



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 071-05

233 CORDOVA DRIVE

COASTAL DEVELOPMENT PERMIT AND MODIFICATIONS

NOVEMBER 10, 2005

APPLICATION OF CHRISTOPHER MANSON-HING, ARCHITECT FOR TIMOTHY AND PEGGY ESCOBAR, PROPERTY OWNERS, 233 CORDOVA DRIVE, APN: 045-122-004, E-3/S-D-3 SINGLE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 5 UNITS PER ACRE (MST2005-00473; CDP2005-00014)

The project consists of a 1,210 square foot second-story addition to an existing 2,101 square foot single family residence with an attached two-car garage on an 8,627 square foot lot. The proposal includes remodeling the existing single-story residence. The project is located in the Non-Appealable jurisdiction of the Coastal Zone.

The discretionary applications required for this project are:

1. A Modification to allow encroachment into the required front yard setback in the E-3 Zone (SBMC §28.15.060.1);
2. A Modification to provide less than the required 1,250 square feet of open yard area in the E-3 Zone (SBMC §28.15.060.3);
3. Modifications to allow fences, walls, and hedges within the required front yard setback on Cordova Drive and Via Carisma and on either side of a driveway to exceed 3-½' in height in the E-3 Zone (SBMC §28.87.170); and
4. A Coastal Development Permit to allow the proposed development in the Non-Appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (addition to an existing facility).

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

WHEREAS, a letter was submitted at the meeting signed by 12 people 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, November 10, 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. **WALL HEIGHT MODIFICATIONS (SBMC §28.87.170)**

The modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. While the combined height of the walls exceeds the maximum height, individual walls are less than 3½'. In addition, the walls meet requirements of the Zoning Ordinance with regard to maintaining visibility while backing out onto the street; and the screen wall helps to maintain privacy in the backyard of a lot with two front yards.

B. **OPEN YARD MODIFICATIONS (SBMC §28.15.060)**

The modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. The project will result in an open yard that, while not meeting the 20 foot minimum dimension of the Zoning Ordinance, would still provide a yard of an area greater than the required minimum size and is configured in a useable manner.

C. **FRONT YARD MODIFICATIONS (SBMC §28.15.060.1)**

The modification is necessary to secure appropriate improvements on the lot and is consistent with the purposes and intent of the Zoning Ordinance. Due to the constraints of two front yards and the angle of the existing development, the 12 inch encroachment into the front yard setback is required to allow for appropriate development on the site.

D. **COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

The project is consistent with all applicable policies of the California Coastal Act, the City's Coastal Plan, all implementing guidelines and all applicable provisions of the Code because the residential addition would be compatible with the existing residence and the neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access, and would not contribute to safety or drainage hazards on the site.

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, which 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 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.

2. **Allowed Development.** The development of the Real Property approved by the Planning Commission on November 10, 2005 is limited to approximately 1,210 sq. ft. of second story addition and first floor remodel to the existing single-family residence, and the improvements shown on the development plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 3. **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. **Required Prior to Public Works or Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building permit or Public Works permit.
1. **Water Rights Assignment.** "Agreement Assigning Water Extraction Rights". Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights does not include a right of surface entry on or from the Real Property.
 2. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Cordova Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: Type B Curb Drain Outlet and new Access/Handicap Ramp at the intersection of Cordova and Via Carisma, and provide adequate positive drainage from site. Building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
- 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. **Design Review Requirements Included on Plans:** Plan submitted for building permits shall show all design elements as approved by Architectural Board of Review.
 2. **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 at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using 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.

3. **Construction Best Management Practices Required.** Construction activities shall address water quality through the use of best management practices (BMPs) as approved by the City Building Official.
4. **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) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The sign shall be subject to review and approval by Planning Staff.
5. **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.
2. **Complete Public Improvements.** Public improvements as shown on the building plans.

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

NOTICE OF TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit and Modifications shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 10th day of November, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1

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 McMillion, Administrative/Clerical Supervisor

1-19-06

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.