



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 2, 2006
AGENDA DATE: March 9, 2006
PROJECT ADDRESS: 40 Pine Drive (MST2004-00676)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Assistant Planner *KK*

I. SUMMARY

The project consists of a merger of two existing parcels and a subsequent subdivision to create two new parcels. Parcel A is an existing 20,839 square foot lot that contains one single family residence and a shed. Parcel B is an existing 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access from Pine Drive along a shared private road. The total lot area of both parcels is 22,781 square feet. After the subdivision, Parcel 1 would be 11,216 square feet and Parcel 2 would be 11,565 square feet.

The discretionary applications required for this project are:

1. A Modification to allow Parcel 1 to have no street frontage instead of the required 60 feet or less than the required 60 feet if the private portion of Pine Drive becomes public (SBMC§28.15.080);
2. A Modification to allow Parcel 2 to have no street frontage instead of the required 60 feet. (SBMC§28.15.080);
3. A Public Street Waiver to allow the approval of a subdivision where access is provided by a private road that serves more than two lots (SBMC § 22.60.300); and
4. Tentative Subdivision Map for a merger of two lots and a subdivision to create two lots (SBMC§27.07).

II. RECOMMENDATION

The proposed project conforms to the City's Zoning Ordinance and policies of the General Plan; therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 40 Pine Drive

APPLICATION DEEMED COMPLETE: December 21, 2005
DATE ACTION REQUIRED PER MAP ACT: March 11, 2006

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Brent Daniels, L and P Consultants	Property Owner:	Justin and Michelle Pawl
Parcel Number:	049-100-019	Total Lot Area:	22,781 square feet
General Plan:	Residential, 5 units per acre	Zoning:	E-3/PUD, One Family Residence/ Planned Unit Development
Existing Use:	Single Family Residence	Topography:	Varies (see below)
Adjacent Land Uses:			
North: Railroad/ Highway		East: Single Family Residential	
South: Single Family Residential		West: Single Family Residential	

B. PROJECT STATISTICS

Existing	Lot Area	Average Slope
Parcel A	20,839 square feet	11 %
Parcel B	1,942 square feet	12.9 %
Total	22,781 square feet	
Proposed	Lot Area	Average Slope
Parcel 1	11,216 square feet	6.87 %
Parcel 2	11,565 square feet	13.94 %
Total	22,781 square feet	

IV. PROJECT DESCRIPTION

The project site consists of two parcels totaling 22,781 square feet in the E-3/PUD, One Family Residence and Planned Unit Development zones. Parcel A is an existing 20,839 square foot lot with one single family residence and a shed. Parcel B is an existing fifteen foot wide, 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access from Pine Drive along a private road.

The proposal consists of a merger of the two existing parcels and a subsequent subdivision to create two new parcels. The subdivision would result in one 11,216 square foot parcel (Parcel 1) and one 11,565 square foot parcel (Parcel 2). The existing single-family residence would be on Parcel 1 and a two-car garage would replace a dilapidated carport that was removed by the new owners. Although no development is currently proposed for Parcel 2, a building envelope is shown on the Tentative Parcel Map to illustrate how a single-family residence and a two-car garage could be accommodated on the site.

V. ISSUES

A. ZONING ORDINANCE CONSISTENCY

The proposed subdivision would meet the requirements of the E-3/PUD, One Family Residence/ Planned Unit Development Zone, with the exception of the requirement that each newly created parcel have not less than sixty feet (60') of frontage on a public street; therefore, a street frontage Modification is required for each parcel. Currently, neither parcel has street frontage. Even if the shared private road were to become a public street (see private road discussion below), Parcel 1 would have only 15' of street frontage, which is less than the 60' minimum requirement.

In the E-3 zone, parcels that have an average slope under 10% require a minimum of 7,500 square feet of lot area. Parcels that have an average slope of 10% up to and including 20%

require 1.5 times the minimum lot area, or 11,250 square feet. Both Parcels 1 and 2 would meet the lot area requirements. Parcel 1, with an average slope of 6.87% and a lot area of 11,216 square feet, exceeds the minimum requirement of 7,500 square feet. Parcel 2, with an average slope of 13.94% and a lot area of 11,565 square feet, exceeds the minimum requirement of 11,250 square feet.

