

Doris W. Blethrow  
 318 Santa Cruz Blvd.  
 Santa Barbara, California 93109

RECEIVED

City Council  
 City of Santa Barbara  
 Santa Barbara, California

JAN 02 2006  
 2:08 pm VAC  
 CITY CLERK'S OFFICE  
 SANTA BARBARA, CA

Re: 1443 San Miguel Ave.; Planning Commission Decision on Dec. 21, 2006

Although my address is on Santa Cruz Blvd., my home runs parallel to San Miguel and sits immediately behind the home at 1442 San Miguel. All my view windows face directly toward the south, over 1442 (and 1443).

On December 21<sup>st</sup> the Planning Commission acknowledged that the proposed building for 1443 San Miguel was too tall for the surrounding neighborhood area. This building will dominate its neighbors and stand squarely in the face of 1442 San Miguel's second floor. The Commission's discussion focused on how to shave inches here and there. This simply does not go far enough: Consider eight foot ceilings, or a two-story house, or multiple split-levels; instead of a three-story building with 9.5 foot ceilings.

These plans will set a wide precedent for the Mesa, and are worthy of deep debate.

This building will be like the person who stands up in a stadium, forcing all those behind him to also stand – or lose what they paid for.

The entire community will rise, building higher to gain temporary advantage, if not this year, then the next. This will alter the entire character of the neighborhood from one and two-story single family residences, which -- now -- are softened by Santa Barbara's renowned trees, shrubs, and abundant vegetation.

Trees, shrubs, flowers all mark the best neighbors. They soften and obscure buildings. Three story structures, which will become the norm, will severely limit, dwarf and obscure vegetation. The neighborhood will wither to become a warehouse for people.

The Dumain's have cited examples of three-story houses on the north side of San Miguel. On their south side of San Miguel, the land transitions into the main Mesa community. All Dumain's neighbors have 2-story buildings, with bottom floors below grade level. Next-door is a flat roof – Mediterranean style! All these homes reflect a strong Mesa neighborhood standard -- a standard similar to the good neighbor policy "12-feet above street crest" formally adopted by other coastal communities 20 years ago.

Each of the three buildings north of San Miguel presents its own story, such as the red farmhouse, which was part of the Mesa's history long before other Mesa housing. A general plan should not be based on 2 or 3 structures built in the past. The blueprint should reflect thoughtful planning based on the dominant character and future needs of the entire community.



Doris W. Blethrow

CC: City Administrator, City Attorney, Community Development Director,  
 Planning Commission 1/3/07 LC

Owners and Residents of:  
1428 San Miguel Avenue  
1442 San Miguel Avenue  
1438 San Miguel Avenue

City Council  
City of Santa Barbara  
Santa Barbara, California

RECEIVED

JAN 02 2006  
4:40 Jc  
CITY CLERK'S OFFICE  
SANTA BARBARA, CA

Dear City Council Members:

### **Introduction**

By way of introduction, we are the owners and residents of three properties directly affected by the proposed project at 1443 San Miguel Avenue. We are writing to appeal the Planning Commission's decision on December 21<sup>st</sup> to approve the proposed project at 1443 San Miguel Avenue, subject to the condition that its overall height be lowered by two feet from the height specified in the drawings on file at Community Development (that is, from a proposed 28 feet 4 inches total height and 18 feet 4 inches above sidewalk grade to 26 feet 4 inches total height and 16 feet 4 inches above sidewalk grade).

### **Summary of Appeal**

The Planning Commission held its hearing on December 21, after viewing the proposed project story poles on December 19. The Commission stated that viewing the story poles (as opposed to just the drawings and elevations) was absolutely essential to understanding the scale and impact of the project. They also stated, among other things, that:

- The project is "too imposing"
- The project "is precedent setting"
- The project "presented a tall prominence on the site"
- The project "needs to be nestled down to protect views, even though it is not City policy"
- "Especially on the Mesa, we need to keep scale down"
- "In the few instances where three stories are possible, neighbors' concerns, including their views, need to be taken into account"

We wholeheartedly agree with the Commissioners' comments and we appreciate their efforts to reduce the height of the project. However, we feel they didn't go far enough, and that the height of the proposed structure must be lowered further to bring the project more into line with the nearby one and two story homes; soften its immediate and long-term negative impact on neighborhood scale, character, and views; and make the project more consistent with the Hillside Design Guidelines and Good Neighbor Policies outlined in the City's Single Family Residence Design Guidelines.

In filing this appeal, we recognize that until the story poles went up, participants in the planning process were not able to gain a complete picture of the scale of the project and its impact on the neighborhood.

## Reasons for Appeal

- **Project Is Out of Scale to Neighboring Homes** – at 26 feet 4 inches total height (16 feet 4 inches above sidewalk grade) the house will be significantly higher than the adjacent houses on the south side of San Miguel, towering over its immediate neighbors, and will not be to scale with the one and two story homes that line the street.
- **Project Is a Precedent Setting Benchmark** - as the highest structure on the south side of San Miguel between Santa Cruz and San Rafael, it will be to our knowledge the only full three story house in this block all the way down to Shoreline Avenue. Therefore, it will open the door to further three-story building in this section of the Mesa and set the benchmark for all future development in this area.

Such a high benchmark puts at risk the scale, character and views of this part of the Mesa, and will lead to further building and requests for additional stories on not only San Miguel Avenue but on neighboring streets. Home owners on the north side of San Miguel will be encouraged to build higher in order to retain their views, and home owners on the south side will feel justified in building higher to prevent their below-street-grade homes from being dwarfed by this project. If this occurs, the scale and character of this street and potentially this general area of the Mesa will be lost for good.

- **Project Inconsistent with Hillside Design Guidelines** - Last, the project remains significantly out of line with the City's Hillside Design Guidelines. Although San Miguel Avenue is not in a Hillside Design District, the steepness of this particular lot (and the south side of San Miguel generally) qualifies for this attention, as addressed in the Neighborhood Preservation Ordinance, and an effort should be made to move the project towards compliance with those guidelines.
- **Project Unnecessarily Blocks Existing Views** – At 26 feet 4 inches, the proposed project will obscure the water views and horizon line from the primary living areas of both 1442 and 1438 San Miguel Avenue (one story homes that are approximately 12 feet above street grade). The highest part of the project is directly in front of 1442 San Miguel, blocking the water, horizon and island views from the living room, dining room, kitchen, and family room

## Requested Height Reduction

Although reducing the height by two feet as required by the Planning Commission will help reduce the scale of the project, it is not sufficient – the house will still block water views from the street, from 1442 and 1438 San Miguel, be significantly higher than its neighbors; and set an inappropriately high benchmark for future development. It is also important to note that due to the downward slope of the lot, the full three stories of the house will be visible from the street and from the living areas of 1442 San Miguel.

The simple fact is that a two-story or possibly two-and-a-half story house is the most appropriate structure for this location – it would be comparable to the neighboring houses; would preserve neighborhood views largely intact; and ensure that future development occurs on an acceptable scale. Further, it appears that the lot is large enough to accommodate a comfortable two-story house of approximately 2,300 square feet of living area.

