



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 7, 2007
AGENDA DATE: March 15, 2007
PROJECT ADDRESS: 561 W. Mountain Drive (MST2004-00206)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

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 subject parcel is located in the foothills of the Santa Ynez Mountains, north of Highway 192, south of Las Canoas Road and approximately 550 feet northwest of the Sheffield Reservoir. The site is accessed via an easement that extends west from Mountain Drive and then turns northerly to the site. Although the paved access road width is only 15-20 feet, the access easement in favor of the subject parcel is 50 feet in width.

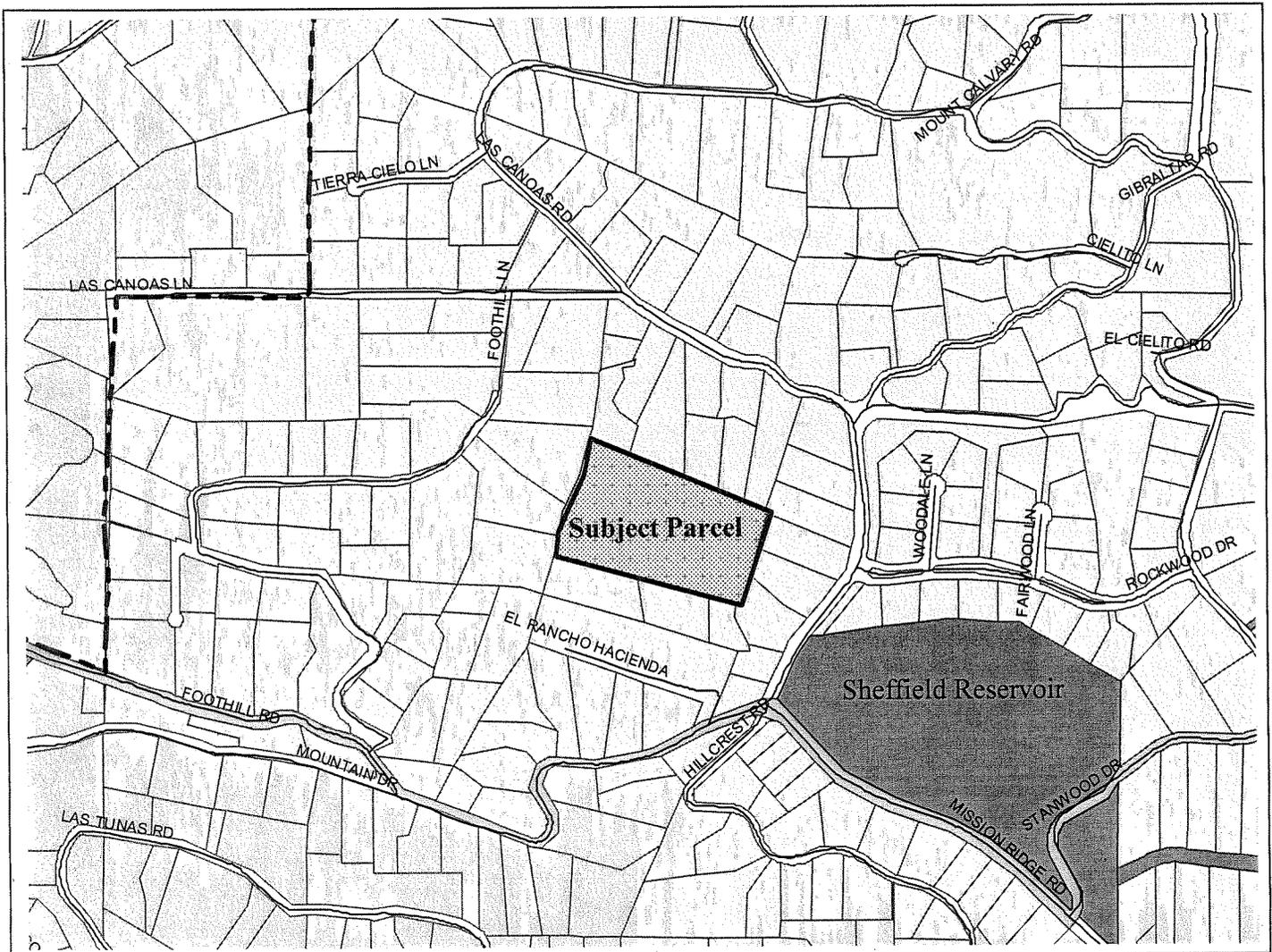
II. REQUIRED APPLICATIONS

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).

III. RECOMMENDATION

With approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map – 561 W. Mountain Drive

APPLICATION DEEMED COMPLETE: February 15, 2007
DATE ACTION REQUIRED PER MAP ACT: May 4, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Brent Daniels, L&P Consultants	Property Owner: Jorgensen Ranch, LLC
Parcel Number: 021-110-018	Lot Area: 8.81 acres
General Plan: Residential, 1 unit per acre	Zoning: A-1, One-Family Residence
Existing Use: Single-family residence	Topography: approx. 18% slope
Adjacent Land Uses:	
North – Single-Family Residential	East – Single-Family Residential
South - Single-Family Residential	West - Single-Family Residential

B. PROJECT STATISTICS

Lot #	Lot Area (Net)	Development Envelope Slope	Living Area (sq. ft.)	Garage (sq. ft.)	Accessory Space (sq. ft.)
1	2.21 acres	11.21%	4,147	819	81
2	2.16 acres	15.48%	2,572	450	N/A
3	2.32 acres	16.65%	4,707	767	83
4	1.68 acres	14.07%	4,316	767	456

V. ZONING ORDINANCE CONSISTENCY

The project site is zoned A-1, One Family Residential. In the A-1 district, the minimum lot size requirement is 1 acre (43,560 square feet). Slope density requirements are applied to the site in recognition of the steep topography, which increases the required minimum lot size based on the slope of the lot. Project compliance with these requirements is identified in the following table:

Lot #	Average Slope	Required Lot Area with Slope Density (Net)	Proposed Lot Size (Net)
1	17.99%	1.5 acres	2.21 acres
2	18.43%	1.5 acres	2.16 acres
3	20.05%	2.0 acres	2.32 acres
4	18.78%	1.5 acres	1.68 acres

The project's compliance with additional A-1 zoning standards is identified in the table below:

Standard	Requirement/ Allowance	Existing	Proposed
Lot Frontage	100 feet	0 feet	No lot has 100 feet of frontage on a public street
Setbacks -Front -Interior	35 feet 15 feet	N/A 170 feet	At least 35 feet At least 15 feet
Building Height	30 feet	15 feet	No structure exceeds 30 feet in height
Parking	2 covered spaces	2-car garage	2 garage spaces provided for each lot; Lots 1, 3 and 4 are requesting three-car garages
Open Yard	1,250 square feet	Significantly more than 1,250 square feet	Each lot has significantly more than 1,250 square feet

The proposed project would comply with the requirements of the A-1 Zone, with the exception of the lot frontage provided for each newly created lot and the garage sizes proposed for Lots 1, 3 and 4. Additional information on these modification requests is provided in Section VII below.

VI. HISTORY

A. PLANNING COMMISSION CONCEPT REVIEW

This project was conceptually reviewed by the Planning Commission on July 14, 2005. At that time, the project description included a six-lot subdivision, with one of the lots being designated as an affordable home site. The main issue areas discussed at that meeting included the appropriateness of granting a lot area modification in order to provide an affordable unit in a low-density residential area, and the lack of staff support for a private road to access the development. The Staff Report and Minutes from that meeting are attached as Exhibits G and H, respectively.

B. DEVELOPMENT APPLICATION REVIEW TEAM (DART)

This project has been extensively reviewed through the City's DART process. The first DART review occurred prior to the Planning Commission concept review of the project. Subsequent to that hearing, a second DART submittal was received by the City on June 15, 2006. The project description had been revised to the current proposal. At that time, staff expressed continued concern with the public street frontage waiver and recommended that a public, rather than private, road serve the development. Planning staff also expressed concern that the project had more development than directed by the Planning Commission at the concept review hearing.

Following that DART review, the applicant submitted a Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane) for staff's consideration (Exhibit D). After reviewing this document, staff was comfortable that the same level of maintenance of the private road would be achieved as compared to a public road, and that this would ensure public health, safety and welfare to the same extent as a public road. As such, staff was able to support the public road waiver requests.

A third DART submittal was made on January 5, 2007. At this point, the application was deemed conditionally complete, and staff made the determination that the proposed four lot subdivision could be supported.

C. DESIGN REVIEW

This project was reviewed by the ABR on August 7, 2006 (meeting minutes are attached as Exhibit G). At that meeting, the ABR was generally supportive of the subdivision, lot sizes, proposed layout, and architecture. They expressed some concern with the amount of paving and grading, and asked for an analysis of and comparison to adjacent structures.

VII. ISSUES

A. PUBLIC STREET FRONTAGE WAIVER

The subject parcel is landlocked and takes access via a private road easement from Mountain Drive. Although the applicants are willing to offer that portion of the road located on their property to the City for dedication as a public road, there is an intervening section of road that connects the subject parcel to Mountain Drive that they do not have the authority to offer. The City will not accept a road dedication until a connection to the existing public road (Mountain Drive) can be established.

Therefore, the project requires a Public Street Frontage Waiver. Santa Barbara Municipal Code Section 22.60.300 requires that each lot created by a new subdivision front upon a public street or private driveway serving no more than two lots, unless this requirement is waived by the Planning Commission. Staff generally supports public street frontage waivers when no more than four lots would be served by the private road/driveway. Currently, five parcels take access off this private road. Following the proposed subdivision, eight parcels would take access off the private road.

In order to waive the public street frontage requirement, the Planning Commission must find that:

1. The proposed driveway(s) would provide adequate access to the subject sites, including access for fire suppression vehicles.
2. There is adequate provision for maintenance of the proposed private driveway(s) through a recorded agreement.
3. The waiver is in the best interest of the City and will improve the quality and reduce the impacts of the proposed development.

Staff had initially determined that these findings could not be made, primarily due to maintenance concerns related to both public infrastructure and fire protection.

Since that time, the applicant has provided staff with a Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane) (Exhibit D). Staff, including the City Attorney's office, has thoroughly reviewed this document, and believes that adequate provisions to ensure the maintenance required on the utilities, roads and fire equipment has been incorporated into the Declaration. This includes maintenance of the fire hydrants and associated water mains, valves, equipment and lines; road pavement; drainage facilities and landscaping; with specific requirements for funding and enforcement, and provisions for the City to enforce the requirements if necessary or appropriate. Findings to support the Waiver are included in Section VIII below.

Regardless of whether the road is private or public, it is required to be constructed to City public road standards.

B. LOT FRONTAGE MODIFICATION

Santa Barbara Municipal Code, Section 28.15.080 (Lot Frontage Requirements) requires that newly created parcels in the A-1 Zone have no less than 100 feet of frontage on a public street. In the proposed project, none of the newly created lots would have any frontage on a public street, as the subject parcel is landlocked and the only access is via an easement. Therefore, a Modification of this requirement for each lot is necessary. This is a common occurrence in the surrounding area. Findings for the Lot Frontage Modifications are included in Section VIII below.

C. GARAGE SIZE MODIFICATIONS

Santa Barbara Municipal Code, Section 28.87.160.4 (Accessory Buildings) mandates that the maximum garage square footage allowed for a lot in the A-1 zone is 750 square feet. The subject parcel does not have access to street parking. As such, staff believes that providing additional parking on site is important. Staff can support the garage size modifications given the size of the lots, the benefit and necessity of providing additional off-street parking and the fact that the garages are not readily visible to the public.

However, related to the provision of off-street parking, staff does have concerns with the amount of paving provided on the lots. While some of this paving provides important fire turnaround areas, some is intended solely for the individual parcels (Lots 1 and 4 specifically). Staff believes that the amount of paving can be reduced on these parcels. Specific reductions have not been identified or required as conditions of approval, but it is an issue that warrants Planning Commission discussion.

D. NEIGHBORHOOD PRESERVATION ORDINANCE

The subject parcel is located in the Hillside Design District. Proposed development is subject to the City's Neighborhood Preservation Ordinance (NPO). The NPO requires approval by the

Architectural Board of Review (ABR) for any residence, grading, vegetation removal or other site improvements (SBMC §22.68.040). Additionally, if the amount of grading on any lot exceeds 500 cubic yards (excluding grading for the building foundation for any main structures), the development requires NPO approval by the Planning Commission. The proposed project involves approximately 1,625 cubic yards of cut and 1,600 cubic yards of fill, for a total of 3,225 cubic yards of grading. Of that total, 1,500 cubic yards is for the road, driveways and yard improvements.

Currently, the NPO requires that the Planning Commission make findings pertaining to maintenance of the natural appearance and topography of hillsides and ridgelines, protection of native trees, preservation and enhancement of scenic character, neighborhood compatibility and protection of scenic views. Staff believes that the proposed project has reduced grading to the maximum extent feasible and the existing topography will be essentially maintained; that natural vegetation, including oak trees, has been preserved to the maximum extent feasible; that the proposed lots and homes are compatible with the surrounding neighborhood and will be minimally visible due to the site topography; and scenic views will not be affected.

Although staff can make the required NPO findings, we do have some concerns with the proposed building heights. Although the structures are designed to read as primarily one-story structures, they each have a maximum height of 30 feet. Staff believes that these heights can be reduced by working with the topography or other architectural solutions. Staff would appreciate the Commission's feedback on this issue.

E. COMPLIANCE WITH THE GENERAL PLAN

The project site is located in the Cielito Neighborhood as identified in the General Plan. This neighborhood is bordered by the City limits on the north, east and west, and by the top of Mission Ridge on the south. The majority of this neighborhood is developed with single-family homes, most on lots in excess of one acre. Topography varies from rolling to very steep. The proposed four-lot subdivision and residential development would be consistent with the existing development pattern and vision for the neighborhood.

1. Slope

The subject parcel has an overall slope of approximately 18%. As shown on the Slope Map (Tentative Map, Sheet 5) included in the plan set, the steepest portions of the site are primarily in the seasonal drainages and vicinity. The proposed lots would have average slopes ranging from approximately 18-20%. Development/building envelopes are proposed for each new lot, and these envelopes have slopes that range from approximately 11.2% to 16.6%. Staff believes that the slopes of the development envelopes and lots are appropriate and that proposed development of the site is consistent with surrounding development.

2. Density

At the Planning Commission concept review, concerns were raised about the project's density, and the number of homes that could be supported on the property. At the concept review hearing, the Planning Commission gave general guidance that a total of

three lots/homes may be the appropriate density for the site. The current proposal includes a total of four lots/homes. Staff has reviewed the surrounding development pattern, General Plan policies, Zoning requirements and the technical reports prepared for the project site, and has determined that a four lot subdivision is a supportable development proposal. Staff made this determination based on several factors. First, the lot sizes proposed are greater than the minimum required by the zone district. Second, the subdivision would not result in lots that are large enough to be subdivided in the future. And third, a configuration consisting of fewer lots (i.e. three lots) does not necessarily result in any fewer impacts or a better development. Additionally, having four lots reduces each individual lot's road and infrastructure maintenance costs, thus providing more assurance that the maintenance prescribed in the Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane) will occur.

3. Fire Hazard

The subject parcel is located in a designated High Fire Hazard Zone, and the Cielito Neighborhood is identified as one of the neighborhoods with the greatest potential to experience a large, rapidly moving wildfire. The four principal factors that affect wildfire most directly are weather conditions, topography, people and fuel. Of these, only fuels can be readily influenced. As such, the proposed project would incorporate High Fire Hazard Area Landscape Guidelines into the landscape plans. A Fire Protection Plan has been submitted by the applicant, and received preliminary review from the City's Wildland Fire Specialist. The project also incorporates turnaround areas for fire trucks and new fire hydrants along the private road.

F. ENVIRONMENTAL REVIEW

Based on environmental review of the project with the City's Master Environmental Assessment and technical studies discussed below, the City's Environmental Analyst and staff have determined that the project would not result in significant environmental impacts.

The project is determined to be Categorically Exempt from further review per California Environmental Quality Act (CEQA) Guidelines Section 15315 [Minor Land Divisions] in that the proposed subdivision will result in four parcels, the average slope is less than 20 percent, the site is zoned for residential use, services and access are available and the parcel has not been involved in a previous subdivision within the previous two years. Construction of the proposed residences is Categorically Exempt from further review per CEQA Guidelines Section 15303 [New Construction] in that the development consists of the construction of three new single-family residences and appurtenant accessory structures. The following reports and issues were considered in reviewing the project for its environmental determination.

1. Archaeological Resources Report

According to the City's Master Environmental Assessment (MEA), the site is located in an area potentially sensitive for archaeological resources. The subject site is located in the Prehistoric Sites and Watercourse sensitivity zone, as depicted on the 1997

Archaeological Resources Sensitivity Map. Construction for the proposed project would result in ground disturbance. Due to the location of the site and the proposed scope of work, a Phase I Archaeology Report was required.

