



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 050-05

357 CANON DRIVE

PARCEL MAP AND CONDITION AMENDMENT

JULY 14, 2005

APPLICATION OF ISAAC ROMERO, AGENT FOR WILLIAM COULTER & DOROTHY MATHISON (PROPERTY OWNERS), 357 CANON DRIVE, APN 053-152-003, E-2/SD-1/SD-2 SINGLE FAMILY RESIDENTIAL/SPECIAL DISTRICT ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS/ACRE (MST2004-00870)

The project consists of an amendment to conditions of the subdivision map (approved in 1981) to remove a condition that prohibits earthwork southerly of the 236' contour line. The condition was required due to geologic conditions (expansive soils and high erosion potential), protection of an existing oak tree, and the steepness of the slope. The project involves approximately 31 cubic yards of grading cut to extend the patio 12 feet into the hillside.

The discretionary applications required for this project are:

1. Parcel Map Amendment to allow site work south of the 236' contour line per SBMC §27.09; and
2. Amendment of the Planning Commission Resolution 041-81 to remove the conditions that prohibit earthwork south of the 236' contour line.

The Environmental Analyst has determined that the previous Mitigated Negative Declaration approved by the Planning Commission on July 21, 1981 (SB-43-81), together with the Addendum dated July 5, 2005, are adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA. Prior to an action on the project, the Planning Commission must make findings pursuant to the California Environmental Quality Act Guidelines Sections 15074 and 15164.

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, July 11, 2005
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 Planning Commission has considered the Addendum, dated July 5, 2005,

for the grading and patio extension proposed at 357 Canon Drive (MST2004-00870), together with the Mitigated Negative Declaration (SB-43-81) for the original project, and public comments received.

2. The Addendum to Negative Declaration for MST2004-00870 has been prepared in compliance with California Environmental Quality Act requirements and is hereby adopted. The Addendum together with the adopted MND constitutes adequate environmental analysis of the current proposed project at 357 Canon Drive.
3. Mitigation measures identified in the Negative Declaration and Addendum have been agreed to by the applicant and incorporated into the current project as conditions of approval and would avoid or reduce all potentially significant impacts to less than significant levels. In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that the proposed project at 357 Canon Drive will have a significant effect on the environment.
4. The location and custodian of documents associated with the environmental review process and decision for the project at 357 Canon Drive (MST2004-00870) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93102.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director, and shall be recorded in the Office of the County Recorder:
 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **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 Architectural Board of Review (ABR).
 3. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 14, 2005 is limited to

approximately 31 cubic yards of grading cut, a patio extension, and the private drainage improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
- B. **Public Works Submittal Prior Map Recordation.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the Parcel Map Recordation:
1. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property. This assignment shall be documented by a written instrument approved as to form by the City Attorney and recorded in the Office of the County Recorder.
 2. **Parcel Map Preparation.** The Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
- C. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Geology Recommendations.** The geologic recommendations contained in the investigation prepared by Adam Simmons, dated April 25, 2005, shall be incorporated into the construction plans.
 2. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation

activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

3. **Contractor Stamp.** The Owner shall preserve and/or reset contractor stamp and/or survey monuments, biofilter/swale, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
4. **Best Management Practices.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
5. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday. When, based on required construction type or other appropriate reasons, it is necessary to do work outside the hours allowed, owner/contractor may request a waiver from the construction hour limitations from the Chief of Building and Safety in accordance with the procedure outlined in SBMC § 9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

7. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

D. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.

E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City

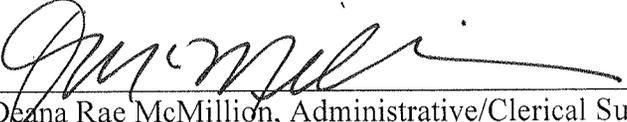
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and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

This motion was passed and adopted on the 14th day of July, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.



Deana Rae McMillion, Administrative/Clerical Supervisor

11-10-05

Date

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