Parcels that are classified in a PUD zone are also classified in an A, E or R-1 base zone. If a PUD development is not proposed, any use that is permitted in the base zone (i. e. single-family residence) would be allowed on such parcels when the base zone requirements are met. A Planned Unit Development is not required. As stated previously, the proposed subdivision meets all the requirements of the Zoning Ordinance except for minimum street frontage.

B. GENERAL PLAN COMPLIANCE

A Tentative Subdivision Map is required to be consistent with the City's General Plan.

Land Use Element: The Land Use Element of the General Plan describes the project site as being located in the Westside neighborhood of the City. The Westside neighborhood consists primarily of single-family residences except for the area located between Highway 101 and San Andres Street where the General Plan calls for a density of twelve units to the acre. The proposed subdivision, which complies with the E-3 zone, is also consistent with the General Plan density of five dwelling units to the acre. The proposed parcel sizes are consistent with those in the surrounding neighborhood, which is developed with a mix of one and two-story single-family residences.

C. PRIVATE ROAD/ PUBLIC STREET

Access to the project site from Pine Drive is along a private road. Parcels on each side of the private road have a ten foot wide access easement, resulting in a paved area that is approximately twenty feet wide. Currently, the road is in need of repair; therefore, Staff recommends a condition of approval that requires the applicant to repave the private road. Once the private road is repaved, Staff would support an application to make it a public street if all of the property owners with an interest in the private road supported the application. As shown in the applicant letter, some minor encroachments would be required to be removed as part of the conversion to a public street.

Also, there are public utilities located underneath the private road. By having this private road become a public street, the City would be able to properly protect the underground utilities and would be responsible for any future repair and maintenance of the road. The applicant, with the assistance of Staff, has prepared a letter to distribute to the owners of the parcels that have access over this private road (see Exhibit D).

The Fire Department has determined the proposed fire access to be sufficient even though the existing driveway (Parcel B) is fifteen feet wide instead of the required sixteen feet, as long as all new structures on the parcels will have fire sprinkler systems and will be within 500 feet of a fire hydrant. Also, due to the lack of a turnaround area at the end of the private road, the Fire Department is requiring the dedication of an easement over the first forty-four feet of Parcel 1

for emergency access purposes. This easement dedication is shown on the Tentative Subdivision Map.

D. PUBLIC STREET WAIVER

In addition to a street frontage Modification, a public street waiver would be required to allow the approval of a subdivision where access is provided by a private road that serves more than two lots. This waiver is required only if the private road does not become a public street.

E. ENVIRONMENTAL REVIEW

Noise: According to the City's Master Environmental Assessment (MEA), the project site is located in an area of greater than 65 dBA (decibels) noise contour, with the primary noise source being the adjacent railroad and highway. During review of the project, an acoustical analysis was required in order to determine whether the noise levels can be mitigated to meet the City's requirement of 45 dbA for interior spaces and 60 dB(A) for exterior spaces. A report prepared by Davey & Associates dated March 2005, concluded that, with appropriate construction materials such as glazing, the interior noise level of a new residence on Parcel 2 would be less than 45 dbA. The report further states that all exterior living areas, such as decks and balconies, should be located on the south side of any proposed residence on Parcel 2. The applicant has incorporated the recommendations of the acoustical report into their project description. A recorded condition of approval will give future owners notice of the acoustical requirements.

Conclusion: Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Sections 15315 (Minor Land Divisions).

VI. FINDINGS

The Planning Commission finds the following:

A. STREET FRONTAGE MODIFICATION (SBMC§28.15.080)

To approve a modification for a parcel to have no street frontage, or less than the required street frontage, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

The existing parcels currently do not have public street frontage and given their location, the required street frontage could not be attained. If the private road were to become a public street, Parcel 1 would have public street frontage, although it would be less than the required minimum width. Staff is supportive of the street frontage Modification because the two existing parcels currently do not have street frontage, it is necessary in order to secure an appropriate improvement, and there is the potential that the private road could become a public street.