The Phase I Archaeological Study was prepared by David Stone, M.A. The Phase I Archaeology Report research found no prehistoric or historic archeological sites or historic cultural remains recorded within the property. This Report was accepted by the City's Historic Landmarks Commission on November 15, 2006. Therefore, the project is not expected to result in adverse archaeological impacts and no further archaeological measures are required. Per City MEA procedures, a recommended condition of approval would provide that if any artifacts, features or deposits of historic or prehistoric nature are encountered during any ground disturbance, work shall be halted and/or redirected while these cultural remains are assessed and as necessary, mitigation implemented.

2. Historic Structures Report

A Historic Structures Report, prepared by Shelley Bookspan, dated September 25, 2006, was prepared for existing residence. This single-story ranch house made of adobe brick with redwood framing was designed by John Pittman in 1955. The proposed project would retain this house. The Structures Report was reviewed by the Historic Landmarks Commission (HLC) on February 7, 2007, at which time it was continued for additional information on the building's setting, surroundings and architect. An amended Report was reviewed and accepted by the HLC on February 21, 2007. The report determined that the existing residence was eligible for designation as a Structure of Merit.

3. Biological Resources

A Biological Assessment, prepared by Lawrence Hunt, dated June 14, 2006, was submitted to the City to address existing biological resources and impacts resulting from the proposed development. The project site includes scrub oaks (considered rare by the California Native Plant Society), coast live oaks and needlegrass (species of local concern), although approximately 66% of the site contains non-native plant species. Special-status (species of special concern as determined by the California Department of Fish and Game) wildlife species were observed on site, specifically, California horned lark, California thrasher and lark sparrow. Several species of raptors were also observed on site. In addition to the special-status plants and wildlife observed on the site, are those species that could potentially occur on site, given its location and characteristics. The project site also includes two north-south trending drainages, located at the eastern and western boundaries of the parcel. These drainages were determined to be seasonal, are poorly developed, lack a defined riparian corridor, and provide limited wildlife value when dry (which is most of the year). The proposed road widening across the eastern drainage and installation of detention trenches throughout the development would not significantly impact the drainages and associated wildlife or habitat. The Biological Assessment includes recommendations to avoid any potential

impacts to biological resources. These recommendations have been incorporated into the project description and are included in the conditions of approval.

The project site is identified as a Southern Oak Woodland on the City's Master Environmental Assessment (MEA). An Arborist Report, prepared by Westree, dated December 10, 2004, with an Addendum dated March 21, 2006, was prepared for the project site. Approximately 210 trees were surveyed, and a list that includes the Arborist's recommendation for each tree (transplantable, remove, protect) was provided. The project would require the removal of 30 trees (19 of which are coast live oaks) for construction, health or other reasons. Additionally, many of the trees proposed to remain will require pruning for access and fire protection purposes. The Report concludes that the protection and replacement measures proposed would result in no adverse impacts related to loss of trees. These recommendations have been incorporated into the project description and standard tree protection and replacement conditions of approval would apply.

4. Drainage

A Preliminary Drainage Analysis, prepared by Flowers & Associates, Inc., dated March 8, 2006, was prepared for the project. The property contains two unimproved drainage swales (refer to Biological Resources discussion above for additional information) that convey seasonal drainage in a primarily southerly direction. The swales are located near the western and eastern property lines. These drainages eventually discharge into the main reach of Mission Creek. The drainage concept is to use vegetated swales, which would convey runoff to either the private road or one of the existing seasonal drainages, to eliminate cross lot drainage. Detention trenches would be used to retain any increased runoff from the development to pre-project levels. Without detention, the stormwater runoff resulting from the development would be increased by a minimum of 0.15-cfs (Lot 2, 25-year) to a maximum of 1.02-cfs (Lot 4, 100-year). Detention facilities designed to mitigate the increased peakflows for the 25-year design storm are required and have been incorporated into the project. Additionally, stormwater best management practice features (such as vegetated swales) have been incorporated into the project to promote enhanced water quality.

5. Fault Location Study

A Fault Location Study, prepared by Earth Systems Pacific, dated June 7, 2005, was submitted to determine the proximity of the Mission Ridge Fault to the project site. This study determined that there is a very low potential for ground surface rupture to occur as a result of faulting, and therefore there is no need to establish setback distances for habitable structures.

6. Access and Circulation

An Access and Circulation Analysis, prepared by Associated Transportation Engineers, dated May 30, 2006, and a subsequent response to staff comments dated October 20, 2006, was prepared for the project to address access issues, including emergency access and evacuation. The existing private access road is approximately 17-18 feet wide and

serves a total of four residences. This road splits into a northern and western segment approximately 180 feet west of Mountain Drive. The proposed project would widen the existing access drive to 20 feet in width for the first 180 feet and along the entirety of the northern segment, which serves the subject property. This widening would accommodate existing and proposed traffic and allow for two-way traffic, as well as provide for adequate Fire Department access. Site visibility was determined to be good at the Mountain Drive/private road intersection. Visibility at the point where the road splits into the northern and western segments would be improved through proposed landscaping changes, which would limit the height of vegetation to no more than 18 inches (with the exception of trees whose canopies are tall enough so as not to interfere with sight lines).

VIII. FINDINGS

The Planning Commission finds the following:

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.

C. 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.

D. 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 ridgetop 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.

Exhibits:

- A. Conditions of Approval
- B. Reduced Tentative Map and Site Plan
- C. Applicant's letter, dated February 23, 2007
- D. Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane)
- E. Applicant's Proposed "Green Building Strategies"
- F. Applicable General Plan Policies
- G. ABR Minutes, August 7, 2006
- H. Planning Commission Staff Report (excluding Exhibits), July 14, 2005
- I. Planning Commission Minutes, July 14, 2005

Copies of the following exhibits are available upon request:

- J. Adjacent Property Analysis, prepared by L&P Consultants, dated January 5, 2007
- K. Revised Preliminary Drainage Analysis, prepared by Flowers & Associates, Inc., dated March 8, 2006
- L. Fault Location Study, prepared by Earth Systems Pacific, dated June 7, 2005
- M. Soils Engineering Report, prepared by Earth Systems Pacific, dated November 11, 2004
- N. Access and Circulation Analysis and Response, prepared by Associated Transportation Engineers, dated May 30, 2006 and October 20, 2006
- O. Biological Assessment, prepared by Lawrence Hunt, dated June 14, 2006
- P. Arborist Report, prepared by Westree, dated March 21, 2006
- Q. Arborist Report Supplement, prepared by Westree, dated December 15, 2006
- R. Fire Protection Plan, prepared by FIREWISE 2000, Inc., dated March 29, 2006
- S. Historic Structures Report, prepared by Shelley Bookspan, dated February 8, 2007

PLANNING COMMISSION CONDITIONS OF APPROVAL

561 W. MOUNTAIN DRIVE

*LOT FRONTAGE MODIFICATIONS, GARAGE SIZE MODIFICATION, PUBLIC STREET FRONTAGE WAIVERS,
TENTATIVE SUBDIVISION MAP AND NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS*

MARCH 15, 2007

- I. 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.
 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 make any use of 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, 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.

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):

1. **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.
2. **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.
3. **Tree Relocation.** A Transplantation Plan shall be prepared to provided 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.
4. **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.
5. **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. **Habitat Buffer.** Development shall not encroach any closer than 100 feet to the existing drainages so as to maintain an adequate habitat buffer.
 - j. **Non-Native Vegetation in Existing Seasonal Drainages.** A qualified biologist shall be present during the first round of non-native plan 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.
6. **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.
 7. **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.
 8. **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. 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:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

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:

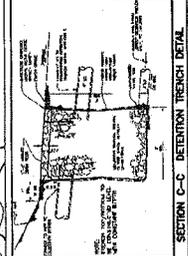
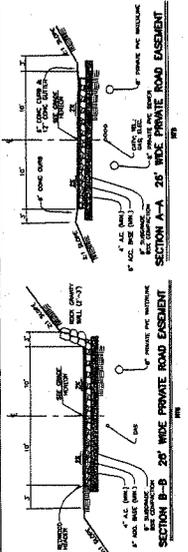
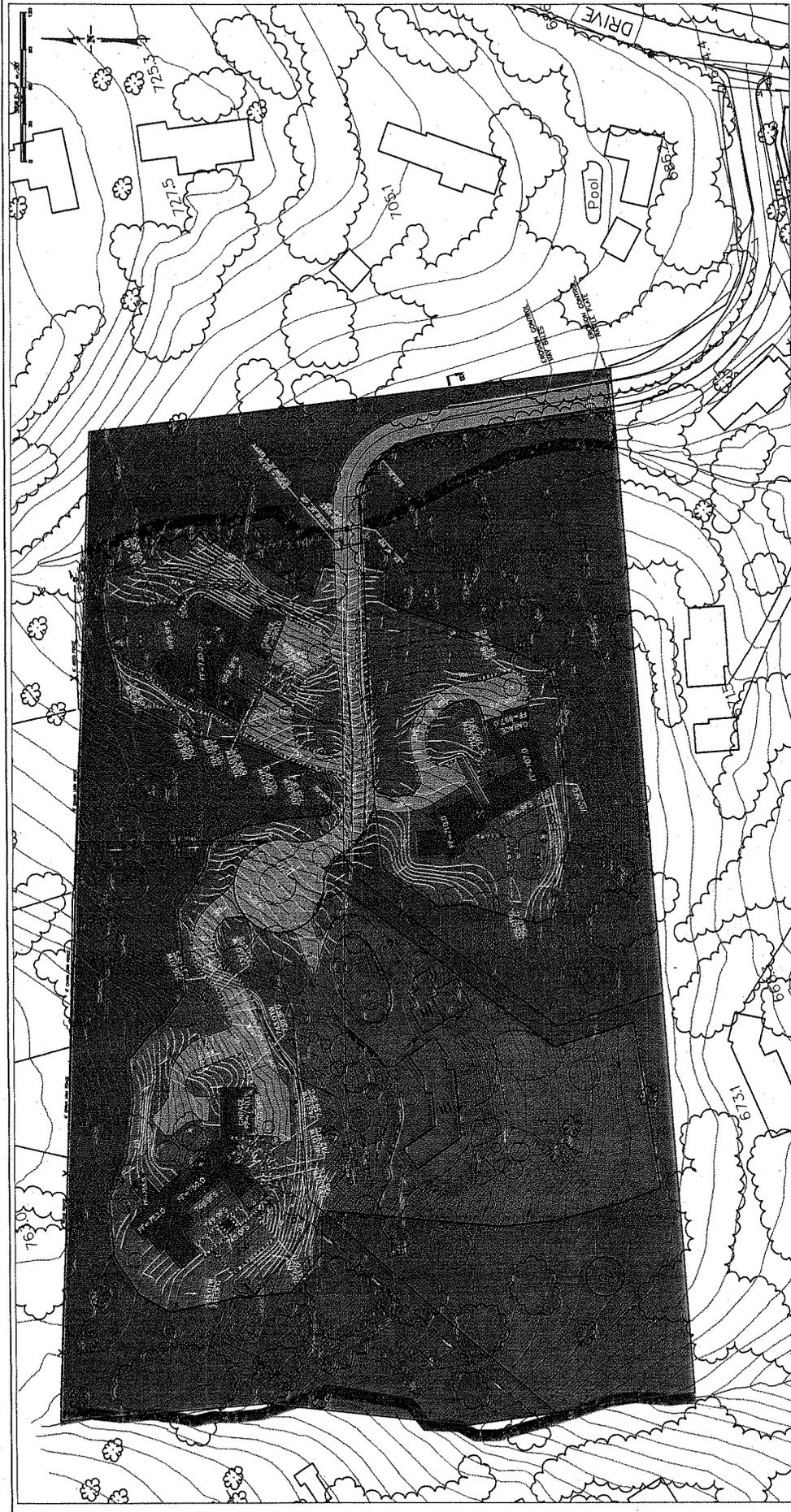
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.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



TENTATIVE MAP
 PRELIMINARY DRAINAGE AND EROSION CONTROL PLAN
 FOR SUBMISSION PURPOSES TO A 4-Lot SUBMITTAL
 BEING A SUBDIVISION OF ASSessor PARCEL NUMBER 011-110-018
 IN THE CITY OF SANTA BARBARA
 COUNTY OF SANTA BARBARA
 STATE OF CALIFORNIA
 JANUARY 2007
 SCALE: 1" = 30'

PREPARED BY:
 L & P CONSULTANTS
 SANTA BARBARA, CA 93101
 (805) 962-4111 FAX
 PREPARED UNDER THE DIRECTION OF
 MR. LEOPOLD P.E.S. 5479
 WORK MAP: (N)S
 MAP DATE: 01/07/07
 MAP NUMBER: 011-110-018

GENERAL NOTES:
 1. THIS MAP IS A TENTATIVE MAP AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
 2. THE DESIGN AND CONSTRUCTION OF THIS PROJECT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENGINEERING PROFESSIONAL REGULATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD'S REGULATIONS.
 3. THE DESIGN AND CONSTRUCTION OF THIS PROJECT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENGINEERING PROFESSIONAL REGULATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD'S REGULATIONS.
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VAN ATTA ASSOCIATES, INC.
 LANDSCAPE ARCHITECTURE + PLANNING
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 Tel: 310.206.2000
 Fax: 310.206.2001
 www.vanatta.com



Jorgensen Ranch
 Conceptual Site Plan &
 Preliminary Details

561 West Mountain Dr.
 Santa Barbara, CA
 December 22, 2006

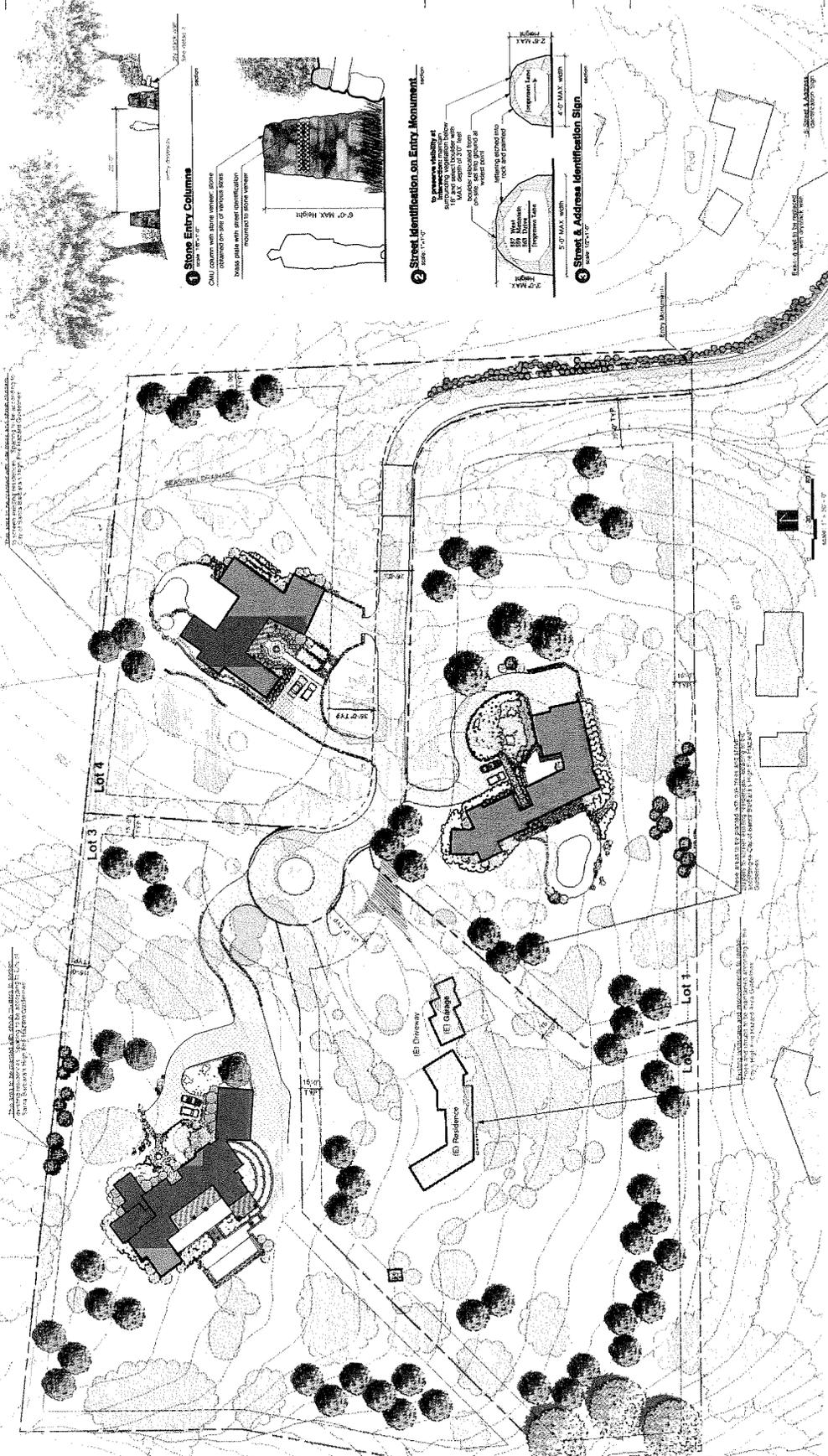
Drawn By: NAME DATE
 MM DD YY

Revisions: NAME DATE
 NO. DESCRIPTION

APNF: 021-110-018

Scale: AS NOTED

L1.2



1 Stone Entry Columns

CMU column with stone veneer stone
 columns 10'-0" x 12'-0"
 oriented on site as shown above
 make note with street identification
 location to stone veneer

