



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 014-07

561 W. MOUNTAIN DRIVE

MODIFICATIONS, PUBLIC STREET FRONTAGE WAIVER, TENTATIVE SUBDIVISION MAP, AND  
NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS

MARCH 15, 2007

**APPLICATION OF BRENT DANIELS, AGENT FOR JORGENSEN RANCH, LLC,  
561 W. MOUNTAIN DRIVE, APN: 021-110-018, A-1 ONE FAMILY RESIDENCE ZONE,  
GENERAL PLAN DESIGNATION: RESIDENTIAL – 1 UNIT PER ACRE (MST2004-00206)**

The project consists of a 4-lot subdivision of an 8.8 acre parcel. New lots would range in size from 1.68 to 2.32 net acres. The project includes the construction of new homes on three of the lots, each requesting a garage size modification, and maintenance of the existing adobe house on Lot 2. Each lot requires a lot frontage modification and a public street waiver. Neighborhood Preservation Ordinance findings are required for grading in excess of 500 cubic yards outside of the building footprints. Infrastructure improvements related to the subdivision are proposed, including a new private road, utilities and fire hydrants.

The discretionary applications required for this project are:

1. Modifications (four) to allow each of the newly created lots to have less than the required 100 feet of frontage on a public street (SBMC §28.15.080);
2. Modifications (three) to allow the garages on Lots 1, 3 and 4 to exceed 750 square feet (SBMC §28.87.160.4);
3. A Public Street Frontage Waiver to create three new lots that do not front on a public street (SBMC, §22.60.300);
4. A Tentative Subdivision Map to allow the division of one parcel(s) into four lots (SBMC 27.07); and
5. Neighborhood Preservation Ordinance Findings to allow grading in excess of 500 cubic yards on a project site located within the Hillside Design District (SBMC §22.68.070).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15315 [Minor Land Divisions] and 15303 [New Construction].

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

**WHEREAS**, 2 people appeared to speak in favor of the application, and 12 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 15, 2007.
2. Site Plans

3. Correspondence received expressing concern regarding the project:
  - a) Ms. Cody Campbell, 559 Mountain Drive, Santa Barbara, CA 93103
  - b) Carl Gutiérrez-Jones, 563 Mountain Drive, Santa Barbara, CA 93103
  - c) Sally Sphar (no address provided)
  - d) John Warnock, 599 Mountain Drive, Santa Barbara, CA 93103
  - e) Kellam De Forest, 2651 Todos Santos Lane, Santa Barbara, CA 93105
  - f) Craig & Suzan Christenson, 557 Mountain Drive, Santa Barbara, CA 93103
  - g) Lori Balance & Chris Weidmann, 565 West Mountain Drive, Santa Barbara, CA 93105
  - h) Muriel Ridland, Riviera Association Board of Directors, P.O. Box 41838 Santa Barbara, CA 93140-1838

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

- I. Approved the subject application making the following findings and determinations:
  - A. **Lot Frontage Modifications (SBMC §28.15.080)**

The modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The subject property is landlocked, with access via an easement from West Mountain Drive. The existing lot does not satisfy the required lot frontage requirements. The subdivision will create three additional lots that take access off of West Mountain Drive through a shared private road. The private road will be constructed to public road standards and will be offered for dedication (within the subject property) as a public road. The development satisfies the minimum Fire Department access requirements and does not compromise public health or safety. The subdivision is consistent with other lots in the surrounding area that are similarly situated.

**B. Garage Size Modifications (SBMC §28.92.110 (1))**

The modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The subdivision would create three new lots that take access off of a private road, which does not provide any area for on-street parking. Because these lots do not have direct access to on-street parking, the provision of additional off-street parking is important. The increased garage square footage provides area to accommodate three cars. Proposed garage sizes range from 767 net square feet to 819 net square feet. The garages are tucked into each site and do not create visual concerns given their design and location.

**C. Public Road Waiver (SBMC §22.60.300)**

1. The existing private driveway will be improved to public road standards to provide adequate access to the proposed parcels. The proposed private road is acceptable to the Fire Department and Public Works Department. The proposed private road will provide adequate access for fire suppression vehicles, as required by applicable fire regulations.
2. There is adequate provision for maintenance of the proposed road as outlined in the draft Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane), which requires the owners of the proposed lots to adequately maintain the private road. This Declaration will be recorded prior to or concurrent with recordation of the Parcel Map.
3. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development of a public road to serve the proposed lots will not improve the quality of the development, and would require additional paving and road width to allow for parking areas. The proposed improvements to the existing private road will result in better access and circulation than currently exists. In addition, fire turnaround areas and fire hydrants will be provided as required by applicable fire regulations.