B. PUBLIC STREET FRONTAGE WAIVER (SBMC§22.60.300)

1. The private road will provide adequate access to the subject property and other properties using said roadway.
2. The private road and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed private road by either of the following:
 - a. There is a recorded agreement that provides for adequate maintenance of said road, or
 - b. The owner of the subject property has agreed to adequately maintain said private road and said agreement has been or will be recorded prior to recordation of the parcel map.
4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development.

C. TENTATIVE SUBDIVISION MAP FINDINGS (SBMC§27.07.100)

The proposed Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance. The site is physically suitable for the proposed development and the density of development. The development is not likely to cause substantial environmental damage or serious public health problems nor conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

Exhibits:

- A. Conditions of Approval
- B. Tentative Parcel Map
- C. Applicant's letter dated December 12, 2005
- D. Letter to neighbors dated February 24, 2006

PLANNING COMMISSION CONDITIONS OF APPROVAL

40 PINE DRIVE
MODIFICATIONS, STREET WAIVER AND TENTATIVE SUBDIVISION MAP
MARCH 9, 2006

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **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. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 9, 2006 is limited to a subdivision to create two parcels (Parcel 1 would be 11,216 square feet and Parcel 2 would be 11,565 square feet) and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 3. **Noise Protection Requirements.** Any future development of the Real Property shall incorporate the recommendations of the March 2005 Acoustical Analysis prepared by Davey & Associates into the project design.
- B. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Parcel Map Dedication(s).** Easements (as shown on the approved Tentative Subdivision Map) and shown on the Parcel Map or as a separate concurrent instrument subject to approval by the Public Works Department and/or the Building and Safety Division:

EXHIBIT A

- a. Reciprocal Access Easement, and Utility Easement (water, sewer, storm drainage and other utility purposes) for vehicles/ pedestrians and utilities through Parcel 1 for the benefit of Parcel 2.
 - b. "Irrevocable Offer of Street Easement Deed". To the extent possible, offer to dedicate a public street easement to the City over the existing private portion of Pine Drive, 20 feet in width and approximately 175 feet in length, located north of the public portion of Pine Drive.
 - c. "Irrevocable Offer for Street Easement and Emergency Access". Offer to dedicate an easement over Parcel 1, approximately 15 feet in width and 44 feet in length, measured easterly from the centerline of the street easement offering for public and emergency turn around.
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
 4. **Drainage Calculations** The Owner shall submit drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.
 5. **Off-Site Public Street Improvement Plans.** The Owner shall submit building plans for pavement reconstruction of the dedicated portion of Pine Drive and access easement shown on the Parcel Map. As determined by the Public Works Department, the improvements shall include connection to City water and sewer mains, preserve and/or reset any existing contractor stamps or survey monuments, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
 6. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Parcel Map and Concurrent Agreements.** Owner shall provide evidence of recordation of the approved Parcel Map, the Agreement Relating to Subdivision Map Conditions Imposed on Real Property, and any separately recorded easements or irrevocable offers of dedication to the Public Works Department.

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Private Driveway Improvements.** The private driveway shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
 2. **Noise Protection Requirements.** Any future development of the Real Property shall incorporate the recommendations of the March 2005 Acoustical Analysis prepared by Davey & Associates into the project design.
 3. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Parcel Map submitted to Public Works Department for review). 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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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F. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 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 allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §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 Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
 - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.

4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 5. **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, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
- G. **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.
 3. **Check Valve/ Anti-backflow Device).** The owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross connection Specialist.
- H. **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.

PLANNING COMMISSION CONDITIONS OF APPROVAL
40 PINE DRIVE
MARCH 9, 2006
PAGE 6 OF 6

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.



3 West Carrillo Street, Suite 205 Santa Barbara, CA 93101
ph: 805.962.4611 fax: 805.962.4161

P.N. 04-008.01

December 12, 2005

City of Santa Barbara
Planning Commission
Attn: Kathleen Kennedy, Assistant Planner
630 Garden Street
Santa Barbara, CA 93101

RECEIVED

DEC 12 2005

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Subject: Formal DART Application Submittal
APN 049-100-019; Pawl Property
40 Pine Drive, Santa Barbara
MST2004-00676

Dear Ms. Kennedy:

Enclosed herewith please find the following items pertaining to our application for a formal Development Application Review for a proposed merger and resubdivision of two (2) existing parcels:

- One (1) completed Master Application Form (previously submitted);
- One (1) completed Owner/Agent Authorization Form (previously submitted);
- One (1) copy of a letter from the Fire Department, dated January 6, 2005 (previously submitted);
- One (1) set of easement documents associated with the Property (previously submitted);
- Two (2) sets of site photos (previously submitted);
- Two (2) copies of an Acoustical Analysis, prepared by Davy & Associates, dated March 2005 (previously submitted);
- Two (2) copies of an Hydrology/Hydraulics Drainage Study, prepared by Dennis R. LaChaine & Associates, dated March 14, 2005 (previously submitted);
- Two (2) copies of a Preliminary Title Report, prepared by Chicago Title Company, dated March 21, 2005 (previously submitted);

EXHIBIT C

- Two (2) copies of an Amendment to Hydrology/Hydraulics Drainage Study, prepared by Dennis R. LaChaine & Associates, dated October 5, 2005;
- Two (2) copies of a Preliminary Title Report, prepared by Chicago Title Company, dated September 29, 2005;
- One (1) set of easement documents associated with the September 29, 2005 Preliminary Title Report;
- Ten (10) copies of a proposed two (2) parcel subdivision Tentative Map (3-Sheets), Revised and dated September 2005; and
- Check in the amount of \$2,990, payable to City of Santa Barbara for DART application fee. (\$1,730 Tentative Map; \$850 Modification; Environmental Review \$300; Mailing \$110) (previously submitted)

Purpose of Request

The purpose of the application request is to seek a merger and resubdivision of two (2) existing parcels totaling 22,781 square foot into two (2) parcels which will be 11,216 sq.ft. and 11,565 sq.ft. in size, respectively.

Project Setting

The project site is comprised of two (2) existing parcels totaling 22,781 square feet in size located at 40 Pine Drive in the "west side" area of Santa Barbara, adjacent southerly of the Union Pacific Railroad right-of-way. The property landform consists of a knoll and gently sloping topography averaging 10% slope gradient. The property is improved with an existing one-story single family residence located on the southwesterly portion of the property, and a dilapidated shed in the southeast corner. The remaining property landform consists of an access driveway and yard area. Some areas of the yard are heavily vegetated with non-native trees and brush. Several oak trees are on site. Surrounding land uses include residential lots on south, east and west. No rare, threatened or endangered species are known to inhabit the site.

Project Description

The project is a proposal to merge and resubdivide two (2) existing parcels which total 22,781 square feet in order to create two (2) reconfigured parcels of 11,216 square feet and 11,565 square feet, respectively. The property is within the E-3/PUD zone district.

The project site is accessed from Pine Drive, a public street, and private road and driveway easements. The proposed parcels and building sites are to be accessed by a combination of shared and individual driveways. The property is served by utilities and infrastructure for water, sewer, electrical, gas, telephone and CATV. The property does not front a public street right-of-way. Therefore, a modification of the 60 foot public street frontage requirement (SBMC §28.15.080) and a waiver of public street frontage requirement (SBMC §22.60.300) will be required as part of this formal application for subdivision.

The E-3 Zone District requires a minimum parcel size of 7,500 square feet, with additional area required depending on average slope pursuant to provision of SBMC 28.15.080. Proposed Parcel 1 has an average slope of 6.87%, is required to be at least 7,500 square feet in size, and is proposed at 11,216 square feet. Proposed Parcel 2 has an average slope of 13.94%, is required to be at least 11,250 square feet in size, and is proposed at 11,565 square feet. Both of these proposed parcels would be consistent with the Zoning Ordinance Slope Density requirements, and the average lot area requirements of the General Plan Density of 5 units per acre.

The existing residential structure is located on proposed Parcel 1. As part of the improvements proposed on Parcel 1, the applicants will provide for two covered parking spaces as depicted on the submitted plans. It should be noted that prior to the current owner's acquisition of the property, an extremely unsafe, make-shift carport had been erected on the west side of the house, as evidenced by the City's 2002 Zoning Information Report (ZIR) which stated "The carport is dangerous as it is being partially held-up by a rake." The carport safety hazard was immediately torn down upon acquisition of the property by the current owners. Additionally, a dilapidated shed was identified on the 2002 ZIR. It is the intent of the applicant to remove this shed as part of this project.