2 Street Identification on Entry Monument

As shown above, 4' x 4' x 4' x 4'
 1. 2' MAX. HEIGHT
 2. 2' MAX. WIDTH
 3. 2' MAX. DEPTH
 4. 2' MAX. SPACING
 5. 2' MAX. SPACING
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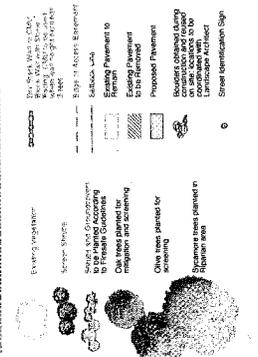
3 Street & Address Identification Sign

As shown above, 4' x 4' x 4' x 4'
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 2. 2' MAX. WIDTH
 3. 2' MAX. DEPTH
 4. 2' MAX. SPACING
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 19. 2' MAX. SPACING
 20. 2' MAX. SPACING

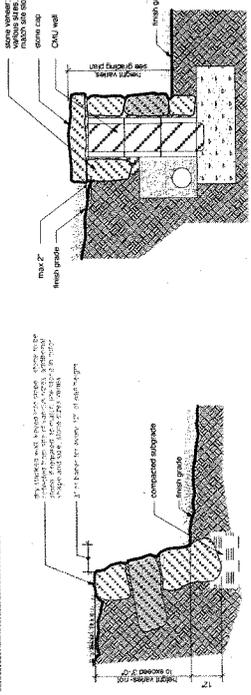
Site Statistics

Lot Number	1	2	3	4
Prop. Bedrooms	3	2	3	5
Prop. Parking	3	2	3	5
Prop. Net Lot Size	98,410 SF / 2.24 ac	100,800 SF / 2.29 ac	92,000 SF / 2.10 ac	173,306 SF / 3.96 ac
Building Coverage	5,049 SF / 0.11 ac	2,975 SF / 0.07 ac	4,597 SF / 0.10 ac	5,192 SF / 0.11 ac
Landscaping Coverage	83,361 SF / 1.84 ac	85,307 SF / 1.87 ac	86,891 SF / 1.90 ac	82,942 SF / 1.83 ac
Paving Coverage	7,870 SF / 0.18 ac	5,877 SF / 0.13 ac	8,301 SF / 0.18 ac	6,127 SF / 0.13 ac

Legend



Wall Details



Dry Stack Sandstone Retaining Wall
 1/2" max. gap between stones
 1/2" max. gap between stones
 1/2" max. gap between stones

CMU Wall with Stone Veneer
 1/2" max. gap between stones
 1/2" max. gap between stones
 1/2" max. gap between stones



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

[L&P P.N.: 04-010.01]

February 23, 2007

Planning Commission
C/o Allison DeBusk, Associate Planner
City of Santa Barbara
Planning Division
630 Garden Street
Santa Barbara, CA 93101

Subject: Formal DART Application Submittal
Jorgensen Ranch Proposed 4-Lot Subdivision
561 West Mountain Drive
APN 021-110-018
MST2004-00206

RECEIVED

FEB 23 2007

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Dear Commissioners:

On behalf of the property owners, Jorgensen Ranch, LLC, and their design team Cearnel Andrulaitis Architects and VanAtta Landscapes, L & P Consultants is please to submit the Jorgensen Ranch Proposed Subdivision Project for City DART review. Enclosed herewith please find the following items pertaining to the proposed four-lot subdivision project:

- One (1) completed Master Application Form (revised);
- One (1) completed Owner/Agent Authorization Form (previously submitted);
- One (1) copy of the Soils Engineering Report, prepared by Earth Systems Pacific, dated November 11, 2004 (previously submitted);
- One (1) copy of a Phase I Archaeological Resources Report, prepared by David Stone, M.A., dated October 2004. (previously submitted);
- Two (2) copies of a Preliminary Drainage Analysis, prepared by Flowers & Associates, Inc., dated March 8, 2006;
- Two (2) copies of a Preliminary Title Report, prepared by First American Title Insurance Company, dated December 28, 2004 (previously submitted);
- One (1) copy of a Jorgensen Ranch Arborist Report, prepared by Westree, dated December 10, 2004 (previously submitted);

EXHIBIT C

- One (1) copy of a Biological Evaluation, prepared by Lawrence E. Hunt, dated 24 January 2005 (previously submitted);
- One (1) copy of a letter from Cachuma Operation and Maintenance Board, dated February 7, 2005 (previously submitted);
- One (1) set of Neighborhood Visuals photos;
- One (1) copy each of a cover letter to The Gas Company, Edison and Verizon for their review and comment of the proposed subdivision;
- One (1) copy of an Access and Circulation Analysis, prepared by ATE, dated May 30, 2006;
- One (1) copy of Jorgensen Ranch Arborist Report, Individual Lots, prepared by WESTREE, dated March 21, 2006
- One (1) copy of Green Building Strategies;
- Two (2) copies of a Fire Protection Plan, prepared by FIREWISE2000, dated March 29, 2006;
- Two (2) copies of a Mission Ridge Fault letter, prepared by Earth Systems Pacific, dated June 7, 2005;
- Ten (10) copies of a 15-Sheet Map Package, including Site Plan, Tentative Map, Preliminary Drainage and Grading Plan, Slope Map, Floor Plans and Elevations, and Landscape Plans; and
- Check payable to City of Santa Barbara for DART application fee of \$6,065 (\$2,225-Subdivision Fee; \$850-First Modification and \$2,580-Six additional Modifications 6 x \$430); \$300-Environmental Exemption with Studies; and \$110-Mail Labels) (previously submitted)

I. PURPOSE OF REQUEST

The purpose of the application request is to seek division of an 8.81 acre property into four (4) lots of 2.21 acres, 2.16 acres, 2.32 acres and 2.11 acres, respectively. Additionally, this application proposes three (3) new single family residences to compliment an existing home on site. The proposed on-site roadway is designed as a private road and includes a robust private maintenance road agreement and private CC&Rs to ensure compliance.

II. PROJECT SETTING

The project site is 383,543 square feet (8.81 acres) in size located near Sheffield reservoir. The property landform consists of a gently sloping topography which rolls southerly toward a developed neighborhood. The Property is entirely surrounded by single family homes. The property is improved with an existing single family residence located somewhat in the middle of the property, a two-car garage, and an approximately 1,000 foot long access driveway (650 feet of which is on the subject property) which connects the property to Mountain Drive. The majority of the property is covered with a combination of large boulders, non-native grasses, ornamental trees such as palms and peppers, and various oak trees. The property is bordered on both the west and east sides by seasonal drainage courses. Surrounding land uses include residential lots on all sides. No rare, threatened or endangered species are known to inhabit the site.

Title Interests Affecting Project Site

The existing property is affected by a number of title interests including easements for utilities such as Southern California Edison, General Telephone Company, the City of Santa Barbara, and the USA. [Reference COMB letter regarding construction on top of the tunnel easement.] Additionally, access and utility easements are recorded for the benefit of the property including a 50-foot wide easement for utilities, road and incidental purposes which connects the property to Mountain Drive. (See Preliminary Title Report for details.)

Project Site Land Use And Zoning

The property has a General Plan designation of Residential, One Unit per Acre, and is within the A-1 zone district.

Surrounding Land Use And Zoning

Surrounding land uses are the same as the subject parcel, and include single family residential properties on all sides. The one non-adjacent exception is the Sheffield Reservoir property just to the east of Mountain Drive which is designated as an Institutional use.

Project Site Access

The project site is accessed from West Mountain Drive, a public City street, through an existing partially improved 50-foot wide access private easement. This private easement is located on and affects three (3) separate neighboring properties.

III. PROJECT DESCRIPTION

Application - The project is a proposal to subdivide an 8.81 acre property to create four (4) parcels and construct three (3) new single family residences. The proposal includes an offer of dedication for a new street which would provide access to each of the newly created lots. This formal application requests the following:

1. Tentative Map to subdivide 8.81 acres into four (4) residential lots per SBMC §27.07.01-110;
2. Waiver of Public Street Frontage for a private driveway serving more than two lots (SBMC §22.60.300);
3. Four (4) Modifications to allow four (4) newly created lots to have less than the required 100 feet of frontage on a public street SBMC §28.15.080;
4. Three (3) Modifications to allow three (3) new garages to exceed the maximum size of 750 square feet. (SBMC §28.87.160.4). and
5. Neighborhood Preservation Ordinance Compliance to allow grading in excess of 500 cubic yards outside of the building footprints within the Hillside Design District (SBMC §22.60.060).

Slope Density - All four lots have been designed to comply with the City's Slope Density Ordinance, and as such the Lots 1, 2 and 4 all have average slopes of under 20 percent while Lot 3 has an average slope of 20.05 percent. Please note that the average slope of the development envelope on all four lots are under 20 percent. The Slope Map submitted with this application demonstrates all slopes within the property and development envelope boundaries.

Proposed Roadway and Public Street/Cul-De-Sac Easement - The project site is accessed from West Mountain Drive, a public City street, through an existing partially improved 50-foot wide private access easement to the property. This private easement is located on and affects three (3) separate neighboring properties. The applicant has configured this project to provide for a 20-foot roadway width through this private easement. The access within Jorgensen Ranch proposes to widen the existing driveway and provide for 20-foot roadway (26-foot right-of-way) and 70-foot diameter cul-de-sac (76-foot right-of-way) at the roadway terminus. The portion of roadway on the subject property will be offered as a public dedication to the City for public street purposes including ingress, egress, utilities, drainage and emergency vehicle purposes. The existing culvert crossing over the eastern seasonal drainage will also be required to be widened and the culvert is proposed to be extended northerly approximately 10 feet. Private driveways are proposed to access each of the four newly configured lots off of the new public roadway.

The proposed roadway widening will require existing vegetation and numerous oak trees to be either removed, transplanted and/or protected. Many of the affected oak trees are relatively small in size (under 4-inches), and could be transplanted elsewhere on the property in order to assist with mitigation efforts. Some of the oak trees can be saved in place by building protective tree wells. There would need to be the removal of a few larger oak trees to accommodate the road widening. These trees would be mitigated through appropriate replacement plantings as demonstrated on the submitted landscape plan.

Utilities - The property is currently served by utilities and infrastructure for water, sewer, electrical, gas, telephone and CATV. It should be noted that the existing house predates the City's sewer main extension that bisects the property, therefore the house is currently served by an 800 gallon septic tank and leach field waste water disposal system. Upon construction of the private driveway and utility extensions, the existing waste water system will be abandoned pursuant to Environmental Health Services abandonment procedures and standards.

Development Envelopes - The attached plans identify development envelope areas for each of the four new lots. The area designated as "development envelope" within each parcel is defined to include the future residential buildings, and associated permitted structures, and all other areas subject to ground disturbance and grading. No grading or ground disturbance is allowed to occur outside the development envelope, with the exception of utility and access corridors necessary to serve each parcel. The development envelope may include improvements such as walkways, decks, patios, arbors, carports, fences, walls, gazebos, spas, pools, utilities and appurtenant yard improvements and uses. These Development Envelopes have been established through careful consideration of the landform and site constraint considerations, while setting aside obvious areas of non-disturbance; those being the seasonal drainage corridors and dense oak woodland areas. It should be noted that the Development Envelope identified for Lot 2 anticipates some future additions or expansions to the existing home, however no such additions are contemplated at this time. As requested previously by staff, a reasonable worse-case scenario has been evaluated with respect to the applicant's biological assessment for this envelope on Lot 2.

Design Summary – The project design benefits from a comprehensive approach to the development of the property which incorporates recommendations from the submitted drainage study, arborist report, fire management plan, geologic evaluation, access analysis, and the recent Architectural Board of Review comments. Architectural plans are included for the three new homes which take design queues from the existing abode/hacienda style home and present structures which are mostly one- and split-story, and each with a proposed under-story three car garage and a minimum of two guest parking spaces per lot. A landscape plan compliments the proposed homes while also balancing oak tree replanting requirements with the need of high fire area vegetation management. This new cluster of three additional homes is designed to be compatible within the neighboring existing lots, and also compatible with the character and scale of the existing neighborhood and extended Mountain Drive community.

A table summary of the proposed lots, envelopes and house sizes are presented below:

<u>Lot No.</u>	<u>House Sq. Ft.</u>	<u>Garage Sq. Ft. (Net Mech.)</u>	<u>Dev Env Sq. Ft.</u>	<u>Ave Slope Of Lot</u>	<u>Lot Size (Acres)</u>
1 (Gross)	4,147	829	33,800	17.99%	2.21 gross
2 (Gross)	2,572 (ex)	450 (ex)	48,500	18.43%	2.16 gross
3 (Gross)	4,707	800	42,800	20.05%	2.32 gross
4 (Gross)	4,316	798	29,300	-	2.11 gross
Roadway	-	-	-	-	0.43
4 (Net Road)	-	-	-	18.78%	1.68 net

IV. PREVIOUS CITY REVIEWS

An earlier project concept was submitted to the City Pre-Application Review Team in April 2004. After numerous meeting with city staff, the applicant revised and resubmitted their project in February 2005. Staff identified two main concerns with the resubmittal (a proposed private road and an affordable lot) and scheduled a Concept Review with Planning Commission in June 2005. At a well attended Commission meeting many comments were expressed by neighbors and Commissioners. The applicant was advised to reduce the density of the project and remove the affordability provision. Subsequent to the project redesign, proposed homes have been reviewed by the ABR in August 2006.

Private Driveway vs. Public Street – The subject parcel is clearly “land-locked” from the public street system. There exist three separate parcels between the Mountain Drive frontage and the property. Further is should be noted that given the rural-style character of the surrounding neighborhoods, infrastructure associated with typical urban developments such as sidewalks and street lighting are not present in these surrounding neighborhoods. The proposed roadway will be constructed to City development standards and meet all fire department requirements. At the previous Planning Commission concept review it appeared clear that the three intervening property owners were not interested in allowing the transfer of the private easement to the City for street purposes. Given that continued perspective, the applicant proposes a 20-foot paved roadway through this 50-foot appurtenant access easement, and once the roadway reaches the subject property, the applicant will offer an easement to the City roadway and cul-de-sac for street and utility purposes.

As currently designed, the proposed roadway widens the existing driveway by approximately 6-10 feet in most areas to accommodate current fire department requirements. The roadway on the subject property will terminate in a full size cul-de-sac. The roadway will continue to function as it has for many decades, the difference being the access to three additional properties. Since the on site roadway would be

offered as a street easement, the project has been designed with the entire street portion of the road located on Proposed Lot 4. After “netting out” the lot area of the roadway, Lot 4 is still able to meet the minimum lot size standard for the A-1 zone district (including slope density).

Neighborhood Compatibility – The new lots have been configured to result in parcels which will be at or near the size of the largest properties in the surrounding neighborhood. The average lot size of the 15 properties bordering the subject property is approximately 1.37 acres, while the four proposed lots range from 1.68 – 2.32 acres. The subdivision has been designed to comply with both the Slope Density ordinance with minimum lot size requirements of 1.5 acres (for Lots 1, 2, and 4) and 2.0 acres (for Lot 3), and General Plan residential density for the property of one unit per acre.

The new residences have been designed to complement the existing adobe/hacienda style structure located on Lot 2. Architectural design elements include, but aren't limited to stone faced site walls, earthtone stucco walls with wooden windows and doors, mission style roof tiles, wood and wrought iron balconies and stone columns. Each of the homes are slightly stepped into the existing contours of the land form and are mostly single story, except for the garage component which is tucked underneath each of the new homes.