Nonetheless, we have indicated at the Planning Commission meeting and privately to the Dumains that an additional height reduction of 2 feet (from approximately 16 feet above sidewalk grade to approximately 14 feet above sidewalk grade (or a total height 24 feet)) would significantly mitigate the issues cited above. Note that by way of comparison, we understand that three recently renovated and expanded homes on Santa Cruz Avenue between San Miguel and Cliff Drive were limited to a height of 23 feet.

Requiring a further meaningful height reduction would reduce the perceived scale of the project by making it act more like a one-and-a-half story house from street level and bringing it more in line with its neighboring houses. Further, it would set a more appropriate benchmark that will allow future development south of San Miguel to take place while preserving the scale and character of this Mesa neighborhood. Last, it will preserve some (but not all) of the existing channel and island views enjoyed by several neighbors on the north side of San Miguel.

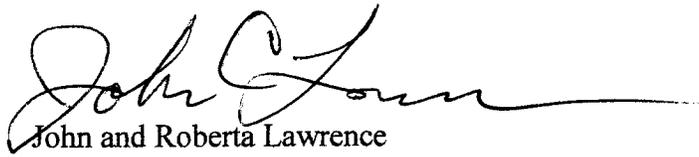
### Summary

We sincerely hope the City Council will follow through on the ideas that led to passage of the Neighborhood Preservation Ordinance and require a meaningful additional height reduction in the project. This would help preserve the scale, character and views of the Mesa; make the project more consistent with the Hillside Design Guidelines; and help ensure that future development of the Mesa will be consistent with the City's policies and vision.

Respectfully,



René and Scott Blair  
1438 San Miguel Avenue



John and Roberta Lawrence  
1428 San Miguel Avenue



Shaun and Pam Rai  
1442 San Miguel Avenue



**Key Notes**

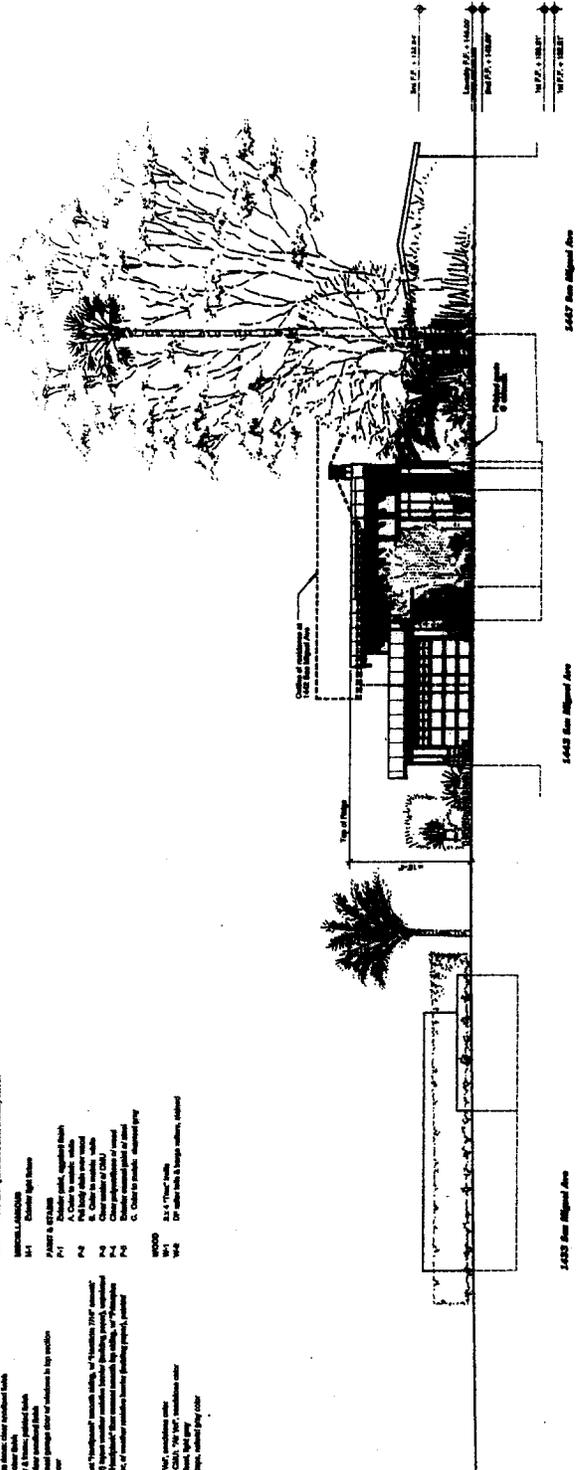
- 1. See notes on drawings.
- 2. All work shall conform to the latest editions of the following codes:
  - IBC - International Building Code
  - IFC - International Fire Code
  - IRC - International Residential Code
  - ISFC - International Surface Finish Code
- 3. All materials shall be of the highest quality and shall be approved by the local building department.
- 4. All work shall be completed in accordance with the approved plans and specifications.
- 5. The contractor shall be responsible for obtaining all necessary permits and approvals.
- 6. The contractor shall maintain access to all existing utilities and structures.
- 7. The contractor shall be responsible for protecting all existing structures and utilities.
- 8. The contractor shall be responsible for the safety of all workers and the public.
- 9. The contractor shall be responsible for the cleanup and removal of all debris.
- 10. The contractor shall be responsible for the final inspection and approval of the work.

**Kevin J. Dumain**  
architect

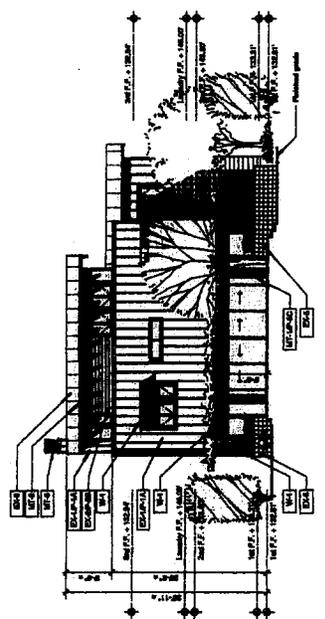
1443 San Miguel Ave  
San Jose, CA 95128

Mass Residence

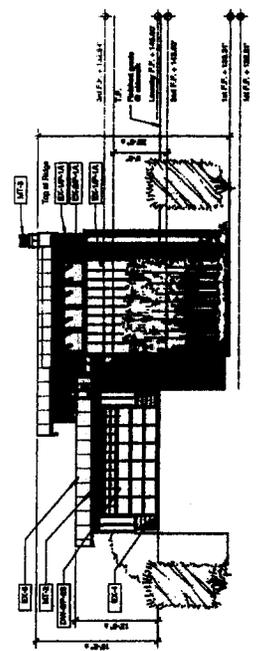
1443 San Miguel Avenue  
San Jose, California, CA 95128