Proposed Parcel 2 is located to the east and north of the existing house and includes a proposed "development envelope" to illustrate the area of proposed Parcel 2 intended to accommodate a primary home and accessory structures. The "envelope" observes all setback requirements of the E-3 Zone District, voluntarily expands a setback to 15-feet on the northside of the Parcel 2 property, does not include a proposed area for the required 1,250 square feet of open space, and is intended to demonstrate that the lot is large enough to accept new development. It should be noted that the required 1,250 square feet of open space has been located on the south side of Parcel 2 in order to comply with recommendations included within the Acoustical Analysis. Please also note that an accessory structure envelope has been identified on the southeastern portion of Parcel 2. Within this accessory envelope a "Potential 2-Car Garage" has been identified. While no development is proposed at this time, it is anticipated that any successor owner of the

property would have the ability to choice whether a garage would be designed for this space, or included within the main building envelope on the property.

Access to Parcel 2 will be provided by a variable width access and utility easement identified as Easement D on the submitted plans. This easement will encompass the current private driveway on the property and will proceed along the southern property line where it meets up with Parcel 2.

Given that the location of this proposal is within an existing neighborhood, one which has undergone extensive redevelopment (Greenwell Acres), we believe that the reconfiguration of these two lots, and future addition of one new "in-fill" home will have no discernable environmental impacts. We believe that this merger and resubdivision can be deemed exempt from CEQA Guidelines under Section 15315 which specifically exempt minor divisions of land in urbanized residential areas.

Additional Information Requested

Pursuant to your November 4, 2004 PRT Comment Letter, the following additional studies and reports have been included with this submittal for your consideration:

An Acoustical Analysis has been prepared for this project. Given that the property is in close proximity to both the railroad and Highway 101, site monitoring and noise testing was conducted at the property site. Given the noise level results associated with the transportation corridors a number of recommendations have been included within the report including construction recommendations for a new residential structure, ventilation and exterior living requirements. These requirements will mitigate noise levels to appropriate City standards. As was noted previously, the required open space associated with Proposed Parcel 2 has been purposely located on the south side of the main building envelope in order to comply with the submitted Acoustic recommendations.

A Hydrology/Hydraulics Drainage Study has been completed for the project. The study included the analysis of three separate sub-basins in and around the project site. Storm event calculations are included for Q₁₀, Q₂₅ and Q₁₀₀ scenarios. The analysis has concluded that the future development of Parcel 2 on the sub-basins is relatively negligible. In fact, the quantities of storm run-off are much less that the inherent error factor associated with the probabilistic hydrologic analysis. The study further concludes that the railroad swale and detention meadow to the north of the property will quite adequately convey storm run-off from the development of Parcel 2. Additionally, minimal BMP's such as pervious pavement, rain gutters that lead to on-site bio-swales, and generous landscaping drainage collection areas should be incorporated into any future development plans.

Additionally, pursuant to your letter of May 18, 2005, an amendment to the Hydrology Study has been included with this submittal. While no development is proposed at this time, please note that Sheet 2 of the Tentative Map identifies the potential location of a detention facility, if necessary, consistent with the recommendations.

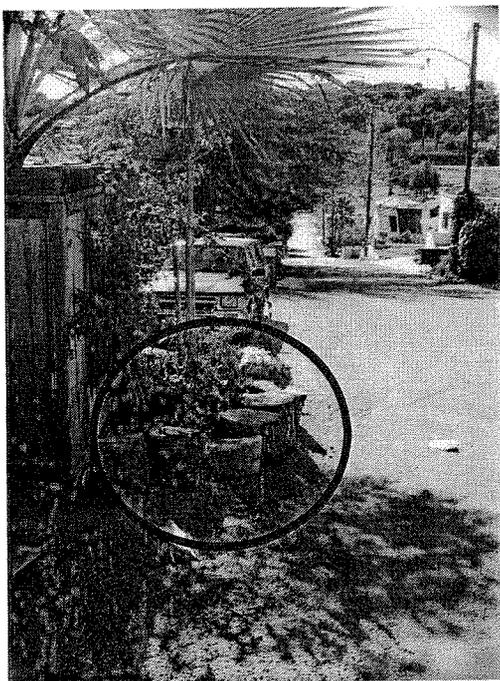
Modification of Fire Department Development Standards have also been analyzed with respect to the existing 15 foot wide parcel which will be the access to both proposed parcels. Submitted with this application is a copy of a Modification Approval letter from the City's Fire Marshall which approves the requested modification, with the requirement that any new development of Parcel 2 will be provided with an automatic fire sprinkler system, and further that there will be a new residential fire hydrant provided. Please see Sheet 2 of the plan set for the location of the proposed fire hydrant on the western side of the project, approximately 365 feet from the northwest corner of Proposed Lot 2.