V. ENVIRONMENTAL CONSIDERATIONS

Aesthetics/Visual Analysis - In attempting to perform some type of visual analysis for the property it has become clear that the property is truly “tucked” into the neighborhood. There exist no view of the property from any public City park or facility, no important scenic view, or any heavily used view point. Las Tunas Road, a somewhat winding hillside road south of the subject property and approximately one-half mile away, appears to be one of few public road from which one can view the property straight on. The public views from this road are heavily obscured by dense tree and vegetation screening and are fleeting at best. The 500 block of Mountain Drive also offers a short view of the subject property, as does a short stretch of Hillcrest. Photographs are provided with this application to demonstrate these minor views of the property. We believe that it is clear from these photos that the three new homes would have little if any visual impact to the neighborhood as all these earthtone colored homes would be tucked into the existing gently sloping hillside, as mostly one- and split-level would not protrude to any significant degree, and could never “blue-sky” from their proposed location. The density of the three new homes scattered over the existing property will have no more visual impact than the existing homes do sprinkled throughout the entire neighborhood.

There may exist other short fleeting glimpses from other winding Riviera neighborhood roads, however even these glimpses are challenging to document. We believe that the location of the proposed project coupled with the proposed architecture design will result in no visual impacts.

Arboreal Resources – An Arborist report, prepared by WESTREE, has been completed for the affected area of the property. The area affected by the current project proposal includes the widening of the existing driveway and extension of the culvert on the eastern seasonal drainage. WESTREE was able to take a proactive approach to the trees that may be affected and has identified those trees which would be protected, transplanted and removed (See Arborist Report Tree Survey and Landscape Plan). Further, the report acknowledges that while there exist many trees on the property that may be too small to inventory consistent with the City's tree protection policy's, that those health smaller trees be transplanted and use for mitigation for the six (6) identified oak trees scheduled for removal. The report also identifies two California Peppers and a Monterey Pine for removal, as well as several small pines, pittosporum, peppers and other ornamental shrubs within the driveway extension and hammerhead turn around, none of which are native. Additional tree survey work was performed by WESTREE in early 2006 which identified and tagged 151 trees within the development enveloped. This information is included in matrix form in the attached letter and also on the Van Atta Landscape Plan. These reports continue to conclude that by following the recommendations the relocated and remaining trees would not be significantly impacted.

Coupled with the protection and transplanting recommendations of the arborist, the landscape plan also proposes an enhanced vegetation concept to further mitigate the driveway widening. A combination of low ground cover plantings, medium high shrubs, larger backdrop screen planting and an enhanced riparian woodland concept assist in extensively mitigating for the loss of vegetation.

Biological Resources – A Biological Evaluation of the property has been completed by Lawrence Hunt. The evaluation identifies potential project-related impacts of the driveway widening to coast live oaks, scrub oaks, legless lizard and nesting birds. Mitigation measures outlined in the evaluation are recommended to reduce these construction-related impacts to less than significant, and include the tree mitigation found in the arborist report, transplanting of scrub oak burls and the 12-15 clumps of native bunch grass identified, and biologist monitoring of legless lizard and nesting birds. Additional evaluation of the property including each of the development envelopes is attached.

Cultural Resources – A Phase I Archaeological Resources Report, prepared by David Stone, has been completed for the property and has concluded that the proposed project is not considered to have the potential to impact significant or important prehistoric or historic archaeological cultural remains.

Historic Resources – A Phase I Historic Structures report, prepared by Shelley Bookspan, PhD, has been completed for the existing adobe house. The home was designed by John Pittman with the assistance of the previous landowner William Jorgensen in the early 1950s. The report concludes that the adobe structure has high integrity related to its adobe construction and styling, and due to its being a work of a

significant local architect, the home qualifies as a Structure of Merit under the City's criteria. As there is no plan to modify the house at this time, and the three (3) proposed homes are sited on the property so as not to impact the existing home, the proposal does not represent an adverse impact to the resource. Should there be alterations planned for the subject house at some future time, they should be in keeping with the Secretary of Interior's standards for treatment of historic properties.

Geology and Soils – A Soils Engineering Report, prepared by Earth Systems Pacific, was completed for this property. Based on the results of a field investigation (15 boring holes) and laboratory analysis the report concludes that the site is suitable for construction of future residences. Typical construction recommendations for the development of the future houses are presented in Preliminary Geotechnical Recommendations section of this Soils Engineering Report.

City staff had also requested additional information regarding the Mission Ridge fault. The attached letter by Earth Systems Pacific concludes that because of the blind nature of the fault segment, its distance from the site, and that this is at least 250 feet of alluvium/terrace deposits overlying the fault, there is a very low potential for ground surface rupture to occur within the design life of the planned development as a result of faulting. Please see the attached letter for this detailed discussion.

Grading – The attached Preliminary Grading Plan identifies existing and design (post-construction) contours. Given the gently slope of the property, coupled with the existing access driveway, the amount of grading for the entire project is relatively modest. A table summary of the grading quantities per lot and new home is presented below:

LOT #	NEW HOUSE		DRIVEWAY/YARD	
	1	200 C.Y. Cut	350 CY Fill	150 CY Cut
2	n/a	n/a	n/a	n/a
3	250 CY Cut	400 CY Fill	200 CY Cut	250 CY Fill
4	325 CY Cut	200 CY Fill	300 CY Cut	100 CY Fill
PUBLIC ROAD	n/a	n/a	200 CY Cut	150 CY Fill
TOTAL	775 CY Cut	950 CY Fill	850 CY Cut	650 CY Fill

Drainage – A Drainage Study has been prepared by Flowers & Associates for the project. Storm run-off flow from the site was calculated for the 100, 50, 25 and 10-year storm events for both the existing and proposed site. The calculations associated with the “after” project assume a maximum buildout for each of the four lots. Project drainage will be designed to flow southerly and toward the two existing seasonal drainages as it currently flows. Additionally, each lot would be designed to utilize vegetated swales and detention trenches to reduce future drainage flow to appropriate levels. The analysis indicates that the proposed project drainage improvements, including conveyance facilities, detention facilities and water quality improvement facilities, should result in no net increase in off-site drainage impacts for up to a 25-year design storm.

Fire Protection – A Fire Protection Plan has been prepared by FIREWISE2000 for the project. The Plan was created to provide an analysis of the impact of the development of the property on the fire safety and prevention for adjacent properties. The Plan includes road requirements, water supply and hydrant locations, building material and design requirements, wildland fire hazard-rating assessment, defensible space criteria, and long term vegetation maintenance criteria. The Fire Plan analysis concludes that the development and maintenance of the enhanced access to the property, new fire hydrants, irrigated landscaping and fuel modification zones, and community fuelbreak concept will reduce the fire hazard and risk to the surrounding properties and improve the ability of fire fighters to successfully fight a wildfire in the area.

Land Use – The project is located in the Cielito General Plan Neighborhood of Santa Barbara, on West Mountain Drive, immediately west of Sheffield Reservoir. Existing development in the Cielito neighborhood is single-family houses which are almost entirely on lots in excess of one acre in size, and is limited to the area west of Gibraltar and El Cielito Roads. It should also be mentioned than many properties to the south of the subject parcel and in the Rockwood area just east of the subject project are on half acre lots. The topography varies from rolling to very steep. Existing development has taken place primarily on the rolling portions. The subject property is within these rolling topographic areas and is therefore designated as Residential in the General Plan. As detailed above, the four parcels within the subdivision are consistent with both the General Plan and average slope ordinance densities.

Access and Circulation - An access and circulation analysis has also been prepared for the project by Associated Transportation Engineers (ATE). The analysis was produced to identify access and circulation impacts of the development of the property. ATE has concluded that the proposed widening of the roadway system to a City Standard 20 – foot, two-way road would be an improvement for emergency vehicle access, and an enhancement to the emergency evacuation routes, over that of the current design of the road. The analysis indicates that the addition of three new homes coupled with the proposed roadway improvements would not significantly impact emergency access to the study area. Additionally, improvements to the identified landscape island would allow for better sight visibility.

Public Services – The entire property will be served by utilities and infrastructure for water, sewer, electrical, gas, telephone and CATV. Adequate public services are readily available for the properties and therefore should not pose any significant issues.

Letter to City of Santa Barbara Planning Commission
DART – Jorgensen Ranch 4-Lot Subdivision
February 23, 2007
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Green Building Design Strategies: As supplemental information to this application for the three new homes, please see the attached Green Building Strategies. These strategies include elements of a general nature, site preparation, structural design and materials, energy efficiencies, finish materials, owner support and extra credits. The applicant fully anticipates to incorporate these design attributes and strategies as outlined in the attachment.

VI. SUMMARY

Given that the location of this proposal is surrounded by existing single family neighborhoods and comprised mostly of one (1) and two (2) acre properties on all sides, we believe that the addition of three (3) new lots and their respective in-fill homes will be compatible with existing neighborhoods and land uses.

As an in-fill project we believe that we are fully consistent and compatible with the surrounding uses, and that the siting of the proposed development can be considered appropriate for the property. We believe that an objective analysis and review will confirm this perspective. We thank you in advance for your time and effort involved with considering this project.

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



Brent Daniels
Agent for Jorgensen Ranch, LLC

cc: Jorg Ranch, LLC
File

Recording Requested by; and
When Recorded, Return to:

Jorgensen Ranch, LLC
200 E. Carrillo Street, Suite 200
Santa Barbara, CA 93101
Attn: Manager

(Space above this line for Recorder's use only)

APN's _____

The undersigned declares that
the Documentary Transfer Tax
is \$ 0.00, based on:

Full value of property Grantor's unencumbered equity
 Value less than \$100 No beneficial ownership change

DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MAINTENANCE OF PRIVATE ROAD
AND
FORMATION OF PRIVATE ROAD OWNERS' ASSOCIATION
(Jorgensen Lane)

THIS DECLARATION (the "Declaration") is made, effective on the date set forth below, by **JORGENSEN RANCH, LLC**, a California limited liability company (the "Declarant"), with reference to the following facts:

RECITALS:

A. The Declarant owns the real property located in the City of Santa Barbara, State of California, more particularly described as follows: Parcels 1-4, inclusive, as described and depicted on Parcel Map _____, as per Map recorded in Book _____, Pages ___ through ___ of Official Maps of Santa Barbara County, California (the "Final Map"). (All of the real property described in this Recital A shall sometimes be referred to collectively as the "Property" and individually each parcel shall be referred to as a "Parcel").

B. Declarant has offered to dedicate to the City of Santa Barbara (the "Offer to Dedicate") a public road to serve all of the Parcels, consisting of a twenty (20) foot wide roadway including adjacent designated parking areas known as Jorgensen Lane providing access to each of the Parcels as depicted on the Final Map.

C. As a condition of the City of Santa Barbara's approval of the Final Map, Declarant has agreed to establish a general plan, set forth in this Declaration, for the maintenance of Jorgensen Lane as a private road prior to the City's acceptance of the Offer to Dedicate, and the performance and enforcement of certain rights and obligations described herein connection therewith, and desires to describe the rights and obligations of Declarant and its respective successors in interest in accordance with that plan.

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EXHIBIT D

D. Declarant therefore intends by this Declaration to impose on the Property and on each individual Parcel mutually beneficial restrictions under the general plan for the benefit of the Parcels and their successive owners.

DECLARATION

NOW, THEREFORE, Declarant hereby declares that the Property, and each of the Parcels, are and shall be held, conveyed, encumbered, leased, rented, used, occupied, sold and improved subject to the following declarations, limitations, covenants, conditions, servitudes, liens, restrictions, licenses, charges and easements, all of which are declared and agreed to be in furtherance of and pursuant to a general plan for the development of the Property, and all of which are declared and agreed to be for the purpose of maintaining and improving the roadway known as Jorgensen Lane.

These provisions are imposed on Declarant and are for the benefit of all of the Parcels and shall bind Declarant. These provisions shall be a burden on, and a benefit to, not only the Declarant but also to its respective successors and assigns. All covenants are intended as, and are declared to be, covenants running with the land as well as equitable servitudes on the Property.

1 DEFINITIONS

1.1 Association. The "Association" shall mean the unincorporated private road owners' association created pursuant to Section 5, below.

1.2 City. "City" shall mean the City of Santa Barbara, State of California.

1.3 City Street Standards. "City Street Standards" shall mean the standards adopted by the City from time to time for the inspection, maintenance, repair, slurry coating, chip sealing and repaving of public streets that are applicable to Mountain Drive between Mission Canyon Road and Gibraltar Road in the City. The current City Street Standards are attached hereto as Exhibit A and are incorporated herein by this reference. Any modifications made by the City to the City Street Standards shall automatically be deemed to be a modification of Exhibit A. The President of the Association is hereby authorized and instructed to record an amendment to this Declaration setting forth any modified City Street Standards adopted by the City from time to time.

1.4 Contribution Due Date. The "Contribution Due Date" shall be January 1, April 1, July 1 and October 1 of each year.

1.5 Drainage Channel. The "Drainage Channel" means the area depicted as such on Exhibit D.

1.6 Entranceway Improvements. The "Entranceway Improvements" means (a) the entranceway pillars, (b) a water meter in the name of the Association that serves only the irrigation of the landscaping located on the Entranceway Landscape Easement, (c) all irrigation timers, valves, systems and devices that distribute irrigation to the Shared Landscaping, (d) the Shared Landscaping, itself, (e) an electrical meter in the name of the Association that serves the irrigation timers and any other electrical improvements located in the Entranceway Landscape Easement, and (e) any such other electrical improvements.

1.7 Entranceway Landscape Easement. The "Entranceway Landscape Easement" shall mean that portion of Parcel 1 and Parcel 6 of the Final Map labeled thereon as the Entranceway Landscape Easement.

1.8 Fire Hydrant Testing Obligation. The "Fire Hydrant Testing Obligation" shall mean the regular testing of the Fire Suppression Facilities in accordance with the Fire Hydrant Testing Standards, and the prompt reporting of the results of such testing to the City. From and after the acceptance by the City of the Offer to Dedicate, the Fire Hydrant Testing Obligation shall exclude any testing obligation assumed by the City pursuant to such acceptance.

1.9 Fire Hydrant Testing Standards. The "Fire Hydrant Testing Standards" means the standards adopted by the City from time to time for the inspection, maintenance, and periodic testing of fire hydrants located on public streets in the City. The current City Fire Hydrant Testing Standards are attached hereto as Exhibit B and are incorporated herein by this reference. Any modifications made by the City to the Fire Hydrant Testing Standards shall automatically be deemed to be a modification of Exhibit B. The President of the Association is hereby authorized and instructed to record an amendment to this Declaration setting forth any modified Fire Hydrant Testing Standards adopted by the City from time to time.

1.10 Fire Suppression Facilities. The "Fire Suppression Facilities" shall mean the fire hydrants serving the Property, together with all associated water mains, valves, equipment and lines.

1.11 Jorgensen Lane. "Jorgensen Lane" means the approximately twenty (20) foot wide paved road including adjacent designated parking areas running northerly, then westerly from the Mountain Drive Easement Segment, as shown on the Final Map. Jorgensen Lane and the Mountain Drive Easement Segment are both depicted on Exhibit C, attached hereto.

1.12 Maintenance Costs. "Maintenance Costs" shall include (a) the costs and expenses incurred in connection with the care, repair, replacement, operation, modification, maintenance or improvement of the Shared Improvements, (b) the costs of performing and complying with the Fire Hydrant Testing Obligation and the Road Maintenance Obligation, (c) the costs and expenses incurred in connection with the care, repair, replacement, operation, modification, maintenance or improvement of the improvements to the Mountain Drive Easement Segment that is properly allocable to the Owners, (d) arbitration costs and the costs of enforcing this Declaration to the extent provided herein, (e) all costs and expenses incurred in connection with the formation and operation of the Association, including legal, accounting, and other professional fees, and the costs of supplies and of any employees or independent contractors of the Association, (f) the premiums for the insurance maintained by the Association, and (g) any other costs and/or expenses which may become a charge against an Owner pursuant hereto. Maintenance Costs incurred by the Owners may be reduced, pro rata, to the extent that owners of other real property that utilize a portion of the Mountain Drive Easement Segment contribute to the costs and expenses of maintaining that segment.

1.13 Mountain Drive Easement Segment. "Mountain Drive Easement Segment" means the private easement drive that lies between the southerly portion of Jorgensen Lane and Mountain Drive, a public street located in the City. The Mountain Drive Easement Segment provides access to the Property as well as adjacent properties.

1.14 Owner. "Owner" means any person or entity holding a record ownership interest in any Parcel. Owner does not include any person or entity holding an interest in a Parcel solely as security for the performance of an obligation.

1.15 Offer to Dedicate. "Offer to Dedicate" means the offer to dedicate Jorgensen Lane as a public road set forth in that certain Offer to Dedicate Public Road recorded in Book ____, Pages __ through __ of Official Records of Santa Barbara County, California

1.16 Proportionate Share. "Proportionate Share" means Twenty-Five Percent (25%).

1.17 Road Maintenance Obligation. "Road Maintenance Obligation" means the regular maintenance of the Fire Suppression Facilities, Jorgensen Lane and the Mountain Drive Easement Segment at all times in accordance with the greater of (a) the City Street Standards or (b) a maintenance schedule that would require that Jorgensen Lane and the Mountain Drive Easement Segment be re-sealed not less than every five (5) years, and re-paved not less than every twenty (20) years. The Road Maintenance Obligation shall also include any unscheduled or irregular maintenance or repair of Jorgensen Lane and the Mountain Drive Easement Segment required in order to maintain Jorgensen Lane and the Mountain Drive Easement Segment in full compliance with the requirements of the Fire Department to serve as access to the Property for fire suppression or inspection purposes. From and after the acceptance by the City of the Offer to Dedicate, the Road Maintenance Obligation shall exclude any maintenance obligation assumed by the City pursuant to such acceptance.