**Street Elevation**  
10/17/14



**South Elevation**  
10/17/14



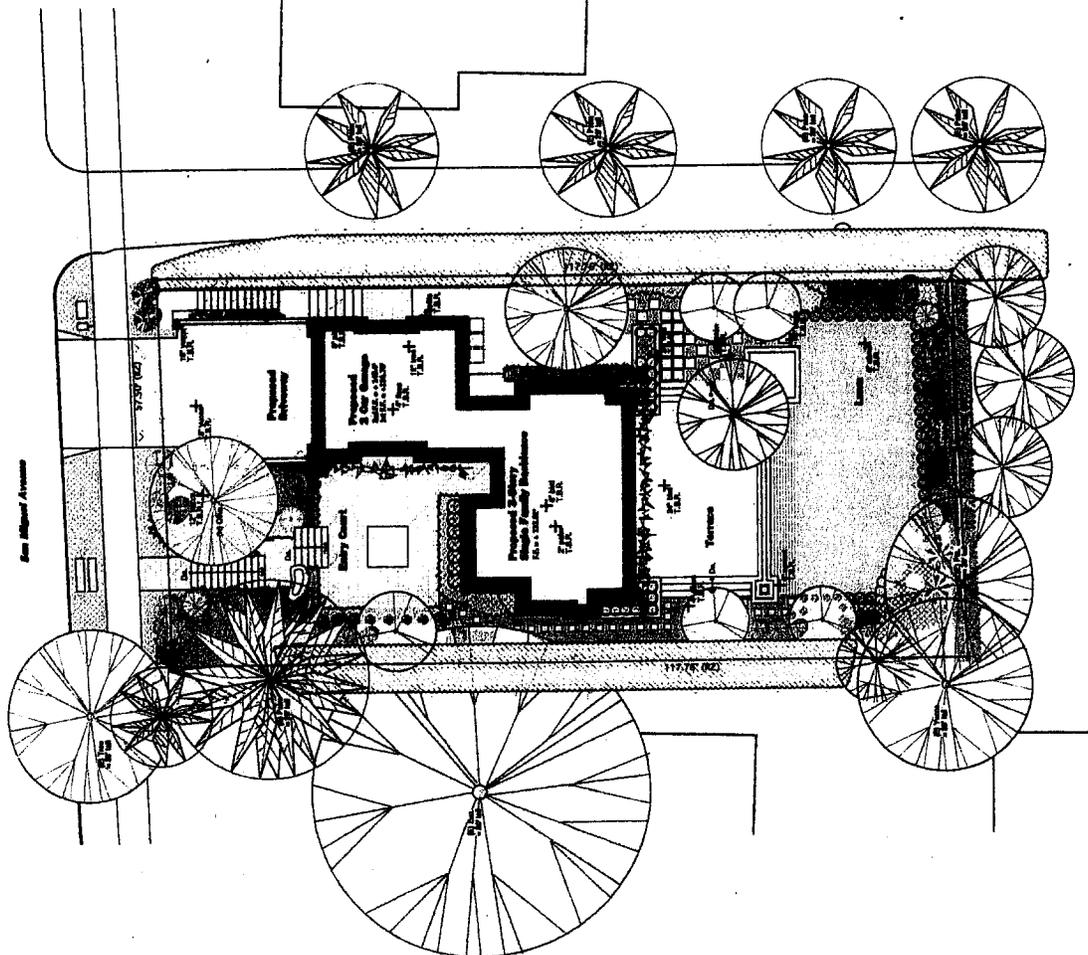
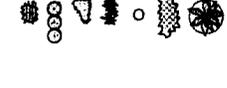
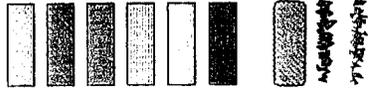
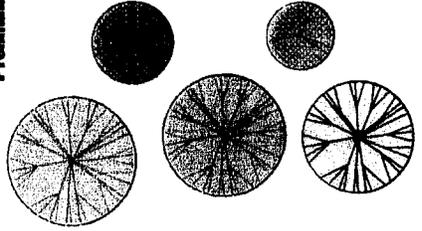
**North Elevation**  
10/17/14

**A5**  
10/17/14  
10/17/14



**Preliminary Plant List**

These  
 One Complete Garden (Preliminary Only)  
 Please Consult (Project) Land Plan



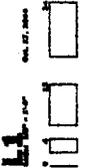
**Kevin  
 Kujala  
 architect**

1443 San Miguel Avenue  
 San Marino, CA 91108

**Missa Residence**

1443 San Miguel Avenue  
 San Marino, CA 91108

Professional Landscaping  
 Planning Plan



**RECEIVED**  
 MAR 26 2007  
 CITY OF SANTA BARBARA  
 PLANNING DIVISION

March 26, 2007

BY HAND DELIVERY

Honorable Mayor Marty Blum and Members of the City Council  
 City of Santa Barbara  
 P.O. Box 1990  
 Santa Barbara, CA 93101

**RE: Coastal Development Permit for 1443 San Miguel Avenue,  
 Response to Appeal by Renee & Scott Blair; John & Roberta Lawrence; Shaun & Pam Rai;  
 Appeal Hearing Set for April 10<sup>th</sup>, 2007**

Madame Mayor and Members of the City Council,

Thank you for this opportunity to address all of you. We realize this letter is long but hope that you read it all as it covers many different points.

On December 21, 2006 the Planning Commission approved the Coastal Development Permit (CDP) for our proposed home by a vote of 6 to 1 on the condition that we reduce the height by another two feet. This was the culmination of a year and half of work on our part. Prior to this meeting our project had been reviewed by the Architectural Board of Review (ABR) on August 29, 2005 where it received favorable (4-1) comments for a Conceptual Review, and on July 31st, 2006 where it received additional favorable (6-0) comments. In addition, we have been through the DART process, and have addressed all requirements set by city staff.

#### **Basic Facts about our New Home**

We would like to start with some basic facts about this project, our new home. The current house is 400 sq. ft. on a lot of 6969 sq. ft. We are proposing to build a new 2367 sq. ft. house that is now designed to be 4 feet below the legal height limit. It will sit more than 12 feet below the street level due to the topography of our lot. The garage will be set back 21' from the property line and 36' from the curb and the main part of the house will be set back 46' from the property line and 59' from the curb.

From the very beginning we have worked to develop a design that balances the concerns of our neighbors with the opportunities presented by our site. We have gone to great efforts to inform our immediate neighbors of our plans and, with a few notable exceptions, our plans have been warmly received.

We were very troubled to learn on January 2<sup>nd</sup> that a small group of our neighbors had chosen to appeal the decision of the Planning Commission. Although Renee Blair and John Lawrence have been opposed to our project since the first Architectural Board of Review (ABR) meeting, we were surprised to see Renee's son listed on the appeal, as he doesn't live at this address.

Shaun and Pam Rai are newcomers to our neighborhood. They moved in the day after the Planning Commission. We met them the week before the PC hearing while we were preparing our story poles and they explained to us that they had reviewed our plans at the Planning Department prior to purchasing the house. Unfortunately the detailed plans, sections, and photo simulations in our submittal did not match their expectations.

#### **Our New Home Is Consistent with the Other Houses in the Neighborhood**

The appellants claim that our proposed home will be out of scale with the neighborhood, yet the homes of the three appellants are all significantly taller and broader as measured from the street. The

owner's of 1438 and 1442 San Miguel assert that they live in one-story homes, but these homes are sitting on top of garages, therefore they appear to be two story homes. By our estimates, the peak of the roof at 1442 San Miguel is approximately 23' above the curb.