**D. The Tentative Map (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the slope density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

**E. Neighborhood Preservation Ordinance Findings (SMBC §22.68.060)**

1. The public health, safety and welfare are protected. The project's access road will be widened and improved, and two new private fire hydrants will be installed along the private road, thereby improving emergency access and fire

protection to the existing residence as well as the proposed new residences. The new residences have been sited and designed to avoid any geologic or other public safety impacts.

2. The grading and development are appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.
3. The project will, to the maximum extent feasible, preserve and protect native and mature trees with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk. The oak trees with a diameter of four inches (4") or more at four feet (4') above natural grade that are proposed to be removed, will be replaced on a five-to-one basis. Designated Specimen, Historic and Landmark trees will not be removed.
4. The development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The proposed homes have been designed to blend in with the natural hillside and will not block public views or change the overall character of the neighborhood.
5. The development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The project site is significantly larger than the majority of the adjacent neighborhood's lots, and, following the subdivision, each new lot would be in keeping with, if not larger than, surrounding lot sizes. Each proposed new residence has been designed to blend in with the hillside and appear as a one-story residence.
6. The development will preserve significant public scenic views of and from the hillside. Given the site's topography, it is difficult to see from any public vantage point. The house designs maintain a low profile on the hillside, and will not block any significant public views.

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 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.
  2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).

3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control systems fail to capture, infiltrate and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment, or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project related drainage facilities, and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
5. **Development Rights Restrictions.** The Owner shall not conduct any development within the restricted portion of the Real Property (that area outside of the development envelope) as designated on the approved Tentative Subdivision Map in order that those portions of the Real Property remain in their natural state. These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures or utility service lines. The restricted areas shall be shown on the Final Map. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
6. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 15, 2007 is limited to four lots, the construction of three new residences with garages and associated landscape improvements as shown on the approved architectural drawings and as conditioned herein, 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. The building envelope on Lot 2 shall be reduced to follow the 705 foot contour. No detached accessory structures shall be permitted on Lot 2. Building pad elevations or building heights for Lots 1 and 3 shall be reduced.
7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement

agreement, or a similar agreement which, among other things, shall provide for all of the following:

- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common access way(s), common utilities, and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels. This document shall be reviewed and approved by the Public Works Department, Fire Department, Community Development Department and City Attorney prior to recordation, and shall be similar to the draft "Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane)" reviewed by the City in 2007.
  - b. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - c. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
9. **Tree Protection.** The existing trees shown to be protected on the Tree Protection and Removal Plan shall be preserved, protected and maintained in accordance with the recommendations contained in the arborist's report and supplement prepared by Westree, dated March 21, 2006 and December 15, 2006, respectively. A copy of these reports shall be attached to the recorded conditions as an exhibit. The following provisions shall apply to any oak trees to remain on the property:
- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
  - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

10. **Pesticide or Fertilizer Usage Near Creeks/Drainages.** The use of pesticides or fertilizer shall be prohibited within the areas outside of the development envelopes as identified on the approved Tentative Map, which drain directly into adjacent drainages.
  11. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the 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 Building Official and/or the Public Works Director.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions are satisfied:
1. **Lot 1.** Building pad elevations and/or building height shall be reduced.
  2. **Lot 2.** No detached accessory structures shall be permitted and the building envelope shall be reduced to follow the 705 foot contour.
  3. **Lot 3.** Building pad elevations and/or building height shall be reduced.
  4. **Tree Removal and Replacement.** Tree removal and replacement shall be per the Tree Protection and Removal Plan and Landscape Plan prepared for the project and approved by the Planning Commission.
  5. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
    - a. **Fencing.** During construction, fencing or protective barriers, such as a 6-foot tall chain link fence or orange construction fence with metal stakes, shall be provided around all trees proposed to remain, at the critical root zone or where practical.
    - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
    - c. **Arborist's Report.** All recommendations/conditions contained in the arborist's reports prepared by Peter Winn of Westree, dated December 10, 2004, March 21, 2006 and December 15, 2006, shall be printed on the Landscape Plan and shall be implemented on site.
    - d. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site, in addition to those measures identified in the Arborist's report:
      - (1) Grading under any oak tree dripline shall be minimized. Grading within the dripline during construction shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the

dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- (2) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree.
  - (3) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
  - (4) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
  - (5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
6. **Tree Relocation.** A Transplantation Plan shall be prepared to provide measures for ensuring successful transplantation of all trees proposed to be removed that were identified as transplantable in the Arborist Report prepared by Westree and dated March 21, 2006.
  7. **Landscaping In Access Easement.** Landscaping within the island located at the fork in the private access easement shall be maintained at a height of no more than 18 inches. Existing landscaping that impedes driver or pedestrian visibility shall be removed. Existing trees whose canopies are tall enough such that they do not interfere with sight lines for drivers or pedestrians can remain.
  8. **Landscape Plan.** The landscape plan and/or Tree Protection and Removal Plan shall incorporate the following information and/or notes:
    - a. **Needlegrass Transplantation.** Needlegrass clumps in areas proposed for disturbance (Lot 3) shall be excavated and transplanted to undisturbed portions of the lot or parcel, and this species (*Nasella pulchra* or *Nassella lepida*) shall be incorporated into the landscaping plan for several, if not all, lots.
    - b. **Scrub Oaks.** A qualified biologist shall collect acorns from existing scrub oaks on the parcel and germinate them in 1-gallon containers for planting on the parcel at a planting ratio of 10:1 and a survival ratio of at least 2:1. These planting shall be maintained as part of the planting plan for the parcel until they are established. Prior to grading or other soil disturbance, a qualified biologist shall supervise installation of orange construction fencing around the dripline of scrub oaks to be protected. The fencing shall remain in place for the duration of construction.

- c. **Coast Live Oaks.** A qualified biologist shall collect acorns from existing coast live oaks on the parcel and germinate them in 1-gallon containers for planting on the parcel at a planting ratio of 10:1 and a survival ratio of at least 2:1. These plantings shall be maintained as part of the planting plan for the parcel until they are established.
- d. **Nesting Survey – Coast Live Oaks.** No earlier than two weeks prior to tree removal, a qualified biologist shall survey the trees for nesting/roosting raptors and bats. Trees to be removed shall be clearly marked and the biologist shall supervise removal. Tree removal shall be timed to avoid the nesting season for birds (October 16 through June 30). If nesting birds are found in or immediately adjacent to trees slated for removal, these activities shall be halted until young have fledged the nest.
- e. **Nesting Survey –Other Trees.** No earlier than two weeks prior to site grading or any other soil disturbance, a qualified biologist shall conduct a breeding bird/raptor/bat survey of the site. Site grading and tree removal shall be timed to avoid the nesting season for birds (October 16 through June 30). If trees are occupied, the biologist shall consult with the California Department of Fish and Game to determine a proper course of action. Actions could include imposing a no-disturbance zone in a 500-foot radius around the occupied tree(s) until young birds have fledged the nest, or methods for removing and relocating bats to other, undisturbed trees.
- f. **Special-Status Species Survey.** No earlier than two weeks prior to site grading or any other soil disturbance, a qualified biologist shall survey the proposed development envelopes and access road for special-status species. The biologist shall monitor initial site grading. The biologist shall work with the heavy-equipment operator to monitor removal and stockpiling of vegetation and the top few inches of topsoil so that any legless lizards, snakes, rodents, etc. that may be uncovered can be captured and relocated out of harm's way. Exposed boulders disturbed during site grading shall be carefully relocated outside the development envelope on the same lot and oriented in the same direction in order to preserve lichen diversity.
- g. **Fire Protection Plan.** A qualified biologist shall review the Landscape/Fire Protection Plan to ensure that the plan adequately addresses the need for eliminating and controlling non-native plant species, maintaining existing vegetation, and planting of additional native species to offset impacts to native species during construction. Shrub removal and tree trimming shall be timed to avoid the nesting season for birds (October 16-June 30). A qualified biologist shall conduct a breeding bird/raptor/bat survey of the site no earlier than one week prior to the

start of vegetation modification activities. If trees are occupied, the biologist shall consult with the California Department of Fish and Game to determine the proper course of action. A qualified biologist shall supervise tree trimming and shrub removal activities during the construction and landscaping phase of the project.