1.18 Shared Improvements. "Shared Improvements" means all Entranceway Improvements, the Fire Suppression Facilities and Jorgensen Lane and all foundation, paving, base, drainage facilities, retaining walls and other improvements of every kind of nature whatsoever associated with Jorgensen Lane. From and after the acceptance by the City of the Offer to Dedicate, the Shared Improvements shall exclude any improvements assumed by the City pursuant to such acceptance.

1.19 Shared Landscaping. "Shared Landscaping" means all of the landscaping installed from time to time on the Entranceway Landscape Easement and on the Mountain Drive Easement Segment.

2 RECIPROCAL EASEMENTS

2.1 Private Road Easement. Declarant has created for the benefit of each Parcel a reciprocal easement over Jorgensen Lane for the purpose of a private road providing ingress to and egress from each of the Parcels for all purposes whatsoever related to the ownership and use of such Parcels, including without limitation, the installation, maintenance, repair and replacement of (a) underground utilities serving the improvements for each of the Parcels, (b) drainage facilities sufficient to allow the drainage of each Parcel in the manner approved by the City, (c) the use and testing of Fire Suppression Facilities serving the Parcel whether by private parties or by the City, and (d) temporary access for areas immediately adjacent to Jorgensen Lane for the purposes of construction, repair and replacement of the any of the foregoing improvements, utilities, drainage facilities and/or Fire Suppression Facilities.

2.2 Entranceway Easement. Declarant has created for the benefit of each Parcel an easement for the installation, repair, maintenance and replacement of the Entranceway Improvements over the Entranceway Landscape Easement.

2.3 Nature of Easements. The easements referenced in Sections 2.1 and 2.2 are nonexclusive easements appurtenant to each of the Parcels comprising the Property. Declarant, and its successors and assigns, shall hold title to each Parcel subject to the nonexclusive easements referenced in Sections 2.1 and 2.2, and subject to the Offer to Dedicate.

3 REPAIRS AND MAINTENANCE; RESTRICTION

3.1 Mandatory Obligations. Each Owner and the Association formed pursuant to this Declaration shall at all times:

3.1.1 Maintain the Shared Improvements, Jorgensen Lane and the Mountain Drive Easement Segment in good and serviceable condition and repair. In no event shall Jorgensen Lane or the Mountain Drive Easement Segment be reduced in size or width, or be allowed to deteriorate to a condition which is unsuitable for access by emergency vehicles, including fire equipment.

3.1.2 Keep and perform the Fire Hydrant Testing Obligation and the Road Maintenance Obligation without any prior notice whatsoever.

3.1.3 Plant, water, trim and maintain the Shared Landscaping and shall keep and otherwise maintain the Shared Landscaping in a good condition and repair, suitable for their intended purposes.

3.1.4 **Maintain, in good and serviceable condition and repair, the Drainage Channel.**

3.2 **Unscheduled Maintenance.** The Association shall perform such unscheduled or nonrecurring testing or maintenance of the Shared Improvements as is authorized (a) in the case of an emergency or a failure to comply with one of the Mandatory Obligations set forth in Section 3.1, by the President of the Association, or (b) if not in the case of an emergency, by a majority vote of the Owners.

3.3 **Contracting for Work.** The Association shall engage a third party contractor acceptable to the City to perform the Fire Hydrant Testing Obligation. The Association may engage a third party gardener or contractor, who may also perform services for one or more of the Owners, in order to maintain the Shared Landscaping and Entranceway Improvements in a good and attractive condition, and pay a reasonable fee for such work. All repairs, maintenance and other work with respect to the Shared Improvements pursuant to the provisions of this Declaration costing more than Five Thousand Dollars (\$5,000) shall be contracted for with the contractor submitting the lowest responsible bid in response to a request for bids made by the President of the Association, unless a majority of the Owners agree in writing to employ some other contractor.

3.4 **Parking Restriction.** Jorgensen Lane has been designated a fire lane by the City. Jorgensen Lane is required to be maintained clear of any permanent or temporary obstructions. Therefore, no parking of vehicles and no other temporary or permanent obstruction shall be allowed at any time on Jorgensen Lane, excepting only those portions of Jorgensen Lane specifically designated for parking on the Final Map.

3.5 **Towing of Vehicles.** It shall be the Association's responsibility to cause to be towed any vehicle parked within the designated fire lane pursuant the Sections 22500 and 22658 of the California Vehicle Code.

3.6 **Gate Restriction.** In order to prevent any potential interference with fire protection vehicles, and to maintain harmony with the rural nature of the area, no gate shall be allowed to be constructed on Jorgensen Lane at any time.

4 **CITY LICENSE; THIRD PARTY BENEFICIARY**

4.1 **Grant of License to City.** Declarant hereby grants to the City a nonexclusive license over so much of the Property as is required for the purposes of permitting the City to access (a) Jorgensen Lane and the Mountain Drive Easement Segment for any purpose desired by the City, (b) the Fire Suppression Facilities to the extent necessary for the City to periodically test such facilities (should the City elect to do so), (c) any sewer mains shown on the Final Map, if any, that do not lie within previously granted City easements, and (d) the water meters serving each Parcel, to the extent necessary for the City to determine the amount of water use on each Parcel for billing purposes.

4.1.1 The license granted to the City pursuant to this Section 4.1 shall be an irrevocable, nonexclusive license, in gross, to the City. Each Owner of a Parcel shall hold title to such Parcel subject to the license granted pursuant to this Section 4.1.

4.1.2 The license granted to the City pursuant to this Section 4.1 shall be subject to the City's acceptance of same by resolution adopted by the Council of the City of Santa Barbara, a certified copy of which shall be attached to this Declaration.

4.2 **City Rights.** Declarant acknowledges and agrees that the City is the third party beneficiary of the referenced easements and grantee of the license created hereby and the undertakings by Declarant and subsequently by each of the Owners of the testing, maintenance, repair and replacement obligations described herein. Should the City elect to accept the Offer to Dedicate, which shall be specifically accomplished by subsequent resolution adopted by the Council of the City of Santa Barbara, a certified copy of which shall be recorded in the Official Records, in the Office of the County Recorder of the County of Santa Barbara, the rights of the City hereunder as to Jorgensen Lane and the Fire Suppression Facilities shall be governed by the terms of that acceptance. Prior to any such acceptance as to Jorgensen Lane and the Fire Suppression Facilities, and continuing as to all other matters, as the third party beneficiary of this Declaration, and the grantee of such license, City shall have the following rights:

4.2.1 City shall have the right, but not the obligation, to enter onto Jorgensen Lane and the Mountain Drive Easement Segment to monitor compliance with the Road Maintenance Obligation and the Fire Hydrant Testing Obligation, in order to access the Fire Suppression Facilities and test the same at such time and in such manner as the City shall determine in its discretion;

4.2.2 City shall have the right, but not the obligation, to enforce any "no parking" or similar restrictions at any location along Jorgensen Lane if at any time City believes it is in City's best interest, or in the best interest of the health and safety of the City residents, to do so; and

4.2.3 City shall have the right, but not the obligation, to tow or remove any vehicles at any time obstructing Jorgensen Lane or any fire or other emergency vehicle access on, over, across or through Jorgensen Lane if at anytime City determines in its sole discretion that it is appropriate to do so.

4.3 **Right to Enforce Obligations; Costs.** In addition to the other rights granted hereby, City shall also have the right, but not the obligation, to enforce the obligation of the Owners and the Association to perform the Road Maintenance Obligation and/or the Fire Hydrant Testing Obligation. If for any reason the Association fails to perform the Road Maintenance Obligation and the Fire Hydrant Testing Obligation, City may, but shall not be obligated to, either (a) enforce the obligation of the Association to perform the Road Maintenance Obligation and the Fire Hydrant Testing Obligation as provided in Section 4.3.1, or (b) actually perform the Road Maintenance Obligation and the Fire Hydrant Testing Obligation in the name of, and at the expense of the Owners as provided in Section 4.3.2.

4.3.1 Declarant recognizes that any violation of this Declaration or any failure of the Association or the Owners to comply with the Road Maintenance Obligation or the Fire Hydrant Testing Obligation could cause residents of the City irreparable harm and significant injury, the amount and likelihood of which may be extremely difficult to estimate, thus, making any remedy at law or in damages inadequate. Therefore, Declarant, the Association and each Owner by the acceptance of their deed to a Parcel shall be deemed to have agreed that the City shall have the right to obtain from any court of competent jurisdiction a temporary or permanent order or injunction, without the posting of a bond, restraining any breach or threatened breach of this Declaration or any failure of the Association or the Owners to comply with the Road Maintenance Obligation or the Fire Hydrant Testing Obligation and for any other relief the City deems appropriate. This right shall be in addition to any other remedy available to the City in law or equity.

4.3.2 Should the City, in its sole discretion, elect to perform the Road Maintenance Obligation and the Fire Hydrant Testing Obligation in the name of, and at the expense of the Owners, all costs and expenses whatsoever associated with the City's enforcement or performance of such obligations

("Enforcement Costs") shall be borne by the Association and each of the Parcel Owners in accordance with their Proportionate Share. Should the City incur any Enforcement Costs, it shall so notify the Owners. Each Owner shall then have thirty (30) days within which to re-pay the City the respective Owner's Proportionate Share of the Enforcement Costs. Should any Owner not re-pay the City within such thirty (30) day period, then the City may exercise the lien rights granted pursuant to Section 6.5, below against any such Owner.

4.4 No City Liability. Declarant, for itself and for each subsequent Owner, hereby acknowledges and agrees that City shall have or incur no liability whatsoever in connection with City's exercise of, or failure to exercise, any of its rights provided in this Declaration. The intent of Declarant is to provide the City with all rights and benefits that it would have if Jorgensen Lane were a public street, without the City incurring any of the duties or obligations which the City would incur if Jorgensen Lane were a public street prior to any acceptance of the Offer to Dedicate. Declarant, the Association and each Owner by the acceptance of their deed to a Parcel shall be deemed to have covenanted and agreed to the foregoing limitation of the City's liability and to have covenanted not to bring a claim, action or proceeding of any kind or nature whatsoever against the City based on the City's exercise or failure to exercise any of the rights granted hereby.

4.5 Indemnification of City. For good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Declarant, for its successors and assigns, the Association and the Owners each covenants and agrees with the City to investigate, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges and expenses (including attorneys' fees and other legal expenses) and causes of action of whatsoever character which City may incur, sustain or be subjected to on account of (a) loss or damage to property or loss of use thereof or bodily injury to or death of any persons arising out of or in any way connected with (1) the license granted to the City hereby, (2) the exercise of the City's rights hereunder, including any damage to persons or property that may result therefrom, or (3) the Owners' or the Association's failure to comply with the Fire Hydrant Testing Obligation or the Road Maintenance Obligation, (b) the City's enforcement of, or failure to enforce, the Fire Hydrant Testing Obligation or the Road Maintenance Obligation, or (c) the City's advancement of any Enforcement Costs.

5 FORMATION OF ASSOCIATION

Declarant hereby forms an unincorporated association, the purpose of which shall be (a) to coordinate the activities of the Declarant and its successors and assigns under this Declaration, (b) to implement and enforce the provisions of this Declaration, and (c) to preserve and maintain the Shared Improvements, and to collect and pay the Maintenance Costs. The name of the Association shall be the Jorgensen Lane Owners' Association.

5.1 Original Member. The original member of the Association shall be the Declarant.

5.2 Additional Members. Each person who at any time owns a Parcel described in Recital A, or any portion thereof, shall automatically become a member of the Association concurrently with acquiring ownership of such Parcel, or portion thereof.

5.3 Termination of Membership. Membership in the Association shall terminate when a member no longer owns an interest in a Parcel that is subject to this Declaration. Membership in the Association shall run with the Parcels that are subject to this Declaration and shall not be severed from such Parcels.

5.4 Meetings. Members of the Association shall meet at least annually on a date in the month of February selected by the President of the Association. Additional meetings of the Association may be called by the President of the Association or by any two members of the Association by giving not less than ten (10) days' written notice, if notice is sent by mail, or is delivered personally or is given by telefax or telephone.

5.5 Officers. The Association shall have a President and a Secretary, and at the discretion of the members may have a Treasurer and such other officers as the members determine to be appropriate. The officers of the Association shall be elected at the annual meeting of the Association and shall hold office until their successors are duly elected and qualified. Any officer may be removed from office by the vote of a majority of the Owners. Any vacant office may be filled by the vote of a majority of the Owners.

5.5.1 The Owners contemplate that the Owner of each Parcel shall serve, in turn, as President of the Association, in accordance with an equitable rotation of such office among the Owners of all Parcels. If a majority of the Owners are unable to agree on a President of the Association, then the President shall be that Owner holding the deed to a Parcel comprising a portion of the Property that was recorded earliest in time who is willing to serve.

5.5.2 The President of the Association shall not be entitled to any compensation for his or her services as President unless otherwise approved by the majority of the Owners from time to time.

5.6 Voting Rights. Each Owner shall be entitled to one (1) vote for each Parcel that is subject to this Declaration which is owned by such Owner in connection with any matter requiring the approval of the members of the Association. Should record title to any single Parcel be held in the name of more than one (1) Owner, then the vote for such Parcel shall be exercised in such manner as the common Owners determine among themselves, but in no event shall more than one (1) vote be cast with respect to each Parcel. If the common Owners of a Parcel cannot agree as to how their vote shall be cast, or should they endeavor to cast more than one (1) vote, then such votes shall be void and shall not be counted.

5.7 Powers. The Association shall have such powers as are necessary or proper to carry out the purposes and intent of this Declaration, and such other powers as are conferred on unincorporated associations by Sections 2000 et seq. of the California Corporations Code or as may be conferred on it by the Owners from time to time.

5.8 Association Action. Action may be taken by the Association either at meetings of the Owners or by written consent without a meeting. Any action approved by a majority of all of the Owners shall be binding on each of the Owners.

5.9 Assessments. The Association shall have the right to levy and collect assessments from the Owners for the purpose specified herein, in such amounts as are approved by a majority of the Owners or otherwise become payable pursuant to this Declaration.

6 MAINTENANCE COSTS

6.1 Several Liability. The Association shall be responsible for maintaining the Shared Improvements and performing the Road Maintenance Obligation and the Fire Hydrant Testing Obligation as provided by this Declaration. Each Owner of a Parcel shall be severally liable for his or her Proportionate Share of the Maintenance Costs as provided in this Declaration.

6.2 Reimbursement of Excess Over Proportionate Share. Should the Association pay any Maintenance Costs that are later reimbursed by other property owners with respect to the costs associated

with the Mountain Drive Easement Segment, then each Owner shall be reimbursed its Proportionate Share of the amount reimbursed.

6.3 Payment for Work. All Maintenance Costs shall be paid from the funds on deposit in the Reserve Fund. If there are insufficient funds available in the Reserve Fund to pay any Maintenance Cost that has been incurred, then each Owner shall pay his or her Proportionate Share of any estimated deficiency within thirty (30) days after the date on which the expenditure creating the estimated deficiency has been approved by the Owners. Each Owner shall pay his or her Proportionate Share of the unpaid balance of any actual deficiency remaining after the proposed work has been completed within ten (10) days after receipt of an invoice therefore.

6.4 Delinquent Payments. Should any Owner fail either (a) to make any required contribution to the Reserve Fund, or (b) to pay his or her Proportionate Share of any Maintenance Cost required to be paid by such Owner within ten (10) days of the date on which such contribution or payment is first due (a "Delinquent Owner"), then such Delinquent Owner shall pay a late payment penalty in an amount equal to six percent (6%) of the delinquent payment, and such delinquent payment and the late charge shall thereafter bear interest at the maximum rate permitted by law at the time the delinquency occurs until paid in full.

6.5 Reciprocal Lien Rights: Delinquency in Contribution for Recurring Carrying Costs. Pursuant to the provisions of Sections 2881, 2883 and 2884 of the California Civil Code, each Owner (herein, a "Grantor Owner") hereby grants (a) to the other Owners a special lien, as defined in Section 2875 of the California Civil Code, on the Parcel owned by the Grantor Owner for the purpose of securing the obligation of the Grantor Owner to pay its Proportionate Share of any contribution approved pursuant to this Declaration, and hereby grants to the other Owners a power of sale for the purpose of foreclosing upon such lien following a breach of such obligation, and (b) to the City a special lien, as defined in Section 2875 of the California Civil Code, on the Parcel owned by the Grantor Owner for the purpose of securing the obligation of the Grantor Owner to re-pay the City the Owner's Proportionate Share of any Enforcement Costs incurred by the City pursuant to this Declaration, and hereby grants to the other City a power of sale for the purpose of foreclosing upon such lien following a breach of such obligation. Subject to the provisions of Section 6.5.4, below, the lien created pursuant to this Section 6.5 shall be prior to all other liens recorded subsequent to the Notice of Non-Payment and Claim of Lien recorded pursuant to Section 6.5.2, below.