These homes also present their fully maximized width to the street. It should also be noted that these two houses are constructed well within their front yard setbacks. The property line varies from 14 feet behind the curb at 1444 San Miguel to 20 feet at 1428. Since the street has never been widened, these homes appear to have normal front yards, but if the city were ever to reclaim the public right away to widen the street both of these homes would lose most of their driveways. Hopefully the street will never be widened, the neighborhood likes it the way it is, and the narrowness helps to reduce traffic speeds.

The setbacks in our proposed scheme exceed the current standards. The garage which will appear to be a one-story structure from the street will be setback over 21' from the property line, and over 36' feet from the curb. The taller portion of our house will be setback about 46' from the property line and about 59' from the curb. This additional setback allows us to place the taller mass of the house on lower ground, thereby lowering the height of the roof.

The applicants have also raised a concern that a three story portion of the house will be visible from the street and from 1442 San Miguel, but they have not factored in the screening effects of the landscape. In the proposed scheme, the front of the house will be screened on the right by the large Canary Island Date Palm, and on the left by a mature Olive tree that will be planted part way down the slope. Only a narrow sliver of the house will be visible through the gap at the entry walk, and the 15 foot tall bamboo in front of the stair wall will screen most of that.

The appellants have claimed that our proposed house is too tall relative to our neighbors to the east and west, yet these neighbors and other neighbors from the South side of the street have supported our project from the beginning. Our neighbor to the west at 1447 San Miguel is Mary Rem, and she will be the person most impacted by our project, yet she has written numerous letters in support of our project. She has lived in this house all her life and has always assumed that someone would build on our property. Her only view is to the southeast over our back yard. The compact footprint of our design helps to preserve Mary's only remaining view from the living areas of her house.

Immediately to the east of our house is the driveway to the flag lot at 1437 San Miguel. Beyond the driveway is the two story residence of Jason and Michelle Vedder at 1433 San Miguel. Our project will not restrict the Vedder's views, and the stepped massing further helps to reduce the visual impact. The appellants have asserted that our home will be out of scale with the Vedder's home. The top of the Vedder's roof is only 6 to 7 feet above the sidewalk. This is statistically well below the norm or outside of the standard deviation for homes in the E-3 zone, and therefore in our opinion not a fair basis of comparison.

### **Our New Home is Consistent with the City's Adopted Standards and Even with the Proposed NPO Standards**

The home we have proposed meets all the current and proposed regulations, and will require no modifications. We even comply with the proposed revisions to the Neighborhood Preservation Ordinance (NPO). Our first floor will be more than 12 feet below the sidewalk, and the house will be partially screened by a combination of new and existing trees.

The appellants have asserted that our project should conform to the requirements of the Hillside Design District even though our site is "not in a Hillside Design District." Their intent is to use these

guidelines as a basis to refute our design. Although the front of our property falls away steeply from the street, the average slope of our property is only 11%. Therefore we are not subject to any high slope design requirements either. It simply means that the majority of our lot is well below the level of the street and our potential building envelope is relatively low compared to a flat lot. This is inherently a good deal for our neighbors across the street, but they see it as a basis to further restrict our development rights.

Upon a more careful review of the Hillside guidelines it becomes apparent that these rules were drafted to minimize the visual impact of homes in highly visible locations, especially in regards to the views from below. Almost every diagram in the "Hillside Housing Design Techniques and Guidelines" deals with how to reduce the sense of mass from below. Our solution was to maintain a large rear yard setback, and utilize the existing trees to shield our home from our neighbors the Rifferos to the south, who were very appreciative of this.

The very first goal under the "Visual Impacts" section of the Hillside Guidelines is to "Blend the house into its natural surroundings." This principle has been the basis of our design from the beginning, and the ABR meeting minutes reflect this. During the design process we had to make some unconventional design decisions, but they were creative solutions aimed at finding a balance between a several competing concerns. For instance, our house has a relatively small footprint that is repeated on the second floor instead of being set back. This configuration has allowed us to avoid most of our neighbors view corridors, and allow us to retain as much permeable surface as possible on the site. Given that the property slopes away from the street, its critical that we don't increase the water run off to our neighbor's property.

#### **The City's Ordinances Do Not Protect Private Views Over Private Property**

As we have watched the numerous appeals coming to the City Council to rule on, we have heard many of you repeatedly say that the Council does not rule on private views. This is consistent with the city's ordinances.

The current building environment is that applicants should consider the impacts of their projects on their neighbors and seek out ways to share the view. We have done this and developed a scheme that shifts the mass of the house to one side where it only blocks a portion of one neighbors view.

The appellants have also objected to our home being 3 stories tall, even though one of the appellants lives in a 3-story home, and is next door to yet another 3 story. Down the street, there is even one more 3-story house in the same block. The number of stories is not regulated by city regulations, building height is.

Our proposed home is 4 feet under the allowable height limit, and the house is sitting in a hole, which further reduces its impact on the neighborhood. There may not be any other 3-story homes in the area cited by the appellants, but there are many examples of homes that build up to the height limit. These are typically done through a combination of high ceilings and steep roofs. We have simply made different choices with our building height budget. We have sunk the 1<sup>st</sup> floor into the ground, and accepted a 7'-2" plate height on the 3<sup>rd</sup> floor. It's a good thing we're short people.

#### **Our New Home Will Not Have a Significant Impact on Our Neighbors' Views**

These three neighbors assert that they will be "directly affected" by our proposed project. This is a matter of interpretation. From our perspective, of the three appellants, only the Rai's view at 1442 San Miguel will be impacted. They have a sweeping panoramic view from Carpinteria to the east around to Santa Cruz Island to the south. Our proposed house will be partially silhouetted by the existing landscape, and it will obscure a minor portion of their view to the south. The portion of their

view over the east side of our property will be improved by our proposed project due to the removal of the existing trees in our front yard.

The view from Renee Blair's house at 1438 San Miguel will not be significantly impacted by our proposed home despite the claims in the appeal letter. Mrs. Blair confirmed this prior to the first ABR hearing, and her only complaint at the PC hearing was the placement of our driveway. Mrs. Blair's view to the Southwest is blocked by the trees on and around the property at 1447 San Miguel. By placing the taller portion of our home along the west side of our property we can build where Mrs. Blair's view is all ready obstructed and not impact her panoramic view.

At the second ABR hearing and the PC hearing, Mrs. Blair objected to our proposed residence having a garage and driveway for safety reasons. We essentially have three options for our driveway: East, middle or West side of the property. Placing the driveway on the East side is our best option. Putting our driveway parallel to our neighbor's at 1437 San Miguel, and trimming the landscaping within the front yard setback will improve the visibility from both driveways. Putting the entry court on the west side allows us to incorporate the existing trees at 1447 into our entry court design. Having the garage on the east side of the property also allows us to put the taller portion of the house along the west side. If we were to flip the plan in response to Mrs. Blair's concerns, the taller part of the house would have a greater impact on the views of our neighbors, including Mrs. Blair.

The Lawrence's view at 1428 San Miguel will not be impacted by our home. They will see our home, but it will be within the silhouette of the surrounding foliage. Furthermore, the floor of their first floor is higher than the peak of our proposed roof. Prior to the first ABR hearing, we discussed our project with John Lawrence, and he agreed it would not impact his view. At the first ABR hearing though he requested that our house be "lowered by approximately five-feet." Our revised design is now 4 feet lower than the initial design presented at the 1<sup>st</sup> ABR hearing.