Guest Parking Space on each parcel is intended to be provided on Parcel 1 in the location where the current owners have historically had their guest park, which is on the existing driveway in front of their house (See Site Photo, Proposed Parcel 1). The Parcel 2 guest parking space could be either in the main building envelope as part of a future development plan, or in front of the two covered spaces within the accessory envelope, depending on the desire of the successor owner.

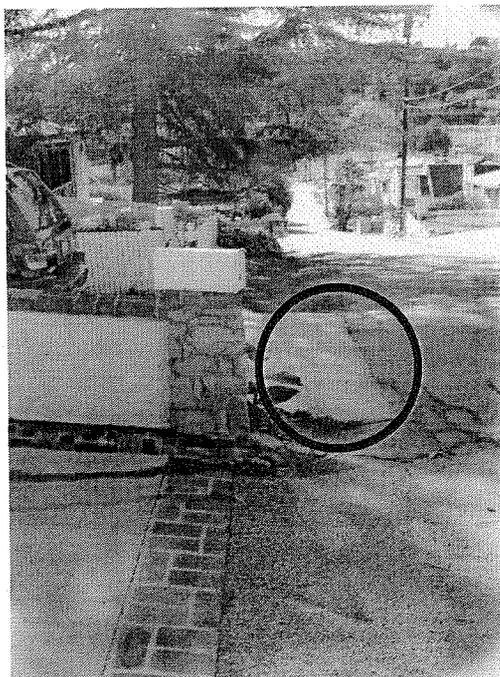
Staff Requested Public Road for the northerly portion of the existing private driveway above Pine Drive. It is our understanding that City Staff would like the applicant to initiate an effort to encourage the neighbors on the private portion of Pine Drive to let the City take over repair and maintenance activities on their roadway. Part of that effort may involve participation of City staff in order to accurately present the City's position and perspectives regarding taking over these activities. While the applicant has no ownership of, or legal control over, this portion of Pine Drive, we are willing to proceed with such an effort to encourage the property owners of the neighborhood, and would respectfully request that we work cooperatively with Planning and Transportation Staff for their involvement and guidance.

It is also our understanding that if this resubdivision is approved the project will be conditioned to provide for pavement reconstruction of the existing private portion of Pine Drive. Then, if the road becomes public, no additional changes would be recommended for the road, and the City would thereafter take over the responsibility of repair and maintenance of this northerly road portion.

Additionally, per your request we have identified minor improvements that appear to be within the private road easements. Below please find photo documentation which encircles the potential encroachment of a small boulder, tree log pieces and curb berm at the northwest property corner of 38 Pine Drive. The second photo shows the entrance to 32 Pine Drive and approximately 12 inches of a concrete driveway within the easement. The photos are taken looking south down the private portion of Pine Drive. It does not appear that any walls encroach into these easements on either side of the private roadway.



38 Pine Drive
(Boulder/Tree Logs/Asphalt Berm)



32 Pine Drive
(Concrete Driveway)

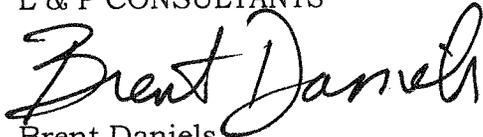
Summary

We have proposed a project which appears to be consistent with density of the existing built neighborhood, and lot size requirements of the General Plan density, and the Zoning Ordinance. Two parcels currently exist on the property, and two parcels will result from this application. Both proposed parcels meet the slope density requirements of the E-3 Zone District. As an in-fill project we believe that we are fully consistent and compatible with the surrounding uses, in fact the resulting lots sizes will be larger than most properties in the immediate neighborhood. Also, as an in-fill project we are of the opinion that no significant environmental impacts would result from this project. We believe that an objective analysis and review will confirm this perspective. Thank you for your consideration.