- h. **Non-native Plant Control.** The Landscaping Revegetation and Erosion Control Plan shall include measures for eliminating and controlling invasive non-native plants. Examples of measures can be found in the Biological Assessment prepared by Lawrence Hunt and dated 14 June 2006.
  - i. j. **Non-Native Vegetation in Existing Seasonal Drainages.** A qualified biologist shall be present during the first round of non-native plant removal/control to ensure that the work crew recognizes the target species and are applying the herbicide correctly. The herbicide shall only be applied in the dry season when wind conditions are less than 5 mph. Control methods shall be employed twice each year (April and September) for at least two years, or until no non-native species are found. Potential target species include cape ivy, periwinkle, pampas grass, tree tobacco, sweet fennel, castor bean, acacia, eucalyptus, pittosporum and other non-native trees. More specific eradication methods for each species are identified in the Biological Assessment prepared by Lawrence Hunt and dated 14 June 2006.
  - k. **Re-vegetation Planting Palette in Existing Seasonal Drainages.** Only native, locally-occurring species shall be planted and these plants must be maintained on drip irrigation until they become established (typically 3-5 years, but may be as little as 2-3 years). The planting palette shall contain a mixture of canopy, understory and ground cover species. Appropriate species, planting methods, suppliers, etc. are identified in the Biological Assessment prepared by Lawrence Hunt and dated 14 June 2006.
  - l. **Re-vegetation Monitoring.** A qualified biologist shall monitor the success of the landscaping Plan. The biologist shall examine the site after initial planting, the monitor once each year until the plants are self-sufficient, up to three years. The success of the planting and non-native plant removal effort shall be documented in an annual brief letter report to the City of Santa Barbara. The letter shall contain recommendations to correct or improve deficiencies, if necessary, and the monitor shall meet with the landscape contractor to implement these corrections.
9. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

10. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  11. **Permeable Paving.** A permeable paving system shall be incorporated, to the extent feasible, for the project driveways, walkways and parking areas that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.
- C. **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 and prior to the issuance of any permits for the project :
1. **Parcel Map.** The Owner shall submit to the Public Works Department for review and 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. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:  

A variable width right of way and cul-de-sac easement to the City of Santa Barbara for all street purposes including ingress, egress, public and private utilities, public and private drainage and emergency access purposes along proposed private street.
  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 in an "Agreement Assigning Water Extraction Rights". Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
  4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
  5. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff will be retained on-site.
  6. **New Private Street Improvement Plans.** The Owner shall submit building plans for construction of improvements beginning at the property frontage accessed from Mountain Drive for construction of a new private road to City standards. The new street shall be constructed to the City's PMS of PQI/PCI =

80 minimum, and as identified in the Army Corps of Engineer's *Pavement Distress Identification Guide for Asphalt Surfaced Roads and Parking Lots*.

C-1 civil engineered plans for the road construction shall be submitted separately from plans submitted for any building construction. The improvements shall be designed in accordance with the 2006 Greenbook and the draft City Design Guidelines. Improvements shall include but not be limited to: asphalt concrete pavement on aggregate base, driveway aprons, curbs, gutters, underground service utilities, construction of private water and private sewer mains and connection to City water and City sewer mains, private drainage improvements with supporting final drainage calculations and/or a final hydrology report for installation of on-site drainage pipe, detention trenches, on-site biofilter/swale sized per drainage calculations, erosion protection, on-site storm water BMP plan, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs as determined by Public Works Transportation Operations, and provide adequate positive drainage from site.

As determined by the Community Development Department, Building & Safety Division, abandon the existing private septic tank serving the original structure on the property and connect to new private utility infrastructure. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit

7. **Public Street Improvement.** Provide a video tape to the Public Works Department of the existing road conditions along the anticipated haul routes to the subject site prior to issuance of any permits. Prior to Certificate of Occupancy repair any damage to Mountain Drive caused by construction vehicles and submit a post-construction video of the repaired roads prior to acceptance of the private road improvements.
8. **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 the private road improvements* prior to execution of the agreement.
9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
10. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed private road and associated improvements, subject to the review and approval of the Public Works Director, Fire Department, Community Development Director and City Attorney. This document shall be similar to the draft "Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private

Road Owners' Association (Jorgensen Lane)" reviewed by the City as part of the Development Application Review Team process.

