amendment to the Conditional Use Permit that governs the Planned Residence Development to increase the maximum allowable square footage for the subject lot (Lot 4) from 1,800 to 2,000 square feet exclusive of garages and open porches (SBMC §28.94.030.F);
2. A Setback Modification to allow the proposed second story addition to encroach four feet into the required 24 foot setback from the exterior boundary of the Planned Residence Development (SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities.

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, or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 4, 2016
2. Site Plans
3. Correspondence received in support of the project:
 - a. Robert and Ann Benham, via email

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

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

A. Findings for the Amendment to the Conditional Use Permit (SBMC §28.94.020)

1. *Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.*

The Amendment is desirable to the public convenience or welfare and is consistent with applicable policies of the Santa Barbara General Plan.

2. *Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.*

The Amendment will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not be detrimental to property values. The increase in allowed floor area will allow development consistent with this particular neighborhood.

3. *The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.*

As discussed in Section IV above, the Planned Residence Development subdivision created lot boundaries immediately around the existing houses, and serve as development envelopes. The Amendment allows greater floor area, however it must all be contained within the lots, and has no effect on site area or setbacks.

4. *Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.*

The Amendment does not affect parking because the limitation on square footage excludes carports and garages. A two-car garage is proposed to replace two undersized uncovered parking spaces.

5. *The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purposes set forth in this title.*

The Amendment allowing 200 additional square feet of floor area does not significantly affect the appearance of the developed site or the design of open space.

B. Findings for the Setback Modification (SBMC §28.92.110)

The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot because conforming to a setback equal to the increased height of the proposed new second story on the existing house would constrain the developable area within the small lot area which serves as a building envelope. The proposed two-story design within the lot lines is reasonable in square footage and compatible with the sizes of twenty closest houses.

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 (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Record any required documents (see Recorded Conditions Agreement section).
4. 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 February 11, 2016 is limited to approximately 1,981 square feet of net floor area for the residence, an attached 494 square foot attached 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. A Setback Modification is approved to allow the 24 foot high two-story addition to be set back 20 feet from the perimeter of the Planned Residence Development.
2. **Amendment to Condition of Approval.** Condition II.A.6 in Planning Commission Resolution 030-91 (1010 & 1020 Newton Road) limiting maximum square footage exclusive of open porches, carports and garages is hereby amended to increase the maximum square footage allowed on Lot 4 of the Planned Residence Development from 1,800 to 2,000 square feet.
3. **Development Rights Restrictions.** Other than Condition I.B.2 above, which increases the maximum square footage limitation for Lot 4, all development restrictions in Planning Commission Resolution 030-91 remain in effect.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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 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).
- 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

Private Road Improvements. The proposed Serra Vista Lane private road improvements shall be constructed to the same standards as public roads, as outlined in the 1975 Interim Design and Improvement Standards, the DRAFT Engineering Design Guidelines, and as approved by the Public Works Director
 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. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. 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 unpermitted 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.
 - c. **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.
 - d. **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 list the contractor(s) name, contractor(s) and telephone number(s), 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. It shall not exceed six square feet in a single family zone.
 2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be limited to within the boundaries of the Planned Residence Development. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
- 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.
- G. **General Conditions.**
1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 030-91, with the exception of Condition I.B.2 which supersedes Condition II.A.6 with regard to the maximum square footage limitation for Lot 4 in Planning Commission Resolution 030-91.
 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.

4. **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.

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.

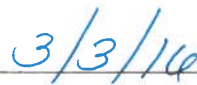
This motion was passed and adopted on the 11th day of February, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