### **Precedent Setting Decisions**

The last of the appellants primary concerns is with precedent, or more specifically with tall homes in the area that could impact their views. We believe that precedent is a larger issue than they have projected. For decades, new homes on the Mesa have been constructed that block the views of other homes.

Any discretionary review by the Planning Commission or City Council is precedent setting. The appellants claim that allowing the south side of the street to build larger homes within the parameters of the existing rules would set an unacceptable precedent for our street. Upholding their appeal however would have far greater ramifications. It could set a precedent for all streets in the city with a cross slope, whether it be 5% or 30%. Homeowner's on the downhill side of the city would no longer have the same development rights as their neighbors on the uphill side.

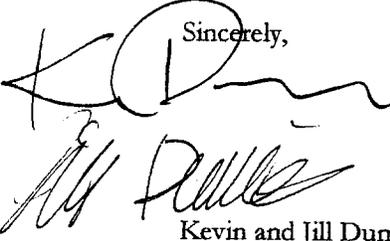
Neighborhood compatibility may be governed by rules and regulations, but inevitably there is a subjective factor that circumstances such as ours brings to the light. We are proposing to replace our tiny house that can barely be seen from the street with a normal sized home that complies with all the current and proposed codes and regulations. Our neighbors have grown accustomed to our little house, so it is not surprising that they are uncomfortable with the proposed change. We are not insensitive to their concerns. From the very beginning of the design process we have sought to respect their views as we shaped our project. It is simply not possible to please everyone, especially people who have grown accustomed to looking over a 400 square foot house.

### **In Conclusion**

We would like to reiterate a few points. The current house is 400 sq. ft. on a lot of 6969 sq. ft. We are proposing to build a new 2367 sq. ft. house that is now designed to be 4 feet below the legal height

limit. We are not asking for any modifications and are in compliance with the proposed NPO yet to be adopted. The house will sit more than 12 feet below the street level with the garage 36' from the curb and the main part of the house set back 59' from the curb.

Therefore we ask you to deny the appeal filed by our three neighbors and support the decisions of your Planning Commission and Architectural Review Board.

Sincerely,  
  
Kevin and Jill Dumain

Jim Armstrong, City Administrator  
Stephen P. Wiley, City Attorney  
Paul Casey, Community Development Director

March 26, 2007

BY HAND DELIVERY

Honorable Mayor Marty Blum and Members of the City Council  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93101

**RECEIVED**  
MAR 26 2007  
CITY OF SANTA BARBARA  
PLANNING DIVISION

**RE: Coastal Development Permit for 1443 San Miguel Avenue,  
Response to Appeal by Doris Blethrow; Appeal Hearing Set for April 10<sup>th</sup>, 2007**

Madame Mayor and Members of the City Council,

On December 21, 2006 the Planning Commission approved the Coastal Development Permit (CDP) for our proposed home by a vote of **5** to 1 on the condition that we reduce the height by another two feet. This was the culmination of a year and half of work on our part. Prior to this meeting our project had been reviewed by the Architectural Board of Review (ABR) on August 29, 2005 where it received favorable (4-1) comments for a Conceptual Review, and on July 31st, 2006 where it received additional favorable (6-0) comments. In addition, we have been through the DART process, and have addressed all requirements set by city staff.

From the very beginning we have worked to develop a design that balances the concerns of our neighbors with the opportunities presented by our site. We have gone to great efforts to inform our immediate neighbors of our plans and, with a few notable exceptions, our plans have been warmly received. The home we have proposed meets all the current and proposed regulations, and will require no modifications. We even comply with the proposed revisions to the Neighborhood Preservation Ordinance (NPO). Our first floor will be more than 12 feet below the sidewalk, and the house will be partially screened by a combination of new and existing trees.

Since we worked so hard to comply with the City's rules, and to satisfy the concerns of the neighbors, we were surprised to learn on January 2<sup>nd</sup> that Doris W. Blethrow of 318 Santa Cruz had filed an appeal against our project. We can only see Doris's house from the top of our roof, so we never believed our house would restrict her view. Having just reread her appeal letter, it is apparent that she is not claiming to be impacted by our project. Rather, she seems to be concerned about how other homeowner's may chose to do develop their properties in the future.

We are also concerned by some of the incorrect statements in her letter. It appears that she has misunderstood some of the numbers presented at the CDP hearing and, based on that misunderstanding, she has inaccurately described our project. To begin with, the Planning Commission has required us to redesign the project and reduce the overall height by two feet. This has been accomplished through meticulous editing of the design and details. In the previous design, the first floor had a ceiling that was 9'-4" high. In that design, the second and third floors were 8'-0". In the redesigned plan, the first floor ceiling will be 8'-8", and the second floor ceiling 8'-0". The third floor will be even lower with the plate height of the ceiling at 7'-9", and the beams dropping to 7'-2"! Since Ms. Blethrow apparently has not accounted for the changes dictated by the Planning Commission, she is under the misapprehension that our project will have "9.5 foot ceilings."

Ms. Blethrow goes on to claim that our project "will severely limit, dwarf and obscure vegetation." As you may know, we currently live in a 400 square foot house, and have come to appreciate how a small footprint can result in a larger yard. One of our fundamental goals in this house has been to maintain a large yard, which has led us to minimize the area dedicated to the driveway, and minimize

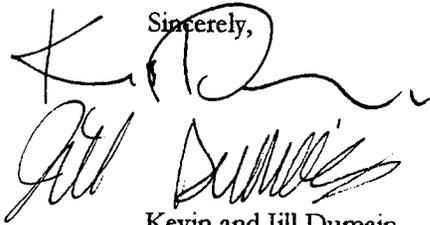
the footprint of the house. Placing the master bedroom on the 3<sup>rd</sup> level and the home office under the garage makes it possible to preserve a large yard, along with good solar exposure. It also allows us to maintain a high percentage of permeable surface on our property which makes us a good neighbor for the people living downstream of us.

I think we share some common ground with Doris when she states that "trees, shrubs, flowers all mark the best neighbors. They soften and obscure buildings." From the beginning of our design process, we have recognized that the west side of our property is densely vegetated with a series of trees that should be incorporated into our design. These trees form an existing visual barrier that we have chosen to tuck our house into and thereby minimize the impact on the views of our neighbors. Along the east side of the property we have placed the shorter mass of the garage and increased the setbacks for the taller mass of the house. This massing will also help to open up some of our neighbors views to the Southeast.

We believe that our design complies fully with the City's regulations. Notably, Ms. Blethrow does not claim otherwise. Instead, she is asking the City to apply different rules and standards from other communities.

Ms. Blethrow certainly has a right to state her opinion and to bring this matter to the Council. At the same time, we believe our project should be evaluated on its own merits, and for how it conforms to the rules of our city. These rules and regulations have been developed over the years with considerable public participation. Furthermore, these rules have been adapted to provide clarity, consistency, and fairness to the process.

Therefore we ask you to deny the appeal filed by Ms. Blethrow and support the decisions of your Planning Commission and Architectural Review Board.