- D. **Public Works Requirements Prior to Grading or 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 Grading or Building Permit for the project.
1. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
  2. **Approved Private Road Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved C-1 private road improvement plans, a Public Works permit shall be issued concurrently with a Grading or Building permit.
  3. **Private Road Name.** The new private road shall be named "Jorgensen Lane" upon review and acceptance of the Planning Commission, and subsequent consent approval by City Council for the Parcel Map along with a concurrent Resolution at time of Parcel Map approval (SBMC 22.48.080).
- E. **Community Development Requirements Prior to Grading, 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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
  2. **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.
  3. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and

environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect, the Arborist, the Landscape Architect, the Biologist, the Project Engineer, the Contractor and each subcontractor.

4. **Biologist and Arborist Monitoring Contracts.** Submit to the Planning Division contracts with a qualified biologist and a qualified arborist for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance, as outlined in the Biological Assessment, prepared by Lawrence Hunt, dated June 14, 2006, and the Arborist Report, prepared by Westree, dated December 10, 2004, with an Addendum dated March 21, 2006. The contract shall be subject to the review and approval of the Planning Division.
  5. **Structure of Merit Designation.** A final decision on the designation of the existing adobe residence as a Structure of Merit shall occur in accordance with SBMC §22.22.085 prior to issuance of a building or public works permit for the project.
  6. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- F. **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. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.
  2. **Pre-Construction Conference.** Prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor within ten days of commencing construction. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Contractor and each Subcontractor.
  3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads

towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment from the parking areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks or drainages. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner.

4. **Technical Reports.** All recommendations of the soils report, approved by the Building and Safety Division, shall be incorporated into the construction plans.
5. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
6. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
7. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
8. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
9. **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., Final 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:

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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.

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Construction Timing.** Private road and access improvements shall occur prior to construction of the residences to ensure public safety and orderly development {SMA 66411.1(b) (1) & (2)}.
2. **Drainage and Water Quality.** The first 1" of stormwater runoff shall be retained and treated on the individual lots in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a water treatment device such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater devices and project development shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control devices in a functioning state.
3. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials.
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 Public Works Director.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day ..... January 1st\*  
 Martin Luther King's Birthday..... 3rd Monday in January  
 Presidents' Day..... 3rd Monday in February  
 Memorial Day..... Last Monday in May

Independence Day ..... July 4th\*  
Labor Day ..... 1st Monday in September  
Thanksgiving Day ..... 4th Thursday in November  
Following Thanksgiving Day ..... Friday following Thanksgiving Day  
Christmas Day ..... December 25th\*

\*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.

7. **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 and parking for construction workers within the public right-of-way is prohibited.
  - (c) Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
8. **Traffic Control Plan.** Prior to issuance of a building permit, a traffic control plan will be required, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director.
9. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur. 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.

10. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
11. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
12. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
13. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
14. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
15. **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, 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.
16. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
17. **Tree Protection.** Notes on the grading plan that specify the following:
  - (a) No grading shall occur under the driplines of the existing tree(s).
  - (b) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.
  - (c) All excavation within the dripline of the tree(s) shall be done with hand tools.
  - (d) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
  - (e) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
  - (f) Any root pruning and trimming shall be done under the direction of a qualified Arborist.

- g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- 18. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- 19. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- 20. **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.

- H. **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, roadways, 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 in the improvement/building plans, including utility service undergrounding and installation of street trees.
  3. **Backflow and/or Backwater Device.** Provide an approved backwater or backflow device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
  4. **Manholes.** Raise sewer manhole on easement to final finished grade.
  5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

#### **NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:**

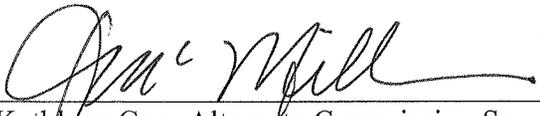
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.

PLANNING COMMISSION RESOLUTION No. 014-07  
561 W. MOUNTAIN DRIVE  
MARCH 15, 2007  
PAGE 21

This motion was passed and adopted on the 15th day of March, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 (Jostes, Larson, White) ABSTAIN: 0 ABSENT: 0

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.



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Kathleen Goo, Alternate Commission Secretary

4-19-07

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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.