6.5.1 Failure to Contribute. The President or Secretary of the Association or the City, as applicable, shall give a Notice of Delinquency to an Owner who has not paid any amount which such Owner is obligated to pay pursuant to this Declaration, within thirty (30) days after such payment first became due. An Owner who fails to make such payment within thirty (30) days following receipt of a Notice of Delinquency shall be in default in its obligations under this Declaration and shall be a "Defaulting Owner".

A **Advance by Association or Non-Defaulting Owners.** From and after such date, any Owner who is not a Defaulting Owner or the Association (either, an "Advancing Party") shall be entitled to advance the necessary funds on behalf of the Defaulting Owner.

B **Loan to Defaulting Owner.** The amount so advanced (and any sums payable pursuant to this Declaration as collection costs and interest with respect to the amount so advanced) shall constitute a loan from the Advancing Party to the Defaulting Owner. Such loan shall be repayable by the Defaulting Owner to the Advancing Party, with interest on the unpaid principal balance, from the date on which such funds are advanced by the Advancing Party until paid in full. Such interest shall be at a variable rate per annum equal to the lesser of (i) the prime lending rate (as in effect from time to time) of the principal banking institution being used by the Association for the deposit of the Reserve Fund, plus three percent (3%), or (ii) the maximum rate permitted by law.

6.5.2 Security for Repayment. The obligation of a Defaulting Owner to repay any loan or advance made by the Advancing Party for the benefit of a Defaulting Owner, plus interest as provided for by this Agreement, or to pay the City its share of any Enforcement Costs, in each case including the reasonable costs of collection, shall be secured by a lien on the Defaulting Owner's Parcel granted pursuant to this Section 6.5. Prior to enforcing such lien, the Advancing Party or the City, as applicable, shall record with the County Recorder of the County in which the Property is located a Notice of Non-Payment and Claim of Lien setting forth (a) the amount of any sums payable pursuant to this Declaration, including all collection costs and interest, (b) a description of the Parcel against which the lien is imposed, including both a legal description and the street address of such Parcel, (c) the name of the Owner of the Parcel against which the lien is imposed, and (d) if the lien is to be enforced by non-judicial foreclosure through the exercise of the power of private sale, the name and address of the trustee authorized by the Advancing Party or the City, as applicable, to enforce the lien by such power of sale. The Notice of Non-Payment and Claim of Lien shall be signed by the Advancing Party, the President of the Association, or an authorized representative of the City. Upon payment of the sums specified in the Notice of Non-Payment and Claim of Lien, the person or entity causing such Notice to be recorded shall cause to be recorded a further notice stating the satisfaction of such claim and the rescission of such Notice.

6.5.3 Enforcement of Lien. The lien created pursuant to this Section 6.5 may be enforced in any manner permitted by law, including sale by the court, sale by the trustee designated in the Notice of Non-Payment and Claim of Lien, or sale by a trustee substituted pursuant to Section 2934(a) of the California Civil Code. Any sale by the trustee shall be conducted in accordance with the provisions of Section 2924 of the California Civil Code applicable to the exercise of a power of sale in mortgages and deeds of trust.

A Nothing in this Section 6.5 or in Section 726 of the California Code of Civil Procedure shall be construed to prohibit an action directly against the Owner to recover sums for which a lien is created pursuant to this Section 6.5 or to prohibit the Advancing Party or the City from taking a deed in lieu of foreclosure.

B Any action brought to foreclose a lien established pursuant to this Section 6.5 shall be commenced within one (1) year following the date of recordation of the Notice of Non-Payment and Claim of Lien.

6.5.4 Subordination of Lien for Advances by Owners. Notwithstanding any other provision of this Declaration to the contrary, any lien created or claimed under the provisions of this Declaration to secure any payment or other obligation provided in this Declaration is expressly made subject and subordinate to the rights of any mortgage or deed of trust that encumbers the Property or an undivided interest in the Property made in good faith and for value, and no such lien shall in any way defeat, invalidate or impair the obligation or priority of such mortgage or trust deed unless the secured lender expressly subordinates its interest in writing to such lien.

7 RESERVE FUND

7.1 Creation of Fund. A reserve fund shall be established by the Association for the purpose of holding and accumulating funds to defray the Maintenance Costs (the "Reserve Fund"). Such Reserve Fund shall constitute a trust fund, and shall be deposited into an interest-bearing trust account established pursuant to Section 9, below.

7.2 Contributions to Reserves.

7.2.1 Within thirty (30) days after the conveyance by Declarant of the third Parcel, the Association shall hold its first meeting. At such meeting, the Association shall determine, by majority vote of

the Owners, the identity of the initial officers of the Association as well as a budget for the first year of operation of the Association. At the first meeting of the Association, Declarant shall fund the Reserve Fund in an amount equal to Five Thousand Dollars (\$5,000). No later than thirty (30) days following the adoption of a budget for the first year of operation of the Association, each Owner shall pay its Proportionate Share of the amount required to fund all of the costs in connection with such budget over the following year. The Reserve Fund shall continue to maintain a minimum balance of Five Thousand Dollars (\$5,000), which minimum balance shall be intended to be utilized to pay unexpected costs incurred by the Association and/or any costs required to be funded due to a default of any Owner in making a payment required hereunder. The funds deposited in the Reserve Fund shall be used solely for the costs and expenses of carrying out the provisions of this Declaration.

7.2.2 In addition to the minimum reserve balance contemplated by Section 7.2.1, above, the Association shall also establish and maintain reserves for the costs of all work which does not recur on an annual basis. Each year the Association shall estimate (or obtain third party estimates for) the cost of the non-recurring work required to be performed by the Association within the next five (5) years. In no case shall the quarterly contribution to the reserves of the Association be less than the sum of all costs anticipated to be incurred by the Association during the next year, and a portion of the estimated cost of performing all non-recurring work the Association is required to perform over the succeeding five (5) years sufficient to amortize and collect such costs in full before they become payable, unless the existing surplus or reserve balance of the Association exceeds the amount of such costs, or (b).

7.3 **Budget.** On or before February 1 of each year after its formation, the President of the Association shall deliver to the Owner of each Parcel a written budget of the estimated expenditures and cash requirements for carrying out the provisions of this Declaration for the following year, and the contributions which will be required of each Owner on each Contribution Due Date.

7.3.1 On such date, the President of the Association shall also provide to the Owners a report showing the amount on deposit in the Reserve Fund, the income and expenses of the Reserve Fund for the previous year, and the amount, if any, of any delinquency in payments owing to the Reserve Fund by any Owner.

7.3.2 The budget submitted by the President of the Association will become the budget of the Association for the following year, unless such budget is disapproved in writing on or before the first day of March of each such year by a writing delivered to the President of the Association executed by the Owners of three (3) of the four (4) Parcels. If such budget is disapproved by a majority of the Owners of the Parcels, the President of the Association shall call a meeting of the Association during the month of March for the purpose of formulating and approving a new budget by a vote of the majority Owners of the Parcels. If the Owners of a majority of the Parcels fail to agree upon a new budget, then the last approved budget of the Association shall control until a new budget is so adopted. Notwithstanding the disapproval of an annual budget, in no case will the annual contribution to the Reserve Fund be less than the amounts contemplated by Section 7.2.2, above.

7.3.3 Except in the case of an emergency, the Association shall have no authority to expend funds of the Association except in accordance with the budget of the Association, plus or minus a five percent (5%) variance for each line item thereof, without the prior written consent of a majority of the Owners.

7.4 **Regular Contributions.** Each Owner shall be required to contribute, on each Contribution Due Date, the amount specified as the required contributions for that Contribution Due Date in the budget of the Association for the then-current year (which in no event shall be less than \$100 per owner per quarter). The obligation to make contributions to the Reserve Fund pursuant to this Section 7 shall run with the land. Subsequent owners of each Parcel shall be liable for any deficiencies in the contributions owing to the Reserve Fund by their predecessors in interest.

7.5 Books and Records. The Association shall keep books and accounts in sufficient detail to permit prompt determination of the Maintenance Costs and the source and use of funds in the trust account. Such books and records shall be available for inspection and copying by any Owner upon reasonable prior notice to the President of the Association.

7.6 Enforcement. The Association and any Owner shall have the right to enforce contributions to the Reserve Fund by the Owners in the manner provided by Section 9, below. In addition, the City shall have the right to initiate a civil action against the Association and all of the Owners for the purpose of enforcing the obligations of the Association and Owners hereunder to maintain Jorgensen Lane in compliance with the City Street Standards.

8 RESOLUTION OF DISPUTES

8.1 Arbitration. If the Owners are unable to resolve by a majority vote any dispute or controversy among themselves with respect to any matter requiring the approval of the Owners under this Declaration, then any Owner shall be entitled to submit such dispute for resolution by arbitration after first giving ten (10) days' prior written notice to each other Owner of his or her intention to invoke the arbitration provisions of this Section 8 if the dispute is not resolved within such ten (10) day period.

8.1.1 If the dispute involves a dispute as to whether the Owners have complied with the Fire Hydrant Testing Obligation or the Road Maintenance Obligation, then the dispute shall be submitted to the Director of the Department of Public Works of the City of Santa Barbara, California for resolution. The decision of such Director, or of his or her designated representative, shall be binding on each of the Owners and may be enforced in any court of competent jurisdiction.

8.1.2 If the dispute involves any other matter, or if the Director of the Department of Public Works of the City of Santa Barbara fails or refuses to resolve any dispute submitted to it as provided above, then such dispute shall be submitted to arbitration before a retired judge in accordance with the then-existing rules of JAMS/Endispute or a similar private alternative dispute resolution company selected by the President of the Association. Any award entered in such proceedings may be enforced in any court of competent jurisdiction.

8.2 Costs and Expenses. The costs and expenses incurred in any arbitration proceedings initiated pursuant to this Section 8 initially shall be borne by the Owner initiating the arbitration proceeding unless a majority of the Owners agree that such costs and expenses shall constitute a Maintenance Cost payable from the Reserve Fund. However, any person acting as an arbitrator under this Declaration (including the presiding judge of the Superior Court of Santa Barbara County, California) shall be entitled to award costs and fees to any Owner who participates in such proceedings, and to require that any such awards be paid either from the Reserve Fund or by an individual Owner.

9 TRUST FUND

9.1 Responsible Party. The President of the Association shall have primary responsibility for (a) compliance with the Fire Hydrant Testing Obligation and the Road maintenance Obligation, (b) coordinating and supervising the care, maintenance and repair of the Shared Improvements, (c) the collection of contributions to the Reserve Fund and the payment of Maintenance Costs from the individual Owners, and (d) the disbursements of funds for the purpose of paying Maintenance Costs.

9.2 Trust Account. The President of the Association shall establish and maintain an interest-bearing trust account for the purpose of holding the funds collected from or paid by each Owner, pursuant to the provisions of this Declaration. All payments required of any Owner hereunder shall be made payable to

and deposited in such trust account. All Maintenance Costs shall be paid from the funds drawn on such account upon the signature of the President of the Association or his or her duly authorized representative. Any costs and expenses incurred in opening and maintaining such trust account shall constitute a Maintenance Cost. No part of the Reserve Fund may be devoted to any matter other than the payment of the costs and expenses contemplated hereby. Each Owner shall be deemed to bear its Proportionate Share of the tax liability associated with any interest earned on the Reserve Fund, even though such interest shall be retained in the Reserve Fund.

10 RIGHTS OF MORTGAGEES, OWNERS AND THIRD PARTIES

10.1 Amendments. No amendment to this Declaration shall affect the rights of the beneficiary of any mortgage or deed of trust made in good faith and for value and recorded prior to the recordation of any such amendment, unless such beneficiary shall either join in the execution of such amendment or approve the same in writing as a part of such amendment.

10.2 Validity of Lien. No breach of any provision of this Declaration shall invalidate the lien of any mortgage or deed of trust made in good faith and for value. However, all of the provisions of this Declaration shall be binding upon any Owner whose title is derived through a trustee's sale, foreclosure proceedings or any deed in lieu of foreclosure.

10.3 Exculpation. Should any lender acquire title to a Parcel through judicial or other foreclosure proceedings or by deed in lieu of foreclosure, then such lender shall not be liable for delinquent Maintenance Costs or contributions to the Reserve Fund accruing prior to the date of such acquisition of title.

10.4 Continuing Access. No right granted to any person under this Declaration shall be construed to impair, and no remedy exercised under this Declaration shall have the effect of denying, continuing access by an Owner to his or her Parcel.

10.5 Certain Obligations. Nothing in this Declaration shall be construed to relieve any Owner from legal liability for the costs of repairs to any Shared Improvement necessitated by (a) the negligent actions or conduct of such Owner, or (b) damage caused to such Shared Improvements by construction or off-road vehicles owned, leased or otherwise used by or for the benefit of such Owner ("Owner Attributable Damage"). Each Owner shall promptly repair at its sole cost and expense any and all Owner Attributable Damage to any Shared Improvements caused by that Owner, or its agents, invitees or guests.

10.6 Subordination of Secured Lenders. Declarant agrees to cause such Declarant's lender, if any, holding a beneficial interest in a deed of trust encumbering the Declarant's Parcel (a "Secured Lender") to subordinate the lien of its deed of trust to this Declaration. Such subordination shall be accomplished by each Secured Lender's execution of a Consent of Lienholder and Subordination of Lien in the form attached hereto as Exhibit D prior to or promptly following the recordation of this Declaration.

11 INDEMNIFICATION

11.1 The Owners, each limited to several liability for its Proportionate Share of the aggregate liability, if any, for the Property, hereby indemnify, defend and hold harmless the officers of the Association, any Advancing Party and their respective agents and employees from and against any and all loss, liability, damage, cost or expense (including, but not limited to, legal fees and expenses incurred in the defense of any claim, suit or legal proceeding or pursuit of the collection of any Maintenance Cost or Enforcement Cost) arising from acts or omissions concerning the activities undertaken in connection with the Association or this Declaration, so long as the acts or omissions do not constitute gross negligence and were made in good faith and in a manner reasonably believed to be in, or not opposed to, the best interests of the Property or the Owners as a whole.

11.2 The costs and expenses of such indemnification shall be charged to the Owner of each Parcel as a portion of the Maintenance Costs.

11.3 This Section 11 does not alter, limit or reduce the indemnification commitment of each Owner to the City as specified in Section 4.5.

12 INSURANCE

The Association shall maintain such public liability and property damage insurance as is determined on an annual basis by a majority vote of the Owners. Each Owner, the Association, the City, and the officers of the Association shall be named as insureds, or additional insureds, on such policies of insurance. The premiums for such insurance shall be borne by the Owners as a portion of the Maintenance Costs.

13 GENERAL PROVISIONS

13.1 Enforcement Costs. In any action or proceeding to construe or enforce the provisions of this Declaration, the Association, the enforcing Owner, the City, the Advancing Party or any other Owner or party prevailing in such proceeding shall be entitled to recover all court costs and reasonable attorneys' fees, to be fixed by the party determining the dispute and taxed as part of the judgment therein.

13.2 Term of Declaration. This Declaration shall run with the land and shall continue in full force and effect for a period of seventy-five (75) years from the date on which this Declaration is recorded in the Official Records of Santa Barbara County, California. Thereafter, this Declaration shall automatically be renewed and continued for successive terms of ten (10) years each unless and until terminated by an instrument executed by all of the Owners and recorded in the Official Records of Santa Barbara County, California.

13.3 Amendment. Any instrument amending or revoking this Declaration shall make appropriate reference to this Declaration and any prior amendments thereto, and shall be recorded in the Official Records of Santa Barbara County, California. This Declaration may be amended by the vote or written consent of a majority of the Owners, except that:

13.3.1 This Declaration may not be terminated or revoked, or amended in a manner that is adverse to the rights of the Owner of a Parcel in a manner which treats that Owner or his or her Parcel differently from any other Owner or Parcel, except upon the approval of all of the Owners of record of the Property, as evidenced by the signature of all Owners on the instrument revoking, amending or terminating this Declaration;

13.3.2 No amendment may limit or otherwise impair the right of an Owner to use and enjoy any easement appurtenant to such Owner's Parcel created pursuant to this Declaration without the written consent of the Owner of such Parcel; and

13.3.3 No amendment which would have the affect of modifying the Fire Hydrant Testing Obligation or the Road Maintenance Obligation, or which would affect the obligation or undertakings of the Owners vis-à-vis the City as expressed in this Declaration, may be made or have any force or affect whatsoever unless such amendment receives the prior written consent of the Community Development Director of the City thereto.