City of Santa Barbara, Planning Division
Formal DART Application
40 Pine Drive (MST 2004-00676)
December 12, 2005
Page 7 of 7

If you have any questions or wish to discuss this project further, please do not hesitate to contact me.

Very truly yours,
L & P CONSULTANTS

A handwritten signature in black ink that reads "Brent Daniels". The signature is written in a cursive, flowing style.

Brent Daniels
Project Manager

cc: Justin Pawl w/enc.

(G:\2004\04-008.01 Pawl Pine Drive\Word\BKD- DART App Ltr 12-12-05.doc)

February 24, 2006

Pine Drive Owners
(Name)
(#) Pine Drive
Santa Barbara, CA 93105

SUBJECT: UPPER PORTION PINE DRIVE - REPAIR AND MAINTENANCE

Dear (owner's name):

We are the owners of 40 Pine Drive (Justin and Michele Pawl) and are currently processing a two lot subdivision in the northern corner of the neighborhood, next to the railroad tracks. This subdivision would create one new lot for a future house. We would like to take this opportunity to make you aware of a plan to repair, upgrade and maintain our existing private upper portion of Pine Drive located on our property, and located on adjacent properties, including yours, at no cost to you.

As part of the approval process for the subdivision, we anticipate City staff will likely recommend that the City Planning Commission require that we reconstruct the pavement on our private upper portion of Pine Drive. This repaving effort would only be scheduled well after the City has approved the subdivision which is tentatively scheduled to be heard at the City Planning Commission on March 9, 2006.

Repaving the street will benefit the neighborhood by bringing the private portion of Pine Drive up to current City standards. Further, there are existing public utilities underneath this portion of the roadway that serve our property and yours, which will benefit from and be better protected by the reconstructed road. Without the required road restoration, our underlying utilities over time may need additional repair work due to age and possible lack of private road maintenance.

It is important to understand that once our private road has been reconstructed and upgraded to appropriate minimum City standards, we, the owners of the private street, may request that the City accept the upgraded private street as a public street. If the City Council agrees to accept the street as a public street, the City would then have the responsibility of future repair and maintenance of the upper portion of Pine Drive and any City-owned facilities, and the street easement would permit future maintenance of any transmission main utilities by the utility companies, again at no future cost to the property owners.

We are offering to do all the necessary paperwork to process the public street request. If the request is approved, this paperwork will require all of the effected property owners to execute easements for public street and all related purposes.

Letter to Property Owners
PINE DRIVE STREET REPAIR AND MAINTENANCE
February 24, 2006
Page 2 of 2

City staff has told us that the City does not intend to require any property owner to sign their street easement against their will. However, unless all of the property owners with an interest in the private street execute the necessary easements, City staff may recommend that the City Council not approve the public street request and the street would remain a private street. If the request is approved and the easements accepted by the City Council, the executed easement deeds will be recorded in the Official Records of Santa Barbara County, again at no cost to you.

In summary, as part of our proposed subdivision at 40 Pine Drive, subject to action by the City as may be recommended and required, we are offering the following at no cost to our neighbors:

- Reconstruction of our private street;
- Preparation of easement deeds for voluntary execution and possible recommended acceptance by City Council;
- Future repair and maintenance of the public street by the City; and
- Future maintenance of public utility transmission mains by the respective utility companies.

We hope that you will read this letter in a positive light, and understand that the repair and maintenance of this upper private portion of Pine Drive can be upgraded and possibly permanently transferred to the City at no cost to you. In anticipation of questions for us, we offer to show you our subdivision plan, and a sample of the necessary public street easement deed that the City would require. Please call us at 805-729-0200, or stop by our house to discuss our plans. We look forward to hearing from you and would appreciate your cooperation with our plans to create one new lot and repave the street.

Sincerely,

Justin Pawl

Michele Pawl

Cc: City Planning Commission
File