Sincerely,  
  
Kevin and Jill Dumain

cc:  
Jim Armstrong, City Administrator  
Stephen P. Wiley, City Attorney  
Paul Casey, Community Development Director

**ARCHITECTURAL BOARD OF REVIEW**  
**MINUTES**

August 15, 2005

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

7. **1443 SAN MIGUEL AVE** E-3/SD-3 Zone  
 Assessor's Parcel Number: 045-132-003  
 Application Number: MST2005-00498  
 Owner: Jill Maureen Vlahos  
 Architect: Kevin Dumain

(Proposal to demolish an existing 400 square foot residence and construct a new 2,363 square foot three-story residence with an attached 461 square foot two-car garage on a 6,767 square foot lot. The project will require a Coastal Development Permit.)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS, AND PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT.)**

6:02

Kevin Dumain, Applicant; and Jill Vlahos, Owner; present.

Public comment opened at 6:19 p.m.

Scott Blair, neighbor, stated that they have lived in their home for over 45 years and the main concern is with the size, bulk and scale of the project, as most of the houses in the neighborhood are single story in size. Mr. Blair would like confirmation that the house is within the FAR's of the neighborhood. In addition, Mr. Blair has requested story poles

Ivana Gjurasic, on behalf of her parents, (neighbors of the applicant) stated that they are concerned with the size of the project, as most homes in the neighborhood are one-story homes. They have also requested story poles be placed. Ms. Gjurasic had also submitted a letter prior to the meeting date, which requested a continuation of the item so her parents could attend the meeting.

Michael Clevenger, neighbor, neighbor, stated that the vegetation screens his property from view of the project. Mr. Clevenger reviewed the plans and does not have any objection to it.

Susan Trescher, behalf of La Mesa Neighborhood Association, stated that the association objects to the size, bulk and scale of the project.

A letter was read submitted from John Lawrence, neighbor, who stated that he, reviewed the plans and that the proposal is too high for the street. The second floor level should be lowered by approximately five-feet.

A letter was read submitted from Jeannette Webber, which stated she objects to the over scale size of the new structure and that it will affect her frontage view.

Jim LeCron read statements submitted from the following neighbors.

Susie and Kent Briggs, neighbors, stated that they reviewed the plans and the project is well laid out, with consideration for the neighbor's privacy appreciated. They find the project will be an enhancement to the neighborhood.

Michael Clevenger, neighbor, stated he supports the project.

Jason Vedder, neighbor, stated that he does not feel the plans demonstrate any impact on his home or views.

Mary Rem, neighbor, stated that she is in support of the project.

Christopher Browne, neighbor, stated that he has no problem with the size of the project and that it will be a great addition to the neighborhood.

John Lawrence, neighbor, stated that he has reviewed the plans.

Public comment closed at 6:42p.m.

Motion: Continued indefinitely to the Planning Commission with the following comments:  
1) The Board appreciates the architectural design and finds it is an enhancement to the neighborhood. 2) The .42 FAR is high due to the small lot; however, the square footage is appropriate. 3) The Board feels there could be some reduction in the overall height, with approximately 6-12" of grading to lower the finished floor height. 4) The Board understands that story poles may be required for Planning Commission review, and would like to coordinate a site visit with the Planning Commission. 5) The applicant has explored and protected view corridors of adjacent neighbors.

Action: Wienke/Eichelberger, 4/1/0. Manson-Hing opposed. Bartlett stepped down.

July 31, 2006

**CONCEPT REVIEW - CONTINUED ITEM**

3. **1443 SAN MIGUEL AVE**

E-3/SD-3 Zone

Assessor's Parcel Number: 045-132-003

Application Number: MST2005-00498

Owner: Jill M. Vlahos

Applicant: Kevin Dumain

(Proposal to demolish an existing 400 square foot residence and construct a new 2,363 square foot three-story residence with an attached 461 square foot two-car garage on a 6,767 square foot lot. The project will require a Coastal Development Permit.)

**(Second Concept Review.)**

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS, AND PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT.)**

(5:11 )

Present: Kevin and Jill Dumain, Applicants.

Public comment opened at 5:25 p.m.

Mr. Niksa Gjurasic, resident, expressed his concerned about the project's noncompliance with Neighborhood Preservation Ordinance.

Mr. John Lawrence, resident, stated the project would be doable if lowered 4 to 5 feet.

Scott Blair, resident, voiced concern with the height of the project, and inadequate vehicular entry.

Public comment closed at 5:48

Motion: Continued indefinitely to the Planning Commission with the following comments 1) The Board is supportive of the project, the Board appreciates the small footprint and added open space. 2) The majority of Board feels that the house works nicely with the topography. The three story portion is mitigated by the topography and by the fact that it is significantly lower than the street, and will appear as a 2-story which is well set back. 3) A majority of Board feels the house could be lowered by further sinking the house into the topography, and by studying the interstitial space between ceiling and floor. 4) The majority of the Board appreciates the materials and architecture. 5) One Board member prefers a non-metal roof. 6) Enhance landscaping at the street to further block views into the entry court from public, thereby mitigating the 3-story elevation. 6) The Board looks forward to seeing story poles prior to Planning Commission hearing.

Action: Wienke/ Sherry, 6/0/0. Bartlett and Manson-Hing stepped down.



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** December 13, 2006  
**AGENDA DATE:** December 21, 2006  
**PROJECT ADDRESS:** 1443 San Miguel Avenue (MST2005-00498; CDP2006-00022)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
Jan Hubbell, AICP, Senior Planner  
Susan Gantz, Planning Technician

A handwritten signature in black ink, appearing to be "JH", is written over the name "Jan Hubbell" in the "FROM:" section.

### **I. PROJECT DESCRIPTION**

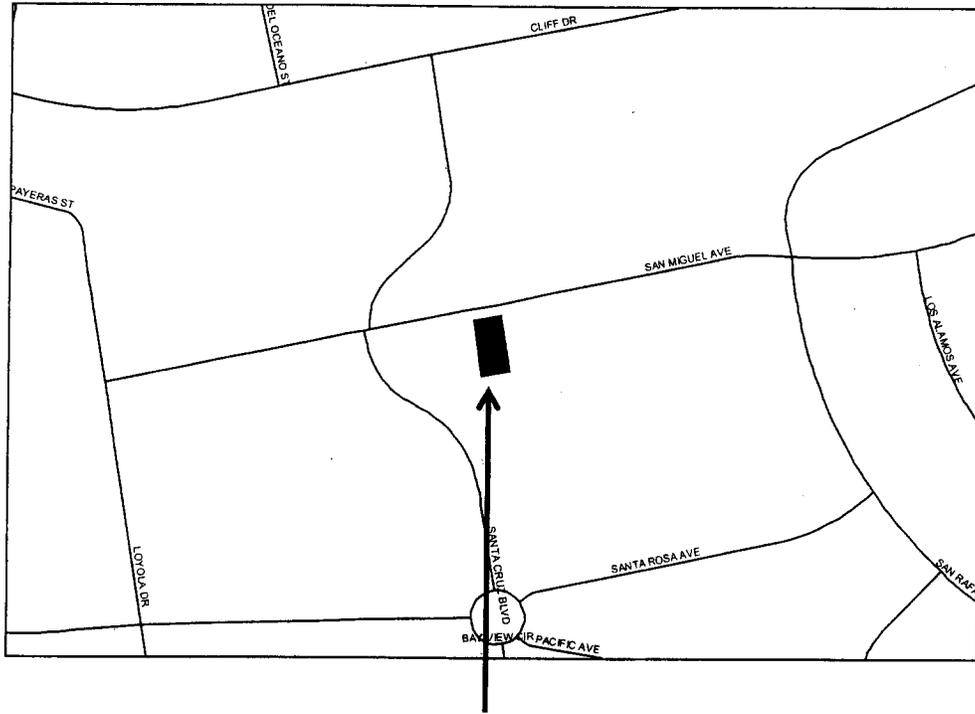
The proposed project involves the demolition of an existing 413 square foot, one-story, single-family residence (without a garage) with an 85 square foot detached storage shed and the construction of a three-story, 2,356 square foot single-family residence with an attached 461 square foot two-car garage on a 6,767 square foot lot located in the Non-Appealable jurisdiction of the Coastal Zone.