13.4 Notices. Any notice permitted or required under this Declaration shall be deemed to have been given (a) when personally delivered, or (b) when posted on the main entrance of an occupied residence situated on a Parcel, or (c) on the second day after the date on which mailed by registered or certified mail,

addressed to the party for whom intended.at the address given by such party to the Santa Barbara County Tax Collector for mailing of tax notices pertaining to such Owner's Parcel.

13.5 No Waiver. Failure by the Association, the City or any Owner to enforce any provision of this Declaration shall in no event be deemed a waiver of the right to do so at a later time.

13.6 Binding Effect. This Declaration shall be binding upon, and shall be a burden on and inure to the benefit of, not only the current Owner of each Parcel but also their respective heirs, executors, guardians, personal representatives, successors and assigns. All covenants contained in this Declaration are intended as, and are declared to be, covenants running with the land. This Declaration shall also be binding upon any tenants and other occupants of any Parcel.

13.7 Additional Documents. The parties agree to execute such additional documents as may be reasonable and necessary to carry out the provisions of this Declaration.

13.8 Complete Agreement. This Declaration contains the entire agreement between the parties with respect to the subject matters contained in this Declaration.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Declaration on the date(s) set forth next to our respective name.

**Jorgensen Ranch, LLC,
a California limited liability company**

By: _____
Richard L. Ridgway, Manager

Acknowledged:

The City of Santa Barbara

By: _____
Name:
Title:

APPROVED AS TO CONTENT:

Director of Community Development

APPROVED AS TO FORM:
City Attorney

City Attorney

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

On _____, before me, _____ (here insert name and title of the officer), personally appeared **Richard L. Ridgway**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature (Seal)

EXHIBIT A

CITY STREET STANDARDS

INTERIM DESIGN AND IMPROVEMENT STANDARDS

CITY OF SANTA BARBARA

JULY 1975

INTERIM DESIGN AND IMPROVEMENT STANDARDS

CITY OF SANTA BARBARA

JULY 1975

EXHIBIT A

CITY STREET STANDARDS

INTERIM DESIGN AND IMPROVEMENT STANDARDS

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I. GENERALLY

A. Conformance to Official and General Plans

"General Plan" means a comprehensive plan or any part thereof adopted by the City Council, which indicates the general location for the various functional classes of public works, places, and structures and for the general physical development of the City. The subdivision plans shall conform to any and all official or general plans for alleys, streets, highways and pedestrian ways.

II. FLOOD CONTROL

A. Design of Drainage Improvements

Design of drainage improvements shall be based upon runoff to be anticipated from a twenty-five year frequency storm, and calculations supporting such design shall be furnished as part of final plans.

B. Abutting Adequate Storm Drains or Existing Natural Channels

Where an adequate natural drainage channel or adequate storm drain exists within or immediately abutting the subdivision, drainage may be carried on subdivision streets within the design standards set by the Public Works Director, to such channel or drain.

C. Existing Adequate Channel or Storm Drain Downstream

Where an adequate drainage channel or storm drain exists below i.e. downstream from the subdivision, drainage from the subdivision may be carried over existing

curbed streets to such drainage channel or storm drain, to the extent that such street and such drainage channels or storm drain will not be overloaded, within the design standards set by the Public Works Director, by flows from anticipated full development of the drainage basin.

D. Conducting Drainage From Above

Drainage from the subdivision or the area, considered as fully developed, above the subdivision and draining through same, which cannot be properly conducted by the above methods, must be provided for by the construction of adequate underground or permanently lined drainage facilities.

E. Improvement of Existing Channels

Natural drainage channels existing within the subdivision may be required to be improved by the subdivider, if erosion, flooding, or hazard may be created by the continued existence thereof.

F. Easements

All easements offered for dedication to the City shall be ten feet in width, except under unusual circumstances, where a greater or lesser width may be required and/or approved. The City will not accept an easement for drainage maintenance purposes over or along a creek, natural drainage channel, or any improved

open drainage channel extending through or between lots.

III. GRADING

A. Grading Plan

A grading plan shall be prepared for the proposed subdivision and shall be submitted to the Public Works Director for review and approval. The grading plan shall show all details and features involving required earthwork and maintenance and shall be subject to the standards for grading permits as set forth in Chapter 22.06 of the Municipal Code for the City of Santa Barbara, provided, however, that the Public Works Director shall perform the functions provided in said Chapter for the Building Director.

All grading plans involving grading or filling on slopes of a gradient equal to or greater than one vertical foot to five horizontal feet, after having been reviewed and approved by the Public Works Director, shall be referred to the Architectural Board of Review for aesthetic review and consideration pursuant to Chapter 2.48 of the Municipal Code.

B. Street Grades

Street grades between six percent and ten percent will be approved only for such distances as topographical conditions make a lesser grade impractical. A grade exceeding ten percent will be approved only when conclusive evidence shows that a lesser grade is impractical.

C. Encroaching Slopes

Slopes shall not encroach upon any street right-of-way or alley.

D. Slopes Between Lots

A slope between lots shall be confined to the lower lot.

E. Planting: Protection From Erosion or Failure

All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure. Such planting and other protection from erosion and failure shall be completed and maintained for one year after the completion and acceptance of the subdivision, or until April 1st following the completion, whichever time is later. Such planting and other protection from erosion and failure shall be undertaken immediately upon creation of any slope exceeding three vertical feet and completed without delay in accordance with plans and specifications issued or approved by the Public Works Director. The subdivider shall not in any event, transfer, sell or divest himself of the land without making the transfer subject to the subdivider's right to re-enter the land to carry out the foregoing provisions.

F. Construction Schedule Effected by Erosion or Slide Danger

When it is determined by the Public Works Director or Chief Engineer that the proposed grading for the subdivision may create a nuisance or hazard to other pro-

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erties, public ways, or public facilities, due to erosion or slides from storm run-off or rainfall, no grading shall be started prior to the fifteenth of March and all grading, including slope planting shall be completed by the fifteenth of October.

IV. LIGHTING

A. Street Lights Generally

All features of street lighting systems shall meet the requirements of the City, which shall be established to achieve maximum safety, low maintenance costs, adequate illumination, and structural soundness and durability.

B. Street Lights - Approved Standards

The Public Works Department is hereby authorized and directed to maintain a list of approved residential, commercial and industrial light standards.

C. Ornamental Light Standards

All residential subdivisions shall be required to have ornamental light standards with underground conductors or wiring systems.

D. Residential Standards

Where residential lot frontages are less than seventy-five feet, light standards shall be spaced on projected side lot lines not more than two hundred and fifty feet apart. Where residential lot frontages are

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seventy-five feet or more, light standards shall be spaced on projected side lot lines not more than three hundred feet apart.

E. Light Standards - Commercial or Industrial Frontages

Commercial or industrial lot frontages shall have ornamental light standards and luminaires designed for high intensity lighting and with underground conductors or wiring systems, unless otherwise recommended by the Public Works Director and approved by the City Council.

V. LOTS AND BLOCKS

A. Blocks

Blocks longer than twelve hundred feet may be cause for disapproval of the tentative map.

B. Pedestrian Ways

~~Pedestrian ways at least ten feet wide dividing long~~
blocks may be required.

C. Lots

Lot means a parcel of land created in conformance with the provisions of the City Subdivision Ordinance and the City Zoning Ordinance in effect at the time of its creation, and shown on the latest equalized county assessment roll with a separate and distinct identification from other parcels. A lot shall be suitable for a building site; and any other parcel created by a lot line adjustment or by division or sale of property not in

conformance with the provisions of the City Subdivision Ordinance and the City Zoning Ordinance shall not be deemed a lot.

Lots shall conform to the minimum area, frontage, and configuration requirements of the City Zoning Ordinance except as hereinafter provided:

(1) Corner lots shall have an additional width of not less than ten feet.

(2) No lots shall be divided by a city or county boundary line.

(3) Side lines of lots shall, where practical, be approximately perpendicular to the street line.

(4) Through lots may be cause for disapproval of the tentative map.

(5) Lots having a depth of more than three times their width may be cause for disapproval of the tentative map.

(6) Uninhabitable lots, such as lots or portions of lots subject to flooding or lots deemed by the City Council to be uninhabitable, shall not be platted for residential occupancy not for such other uses as may increase danger to health, life, or property or aggravate the flood hazard, but such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or

shall not produce unsatisfactory living conditions.

(7) In all subdivisions of two or more lots, each lot shall have usable vehicular access from its own lot frontage on an official city street.

(8) All lots shall be numbered.

(9) Parcels which are combined or returned to acreage as shown on the latest equalized county assessment roll, shall not be redivided except in conformance with all provisions of the City Subdivision Ordinance.

D. Sidewalk Construction

All subdivisions shall have sidewalks on both sides of streets, except as otherwise provided in these standards. All sidewalks shall be constructed six inches from and parallel with the street right-of-way line, except in commercial zones, where sidewalks are constructed contiguous with the street right-of-way line.

E. Width of Sidewalks

Sidewalks shall be five feet in width in single family zones, and in all other zones shall be a minimum of six feet in width except in commercial zones where the sidewalk shall extend to and be contiguous with the street right-of-way line and the back of the curb.

VI. MONUMENTS

A. New Monuments, Existing Monuments, Adjoining Subdivisions

The final or parcel map, including a statement on the title page, shall show as a minimum requirement new

Monuments set consisting of one-half inch galvanized iron pipe not less than eighteen inches below the final graded surface at all lot corners and at all intersections or angle points or tangent points of the subdivision boundary. Each galvanized iron pipe shall bear a copper disc securely and permanently pinned or doweled to the upper end of said pipe. Each disc shall bear the registration number of said registered civil engineer or licensed land surveyor clearly stamped therein. A two inch by two inch by eighteen inch wooden stake painted white, shall also be driven with less than six inches of the length exposed adjacent to the galvanized iron pipe to mark the location of the latter.

VII. STREETS AND ROADS

A. ~~Street shall mean a public way for vehicular traffic whethe~~ designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or otherwise; provided, however, the work "street" does not include alleys.

B. Street Width

Street width means the shortest distance between the lines delineating the right-of-way of a street.

C. Paved Way

Paved way means the area between curb faces of a street, or where curb faces may be omitted by approval of

the City Council, they shall mean the area between the edges of the paved section, including the full width of gutters as permitted, in lieu of curbs.

D. Paved Way Width

Paved way width shall mean the shortest distance from curb face to curb face, or where curb faces may be omitted with approval of City Council, they shall mean the shortest distance between the edges of the paved section including the full width of gutters as permitted in lieu of curbs.

E. Alleys

Alley means a public way which affords a secondary means of access to an abutting property. The Advisory Agency may require that alleys be provided at the rear of commercial or multiple family parcels. Alleys shall be improved to a minimum width of twenty feet. All alley right-of-way lines, at alley intersections, shall be connected on radii of not less than ten feet. All alleys shall be through passage ways between public streets, except that where the Advisory Agency and City Council determine that a through alley is impractical or undesirable, a dead-end alley may be permitted. Dead-end alleys, when permitted, shall be terminated with a minimum forty foot radius turnaround, or with a twenty-foot by sixty foot 'T' type turnaround.

F. Arterial Rights-of-Way

Arterial street means a fast or heavy traffic street of considerable continuity, and used primarily as a traffic artery to facilitate the expeditious movement of heavy traffic between (1) major residential areas or (2) major residential and commercial areas. Arterial street rights-of-way shall be not less than eighty-four feet and the paved way shall be not less than sixty-four feet.

G. Collector Street

Collector street means a street which carries traffic from local to arterial streets in addition to serving as access to abutting properties and serving more than forty existing, proposed or potential lots. Collector streets shall have a street right-of-way of sixty feet and a paved way of not less than forty feet.

H. Cul-de-sacs and Dead-Ends

Cul-de-sac street means a local street with only one outlet. Cul-de-sac or dead-end streets shall be terminated by a turnaround separated by the depth of one lot from the exterior boundary or topographical boundary of the subdivision. Cul-de-sacs shall conform to the latest standards of the Public Works Department, approved by the City Council. Cul-de-sac streets in excess of six hundred feet in length may be cause for disapproval of the tentative map.

I. Curved Streets

Streets in comparatively level locations shall have a center line radius of not less than three hundred feet and in steep hillside locations, not less than two hundred feet wherever practicable.

J. Hillside Streets

Hillside street means a local street where the average cross slope before grading exceeds the ratio of ten feet vertical rise or fall to each one hundred feet in horizontal distance measured perpendicular to the centerline of such street and a minimum distance of one hundred feet on each side.

(a) Local hillside streets transverse to a natural cross slope of less than twenty percent shall have a street right-of-way of fifty feet and a paved way of not less than thirty-two feet in width.

(b) Local hillside streets transverse to a natural cross slope exceeding twenty percent and with a potential to serve ten or less lots may have a minimum street right-of-way of forty feet, and a paved way of not less than thirty-two feet, and with a sidewalk on one side of the street only, if so recommended by the Public Works Director or Chief Engineer and approved by the City Council.

K. Local Streets

Local street means a street used primarily for access to

abutting properties and which serves forty or less

proposed, or potential lots, as determined by the Advisory Agency. Local streets shall have a street right-of-way of fifty-four feet and a paved way of not less than thirty-four feet.

L. Street Connections - Radii

Street connections shall have minimum twenty feet radii at the intersecting street rights-of-way lines.

M. Street Connections - Right Angles

All street connections shall be at approximately right angles unless otherwise approved, for good cause shown, by the Public Works Director.

N. Half-Width Streets

Half-width streets shall not be permitted.

O. Streets to Relate to Existing Streets

The street system in the proposed subdivision shall relate to the existing streets in the area adjoining the subdivision.

P. Joining Unsubdivided Land - Streets

When a new subdivision adjoins unsubdivided land susceptible of being subdivided, any new street within the subdivision determined necessary to serve the unsubdivided land, shall be extended to the subdivision boundaries.

Q. Streets Requiring Special Consideration

Design of streets where railroads, parkways, grade separations, freeways or ocean shoreline is involved,

shall be subject to the special consideration required by the circumstances in each case.

R. Street Names

Each street or way which is to be dedicated, which is a continuation of or approximately the continuation of an existing dedicated street or way shall be shown on the tentative map and shall be given the same name as such existing street or way. The proposed name of each other street or way shown on the tentative map shall be submitted to the Planning Director for his approval, and if such name is not a duplication of or so nearly the same as to cause confusion with the name of an existing street or way located in the City, or in close proximity thereto, and if such name is appropriate for a street name, such name shall be approved by him. When such street or way forms a portion of any proposed street or way ordered by the City Council to be surveyed, opened, widened, or improved, and in such order a name is therefore assigned or designated, the name of such street or way shown on the final map shall be the same as the name contained in such order.

VIII. UTILITIES

A. Public Utilities

Public Utilities shall mean water, gas, sewer, electrical and telephone lines and facilities, but shall not include natural or improved drainage facilities.

It is hereby declared to be the policy of the City that in subdivisions as defined by state law all service utilities including but not limited to electrical, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground.

In the event an owner or developer is in any case granted relief by the City Council from any underground utility service requirements, all overhead utility lines shall be located at the rear of all lots, except where the City Council, upon recommendation of the Advisory Agency may determine that topographical or other conditions make this impracticable, in which event overhead utility lines shall be located on either side of side lot lines or at such other locations as may be requested by the utility companies involved.

In the case of any proposed subdivision abutting an

existing developed area or subdivision in which the utility services have been previously located underground, or abutting any other subdivision or area development wherein the owner or developer has agreed in writing or by final subdivision map on file with the Director of Public Works to so locate such utility facilities and services underground, the owner or developer of such proposed abutting subdivision shall be required to install and place such utilities or cable television underground and the adjacency of such previously established or agreed upon, underground utilities shall be sufficient grounds for denial or relief. This section shall not apply to existing utility lines which do not provide service to the area being subdivided.

EXHIBIT B

FIRE HYDRANT TESTING STANDARDS

The hydrants must flow at 750 gallons per minute at a 20-psi residual pressure.

EXHIBIT C

DEPICTION OF JORGENSEN LANE AND MOUNTAIN DRIVE SEGMENT

EXHIBIT D

DEPICTION OF DRAINAGE CHANNEL

EXHIBIT E
CONSENT OF LIENHOLDER

AND SUBORDINATION OF LIEN

The undersigned, being the beneficiary of that certain Deed of Trust recorded the _____ day of _____, 200_ as Instrument No. _____ of Official Records of Santa Barbara County, hereby consents to all of the provisions contained in the foregoing Declaration and agrees that the lien of its Deed of Trust shall be junior and subordinate to said Declaration and shall be subject to all of the provisions thereof, excepting only the provisions regarding the payment of money or the creation of lien rights, to which the lien of this Deed of Trust shall not be subject.