### **II. REQUIRED APPLICATIONS**

The discretionary application required for this project is a Coastal Development Permit to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

### **III. RECOMMENDATION**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing 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 VII of this report, and subject to the conditions of approval in Exhibit A.



**Vicinity Map for 1443 San Miguel Avenue**

**APPLICATION DEEMED COMPLETE:** November 21, 2006

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**SITE INFORMATION**

Applicant: Kevin Dumain	Property Owner: Kevin and Jill Dumain
Parcel Number: 045-132-003	Lot Area: 6,767 square feet
General Plan: Residential	Zoning: E-3/SD-3
Existing Use: Residential	Topography: 11% slope
Adjacent Land Uses:	
North - Residential	East - Residential
South - Residential	West - Residential

**PROJECT STATISTICS**

	Existing	Proposed
Living Area	400 square feet	2,356 square feet
Garage	n/a	461 square feet
Accessory Space	84 square feet	n/a

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20 feet	42 feet	22 feet
-Interior	6 feet	9 feet	6 feet
-Rear	6 feet	10 feet	48 feet
Building Height	30 feet	13 feet	29 feet
Parking	2 covered	0 covered	2 covered
Open Yard	1,250 square feet	1,665 square feet	1,611 square feet
Lot Coverage			
-Building	N/A	Building 11%	Building 19%
-Paving/Driveway	N/A	Hardscape 8%	Hardscape 16%
-Landscaping	N/A	Landscaping 80%	Landscape 65%

The proposed project would meet the requirements of the E-3 Zone.

**VI. ISSUES**

**A. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) twice (meeting minutes are attached as Exhibit D) and received the following comments:

August 15, 2005: Forwarded to the Planning Commission with the following comments: The Board appreciates the design and the project would be an enhancement to the neighborhood; the floor-to-lot-area ratio of .42 is high due to the small lot but the square footage is appropriate; there could be some degree of reduction in the overall height of the building, with approximately 6-12" of grading to lower the finish floor height; story poles may be required for Planning Commission review and the Board suggested coordinating a site visit with the Planning Commission; and, the applicant has explored and protected view corridors of adjacent neighbors.

July 31, 2006: Continued indefinitely to the Planning Commission with the following comments: The Board is supportive of the project and appreciates the small footprint and added open space; the majority of the Board feels that the house works nicely with the topography; the three-story portion is mitigated by the topography and by the fact that it is significantly lower than the street and will appear as a two-story structure which is well set back; a majority of the Board feels the house could be lowered further into the topography and suggested studying the interstitial space between floor and ceiling; the majority of the Board appreciates the materials and architecture; enhance landscaping at the street to further block views into the entry court from the public, thereby mitigating the three-story elevation; and, the applicant is to provide story poles prior to the Planning Commission hearing.

**B. COMPLIANCE WITH THE LOCAL COASTAL PLAN**

The project is in Component Two of the Local Coastal Plan (LCP) which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area, referred to as the Mesa, is single-family residential, and has very limited development potential. The major coastal issues identified for Component Two include protection of the riparian habitat of Arroyo Burro Creek; hazards of sea cliff retreat and flooding; maintaining and providing access, both vertically and laterally, along the bluffs; protection of recreational access to Arroyo Burro County Beach Park; protection of archaeological resources; maintenance of existing coastal views and open space; and provision of adequate circulation on Las Positas Road.

The project site is not located adjacent to Arroyo Burro Creek, Arroyo Burro County Beach Park or Las Positas Road, nor is it on a coastal bluff or in an archaeologically sensitivity zone. The project would not block coastal views or have an impact on open space areas. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

**C. COMPLIANCE WITH THE GENERAL PLAN AND ZONING ORDINANCE**

The proposed project is consistent with the regulations of the E-3, single-family residence zone, relating to setbacks, building height, and open yard requirements and is consistent with the General Plan density classification of five dwelling units per acre.

**D. ENVIRONMENTAL REVIEW**

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (demolition of single-family residence) and Section 15303 (new construction of small structures) of the California Environmental Quality Act (CEQA) Guidelines.

**E. NEIGHBORHOOD COMPATIBILITY**

The project consists of a proposal to replace the existing one-story residence with a three-story residence. Due to the topography of the parcel, the first floor of the proposed structure will not be visible from the street. Because only the second and third floors would be visible at street level, the new residence would remain consistent with the pattern of single-family residential development in the area, which is a mixture of one- and two-story residences. The applicant has made some minor changes to address concerns raised by the ABR regarding building height and, heeding the recommendation of the ABR to lower the structure six to 12 inches, lowered the structure 24 inches. With this refinement, the proposed project is compatible with respect to the scale, size, and design of the existing development in the surrounding neighborhood. No modifications are requested.

**VII. FINDINGS**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined below, and subject to the conditions of approval in Exhibit A.

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

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 Municipal Code. The proposed project would be compatible with the existing residential 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.

**Exhibits:**

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated November 29, 2006
- D. Letter from DOGGR dated April 3, 2006.
- E. Architectural Board of Review Minutes dated August 15, 2005 and July 31, 2006.

December 21, 2006

APPLICATION OF KEVIN AND JILL DUMAIN, PROPERTY OWNERS, 1443 SAN MIGUEL AVENUE, APN 045-132-003, E-3/SD-3, SINGLE-FAMILY/COASTAL OVERLAY ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS PER ACRE (MST2005-00498/CDP2006-00022)

Proposal to demolish an existing 413 square foot residence and 85 square foot storage shed and construct a new 2,356 square foot three-story residence with an attached 461 square foot two-car garage on a 6,767 square foot lot in the non-appealable jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Coastal Development Permit (CDP2006-00022) 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 Act Guidelines Section 15303, which allows for the construction of a new single-family residence in a residential zone.

Case Planner: Susan Gantz, Planning Technician II  
Email: sgantz@SantaBarbaraCA.gov

Ms. Hubbell requested that the Planning Commission waive the Staff Report, but Commissioner White requested a short staff presentation for the benefit of the viewing public.

Susan Gantz, Planning Technician II, gave the staff presentation, and reported that seven letters had been received in support of the project, and one letter expressing concern, with the proposed project.

Mr. Kevin Dumain, Applicant and Architect, gave a short presentation of the proposed project.

Chair Jostes opened the public hearing at 1:15 P.M.

**The following members of the public expressed support for the proposed project:**

Mr. Christopher Browne expressed his support with a majority of the neighborhood for all aspects of the proposed project.

Mr. Shaun Rai expressed general support for the proposed project, but was concerned about the impacts to views due to the project's scale and height. He felt that the proposed structure was not correctly represented on the drawings and that the height of the proposed structure is three to four feet too high unnecessarily blocking the island view from his living room. He also felt that the third story wall is out of scale with neighboring houses. He cautioned that the Commission's decision on this project may set a negative precedent for future development of the south side of San Miguel Avenue due to the steepness of the lot.

Mr. Jason Vedder expressed support for the proposed project and felt the new residence might improve property values of the neighborhood.

**The following member of the public expressed concern regarding the proposed project:**

Ms. Renee Blair expressed concern that the garage might be located on the wrong side of the structure.

Ms. Doris Blethrow expressed concern for her views being blocked by the proposed new structure.

The public hearing closed at 1:24 P.M.

Commissioners' comments and questions:

1. Asked about the ABR suggestion with regard to reducing the overall height by six to eight inches by grading lower.
2. Asked why the plate height is nine feet rather than eight feet. Requested clarification of the floor-to-floor plate height from the second to the third floor since the height measurement on the plans was incorrect. The Hillside Design Guidelines suggest building into the hillside using retaining walls to lower the structure for additional ceiling height.

Ms. Gantz responded that the house had been lowered 24 inches in height by lowering the structure into the grade.

Mr. Dumain explained the floor-to-floor and plate heights.

Commissioners' comments and questions:

1. Commented on the value of story poles and how they work to identify a problem. Thought the design, floor plans and elevations nice, and the proportions beautiful. Determined that it is not unreasonable to require a 10 foot floor-to-floor ceiling height for a residence on the Mesa. He suggested that the 10'-8" floor-to-floor plate height of the living room can be reduced 8", the 9'-5" floor-to-floor plate height of the second-to-third floor can be reduced to nine feet for a reduction of another five inches, and the living room can be lowered approximately 14 inches by installing a few more steps into the laundry/mud room for an overall total reduction of 2'-3", with an 8'-6" garage plate height to maintain the good proportional relationship of the garage to the house.
2. Consensus of the Commission that the design is acceptable and the site appropriate from a land-use prospective, and that it is an excellent project for the site and neighborhood; however, the overall height of the structure is too tall and imposing and the structure should be lowered by at least one or two feet on the south-side of the street, primarily since it is a precedent-setting issue for the Mesa neighborhood.
3. Commented that, in reference to the Neighborhood Preservation Ordinance (NPO) guidelines, three story structures receive more scrutiny and suggested that the structure and garage be more nestled down into the landscape to preserve neighbors' views and to be in keeping with lower scale areas like the Mesa.

Ms. Hubbell requested the Commission to be more concise in the height measurements being requested.

**MOTION: Mahan/Myers**

**Assigned Resolution No. 053-06**

Approve the project making the findings for the Coastal Development Permit and outlined in the Staff Report, and subject to the Conditions of Approval, amended to include a condition that the height of the third story portion be lowered by two feet and the garage height be lowered by six inches.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (White) Abstain: 0 Absent: 1 (Larson)

Chair Jostes announced the ten calendar day appeal period.



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

**RESOLUTION NO. 053-06  
1443 SAN MIGUEL AVENUE  
COASTAL DEVELOPMENT PERMIT  
DECEMBER 21, 2007**

**APPLICATION OF KEVIN AND JILL DUMAIN, PROPERTY OWNERS, 1443 SAN MIGUEL AVENUE, APN 045-132-003, E-3/SD-3, SINGLE-FAMILY/COASTAL OVERLAY ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS PER ACRE (MST2005-00498/CDP2006-00022)**

Proposal to demolish an existing 413 square foot residence and 85 square foot storage shed and construct a new 2,356 square foot three-story residence with an attached 461 square foot two-car garage on a 6,767 square foot lot in the non-appealable jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Coastal Development Permit (CDP2006-00022) 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 Act Guidelines Section 15303, which allows for the construction of a new single-family residence in a residential zone.

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

**WHEREAS**, two people appeared to speak in favor of the application, and three people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 21, 2006 If item is continued list each Staff report separately with attachments.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Dennis Wayman, Pastor, Free Methodist Church of Santa Barbara
  - b. Mary E. Rem
  - c. Michele Vedder
  - d. Michael and Susan Clevenger
  - e. Marty Reitz
  - f. Kent and Suzy Briggs
  - g. Christopher Browne

4. Correspondence received in opposition to the project:  
Shaun and Pamela Rai

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

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

**Coastal Development Permit (SBMC §28.45.009)**

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 Municipal Code. The proposed project would be compatible with the existing residential 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:

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 December 21, 2006 is limited to one residential unit of no more than 2,356 net square feet of interior floor area including the garage and the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
3. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.
4. **Drainage System Maintenance.** The Owner(s) shall maintain the on-site drainage system, storm drain water interceptor and other on-site storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.

- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
  2. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.
  3. **Height Reduction.** The height of the third story portion shall be lowered by two feet and the garage height shall be lowered by six inches.
- C. **Public Works Submittal Prior to 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 for the project:
1. **Water Rights Assignment.** The Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
  2. **Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on San Miguel Avenue. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards any sidewalk, curb and/or gutter that is uplifted/cracked, new driveway apron, any overhead service utilities that provide exclusive service shall be placed underground, any existing survey monument or contractor stamp shall be preserved and/or reset under the direction of the Public Works Inspector, drought-tolerant parkway landscaping, and provide adequate positive drainage from the site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
  3. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall submit a Storm Water Operations and Maintenance Procedure Plan for approval by the City Engineer.
  4. **Storm Water Quality.** New residential development projects, shall address water quality through the use of best management practices (BMPs) as determined by the City. Projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
  5. **Construction Best Management Practices.** Construction Best Management Practices Required. Construction activities shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.

D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & 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. Written evidence shall be provided by the Applicant from the State of California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) that the oil well located on the proposed project site has been adequately capped per general capping requirements as described in letter to Applicant from Jim Carnahan of DOGGR dated April 3, 2006.
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. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.

4. **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.
5. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m., Monday through Friday, and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

7. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
  - b. On-site or off-site storage shall be provided for construction materials and equipment. Any off-site storage location for equipment or materials shall be approved by the Community Development Director.
  - c. Storage of construction materials within the public right-of-way is prohibited without an encroachment permit issued by the City.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

9. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
10. **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.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **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:

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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.

E. **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 along subject property frontage (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.** Install public improvements as shown on the building plans.
3. **Check Valve / Anti-Backflow Device.** Provide an approved check valve or anti-backflow device placed on the private property side of consumer's service pursuant to Municipal Code Section 14.20.120 and Public Works Construction Standard Detail 5-009.0.
4. **Cross Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

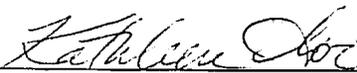
The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the 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. An extension has been granted by the Planning Commission. The Planning Commission may grant an extension of up to one (1) year as long as the extension is requested before the expiration date. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 21st day of December, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (White) ABSTAIN: 0 ABSENT: 1 (Larson)

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.

  
\_\_\_\_\_  
Kathleen Goo, Acting Planning Commission Secretary

  
\_\_\_\_\_  
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.