EXECUTED on this ___ day of _____, 200_, at _____, State of California.

LIENHOLDER:

By
(Name)

(Title)

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On _____, before me, _____ (here insert name and title of the officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature (Seal)

Green Building Strategies

PROJECT ADDRESS: 561 WEST MOUNTAIN DRIVE, SANTA BARBARA

1. GENERAL - Innovation, Integration and Compliance

Enroll in one or more of following programs:

- Built Green, SB Contractors Association,
- IBRP, County of SB,
- City of Santa Barbara Green Team Program with set project goals (based on Built Green).
- Incorporate Firewise 2000 fire guidelines for building, landscaping, safety.
- Meet/exceed State Water Efficiency Requirements.
- Exceed State Energy Code, Title 24.
- Plan in accordance with City Oak Tree requirements.
- Respond to State Ventilation/Indoor Air Quality Code.
- Involve entire team.

RECEIVED

JUN 15 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

2. SITE PREPARATION

2a. Site Protection

- Limit heavy equipment and designate contractor parking (Reduces soil compaction and preserves existing trees).
- Establish an onsite oak nursery and monitoring program for transplants and seedlings (promotes oak mitigation).
- Preserve existing native vegetation.
- Take extra precautions to protect trees during construction, use appropriate fencing.
- Comply with botanist recommendation re: creek restoration/preservation plan: protect creek areas – no dumping/burying of construction materials.
- Install & maintain temporary erosion control devices, including mulch, fabric and compost.
- Balance cut & fill, maintain original topography.
- Require appropriate cleanup for all trades: wash out concrete trucks in slab or pavement subbase area(s), prohibit burying of construction materials, recycle or dispose of all toxics appropriately (avoid use).
- Recycle all building materials – through Marborg.
- Be sensitive regarding non-toxic materials for outdoor landscaping support structure – hardscapes.

2b. Water Management and Water Use Reduction

- Water management system to promote groundwater recharge, investigate permeable driveways, and walkways, bio-swales, etc.
- Investigate dual flush toilets.

2c. Landscaping

- Protect existing vegetation; investigate transplanting trees as feasible.
- Stockpile topsoil for reuse – amend disturbed soil to depth of 8-10 inches.
- Use slow release organic fertilizers for new planting.
- Plant native, fire retardant, drought resistant vegetation and grasses; minimize turf grass.

- Provide area for kitchen garden and compost.
- Incorporate edible landscaping, trees and herb bushes, etc.
- Mulch landscape beds with 2 inches of organic mulch.
- Passive solar design and landscaping that reduce heating/cooling loads naturally.

2d. Road Surfacing

- Investigate permeable driveways.
- Use of fabrics to reduce impact to tree roots in roadway as recommended and approved.
- Low use walkways, turnarounds constructed of appropriate permeable materials.

3. STRUCTURAL

3a. Design and Material Selection

- Use wood products from farmed lumber sources, or re-milled salvaged lumber as appropriate.

3b. Foundation

- Use flyash in concrete, as appropriate, for new foundation.
- Use recycled-content.
- Incorporate vapor barrier, as appropriate.

3c. Doors, Flooring, Windows, and Misc.

- Domestically grown wood interior doors.
- If installing vinyl, carpet or wood flooring, use product with recycled content.
- For wood flooring, consider use of linoleum, cork, farmed, salvaged wood, or bamboo flooring.
- Drywall with recycled content gypsum.
- Use siding with reclaimed or recycled material for siding OR 50-year siding product.
- Investigate use of salvaged masonry brick or block for new or replaced exterior. Use locally produced stone or brick for new or replaced exterior, as appropriate.
- Windows of wood/composite windows OR finger-jointed OR sustainably manufactured.
- Environmentally friendly foam building products (formaldehyde-free, CFC-free, HCFC-free), if used.
- Use reclaimed or salvaged material for landscaping walls, recycled-content plastic or wood polymer lumber for decks and porches OR pressure-treated wood with least toxic pressure treatment (no CCA).

3d. Framing

- Use stacked floor plans, when applicable.
- Use engineered structural products.
- Use (R-21) 2x6 exterior and plumbing framing walls.
- Use farmed wood.

3e. Roofing

- Light color – for solar reflection (neighbor view shed and heat absorption).
- Solar panels and solar water heating, as possible and practical.
- Roof material made of recycled-content OR 40–50 year rated roofing material.
- Investigate radiant barrier.

3f. Moisture Control

- Pitch and flash new roofs properly.
- Direct storm water at least 5 ft. away from building.
- Seal at doors, windows, plumbing and electrical penetrations against moisture and air leaks.
- If slab is used, install poly barrier properly; if no slab, bottom of floor is sufficient height above backfilled dirt with vapor barrier properly installed.
- Add vents to ensure adequate ventilation to entire attic space.
- Use roof gutters to drain out onto splash blocks or approved system to drain water away from building.

4. ENERGY EFFICIENCY

4a. Insulation

- Appropriate (High R) insulation material.
- Install weather striping.
- Insulated doors, windows and structural panels:
 - Advanced wall framing.
 - NFRC certified windows with a U-factor of 0.35 or better (0.45 for skylights)

4b. Heating/Cooling

- Build with high R building materials, such as adobe
- Passive Solar design and landscaping that reduce heating/cooling loads naturally
- Ceiling fans in each room (pre-wire to facilitate).
- Ventilation and cross ventilation (may negate need for AC).
- Adequate overhangs on windows and doors.
- Energy Star heating and cooling equipment – located within area intended to heat/cool.
- Insulate ducts to R-11.
- Seal ducts using low toxic mastic or “Aeroseal” type treatment.
- Curtains and blinds for heating/cooling (homeowner responsibility).
- Investigate radiant heating application.

4c. Envelope

- Double pane windows.
- Solar tubes or skylights for extra daylight, (dual glazed, low-e).

4c. Controls (Heating & Cooling)

- Thermostat with multiple setback options and switch for furnace fan to circulate air.

4d. HVAC Equipment

- Investigate installing spot ventilation equipment in all appropriate locations as per Ventilation and Indoor Air Quality Code.
- Investigate installing spot ventilation fans to same standard as whole house fan. Investigate installing whole house fan.
- Install exhaust vents in rooms where office equipment is used.
- Investigate sealed combustion heating and hot water equipment.
- Provide balanced indoor pressure using controlled ventilation
- Where appropriate, install furnace fan motor with an electrically commutated motor (ECM).

4f. Appliances

- Energy Star dishwasher, refrigerator, etc.
- Horizontal-axis or Energy Star washing machine.
- Gas clothes dryer.
- Recycle bins in kitchen.
- Identify outdoor clothesline space on south side of house.

4g. Lighting

- Investigate compact florescent light bulbs.
- Investigate incandescent down-lights instead of Halogen.

4h. Controls (Lighting)

- Dimmers, timers and/or motion detectors on interior lights, as appropriate.

4i. Water Heating

- Indoor plumbing fixtures with GPM to City code.
- Tankless hot water systems – on-demand and solar water heaters and cycling, as appropriate.
- Locate water heater within 20 pipe-feet of highest use, as appropriate.
- Insulate hot and cold water pipes within 5-feet of hot water heater.
- On-demand or small local hot water delivery system.
- Solar water heater on roof, as appropriate.

4j. Solar

- Passive Solar design and landscaping that reduce heating/cooling loads naturally.
- Install proper over-hangs on south side, orient windows to allow for passive solar with glazing for heat gain less than 0.35, as possible.
- Use Energy Modeling Software to demonstrate overall reduction and savings (Title 24).
- Solar assisted water heaters, as possible and practical.

5. Photovoltaics

- Use PV solar on roofs (exceptional south-facing orientation).
- Net metering to grid.
- Obtain State & Federal rebates and/or tax credits.
- Support CEC's solar program.
- Payback in ~X years (TBD). Advertise in owner's information/manual.

6. FINISH

6a. Healthy materials

- Encourage use of formaldehyde-free fiberglass insulation, low-VOC, low-toxic, water-based, solvent-free sealers, grouts, mortars, caulks, and adhesives inside of building.
- Cabinets – Investigate plywood and composites of exterior grade or formaldehyde-free.
- Flooring of glass, ceramic, porcelain tile or natural wood.
- If standard carpet is used – natural fiber (jute, sisal, wool) low VOC with Carpet and Rug (CRI) Indoor Air Quality (IAQ) label.
- Low pile or less allergen-attracting pad and carpet, and tacks, limit glue.
- Encourage use of low VOC paints.

6b. Air Distribution and Filtration

- Install return-air ducts
- Operable skylight or windows (manual or automated) high up in the structure to aid natural ventilation, as appropriate. (Investigate fire impacts).
- Investigate use of U-factor of 0.45 or below and solar gain coefficient of 0.35 or below.
- Install furnace and/or duct-mounted air cleaner or high efficiency air filter (non-electronic) filters to medium-efficiency pleated or better.
- Install CO detector(s) regarding heater, kitchen.

6c. Health and Indoor Air Quality

- CA State Ventilation/Indoor Air Quality Code.
- Assist Owners with allergies or chemical sensitivity to identify best IAQ measures and finishes.
- Use less toxic cleaners and materials.

7. Recycle, Reduce, Reuse - Materials Efficiency

- Jobsite operations - - Reduce resources use.
- Provide waste reduction resource sheet to on-site personnel and subcontractors.
- Provide weather protection for stored materials.
- Use central cutting area or cut packs.
- Contractually require subcontractors to participate in waste reduction and recycling efforts on job site.
- Reuse building materials when appropriate.
- Use reusable supplies for operations, such as construction fences, tarps, refillable propane tanks.
- Move leftover materials to next job or provide to owner. Reuse spent solvent for cleaning.
- Recycle wood scraps and reusable items.
- Prepare jobsite recycling plan and post on-site.
- Recycle cardboard, metal scraps, wood scrap and broken pallets, packaging, extra drywall, concrete/asphalt rubble, rock, and brick, land clearing and yard waste.

8. Job Site

- Take measures to avoid moisture problems, and construction dust.
- Ventilate with fans after each finish layer is applied, as appropriate.
- Clean duct and furnace when construction is complete.
- Involve subs in implementing a healthy building job-site plan.
- Air-seal any attached garage.
- Encourage workers to use VOC-safe masks.

9. SUPPORT FOR OWNERS

- Provide gift basket of innovative items, eco-friendly cleaning products.
- Provide educational pamphlets on natural pest control, composting, etc. --“How to be eco-friendly in your special new home...”.
- Evacuation and emergency plans and procedures.
- Recycling bins built in kitchen.
- Install CO detector(s).

10. EXTRA CREDIT

- Recycle and Pre-cycle in planning process – minimize paper resources etc. – double side, add to plans rather than make new ones.
- Include innovative design, equipment and operation solutions to conserve natural resources and minimize waste produced on the project.

Investec received the Green Award in 1998 and was the Winner of the Year for the Waste Reduction Award Program of 1999, presented by the California Integrated Waste Management Board.

**** CHECK LIST CONCEPTS COURTESY BUILT GREEN PROGRAM OF SB CONTRACTORS ASSOCIATION**

Rev: May 2006, Investec

GENERAL PLAN POLICIES
(CONSERVATION ELEMENT)

APPLICABLE TO 561 W. MOUNTAIN DRIVE SUBDIVISION

Visual Resources Policy 2.0 – “Development on hillsides shall not significantly modify the natural topography and vegetation.”

Visual Resources Policy 4.0 – “Trees enhance the general appearance of the City’s landscape and should be preserved and protected.”

Visual Resources Implementation Strategy 4.1 – “Mature trees should be integrated into project design rather than removed. The Tree Ordinance should be reviewed to ensure adequate provision for review of protection measures proposed for the preservation of trees in the project design.”

Visual Resources Implementation Strategy 4.3 – “Major trees removed as a result of development or other property improvements shall be replaced by specimen trees on a minimum one-for-one basis.”

Biological Resources Policy 4.0 – “Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible.”

Conservation Policy 3.0 – “New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.”

~~Motion: Preliminary approval and Continued indefinitely to Consent Calendar with the following comments: 1) The Board finds the project greatly improved since the last review. 2) The Board appreciates the detail especially on the front yard south elevation of the property. There is concern that the detail of the elevation should be more consistent with the photographic example provided. 3) Eliminate or reduce the size of the knee braces at the center of the porch ridge element. 4) Consider using a continuous wainscot that wraps around the structure. Study elimination of redundant shingle treatment under windows. 5) Consider planting Dymondia or Thyme as they provide drought tolerant landscaping. 6) Consider planting vines, or planting evergreen shrubs along the driveway. 7) Provide revised floor plans and detailing to reflect the design shown on the elevations.~~

~~Action: Sherry/Mosel 7/0/0, Blakeley absent.~~

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

3. 561 W MOUNTAIN DR

A-1 Zone

Assessor's Parcel Number: 021-110-018
 Application Number: MST2004-00206
 Owner: Jorgensen Ranch, LLC
 Applicant: Brent Daniels
 Architect: Cernal Andrulaitis
 Landscape Architect: Van Atta & Associates

(Proposal for a four lot subdivision and construction of three new single-family residences on an 8.81 acre site in the Hillside Design District. An existing single-family residence with detached two-car garage would remain on one of the four new parcels. Each of the three proposed single-family residences would be one-story with attached garages on a lower level. The new residences would range in size from 4,147 to 4,700 square feet with garages from 819 to 825 square feet. Each new garage would require a modification to be in excess of 750 square feet. The proposal includes 1,450 cubic yards of grading outside the footprints of the buildings.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS FOR GRADING, PUBLIC STREET FRONTAGE WAIVER, LOT FRONTAGE MODIFICATIONS AND GARAGE SIZE MODIFICATIONS.)

(3:54)

Present: Brian Cernal, Architect; Brent Daniels, Applicant;

Public comment opened at 4:16 p.m.

Leslie Gutierrez-Jones, resident, opposed. Feels the project is unsafe for traffic, and therefore incompatible with the neighborhood.

John and Dorothy Warnock, residents, opposed, expressed concern with the height of the project.

Public comment closed at 4:33 p.m.

Motion: Continued indefinitely to Planning Commission with the following comments: 1) The Board finds the proposed four lot configuration to be generally well suited to the site and

minimizes tree removal. 2) There is concern with the amount of paved area, particularly on lots 1 and 3. 3) The applicant shall study ways to reduce or realign the driveways to minimize grading, tree removal, and visual impacts of the two-story garage facades. 4) Study increased stepping of individual homes to decrease grading impacts. 5) The architecture is handsome and the dark palate will blend nicely into hillside. 6) Increased the use of stone to integrate the architecture with the site. 7) There is concern with the discrepancies of the tree plan and the grading plan. The Board looks for increased accuracy to make the plans coincide. 8) Study ways to naturalize the hardscape runoffs with the use of bio-swaes or onsite retention basins if possible. 9) Work with the proposed driveway alignment to minimize impact on adjacent trees. 10) Some Board members are concerned that the size of the proposed structures is large in comparison to the adjacent homes. Provide a study analysis and comparison of Floor Area Ratios of the adjacent structures. 11) The Board does not see a negative visual impact associated with the minimal increase requested for the garage modification, as long as they are recessed, into the hill. 12) The 2-acre lot size fits well with the neighborhood. 13) The Board requests an organized site visit prior to the next review, after story poles have been installed for the Planning Commission.

Action: Sherry/Mudge, 6/0/0. Blakeley absent, LeCron stepped down.

CONCEPT REVIEW - CONTINUED ITEM

4. **1303 FERRELO RD - LOT 28**

E-1 Zone

Assessor's Parcel Number: 029-271-028
 Application Number: MST2005-00082
 Owner: Kevin Goodwin
 Designer: Goodwin Design

(This is a revised design: Proposal to construct a 3,493 square foot, two-story residence with an attached 599 square foot garage on a 27,280 square foot vacant lot. The project includes approximately 300 cubic yards of grading to be balanced cut and fill on the site. A Modification is requested to an overheight wall in the interior yard setback.)

(Fifth Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS, AND STAFF HEARING OFFICER APPROVAL FOR A MODIFICATION.)

(5:28)

Present: Kevin Goodwin, Owner; Corey Goodwin, Architect; Ellen Goodwin, Architect.

Public comment opened at 5:39 p.m.

Charles Boss, neighbor, concerned with the mass, bulk, and scale, footprint is not compatible to the neighborhood; also concerned about potential loss of Oak Trees. Chair Bartlett read into the record a letter from Nancy Marriott in which she states that as the tenant of a rental property adjacent to the project she did not express support of the proposed project.

Robert Gleason, resident, expressed concern size and scale are larger than previously submitted.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 6, 2005
AGENDA DATE: July 14, 2005
PROJECT ADDRESS: 561 W. Mountain Drive (MST2004-00206)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Allison De Busk, Associate planner *ADB*

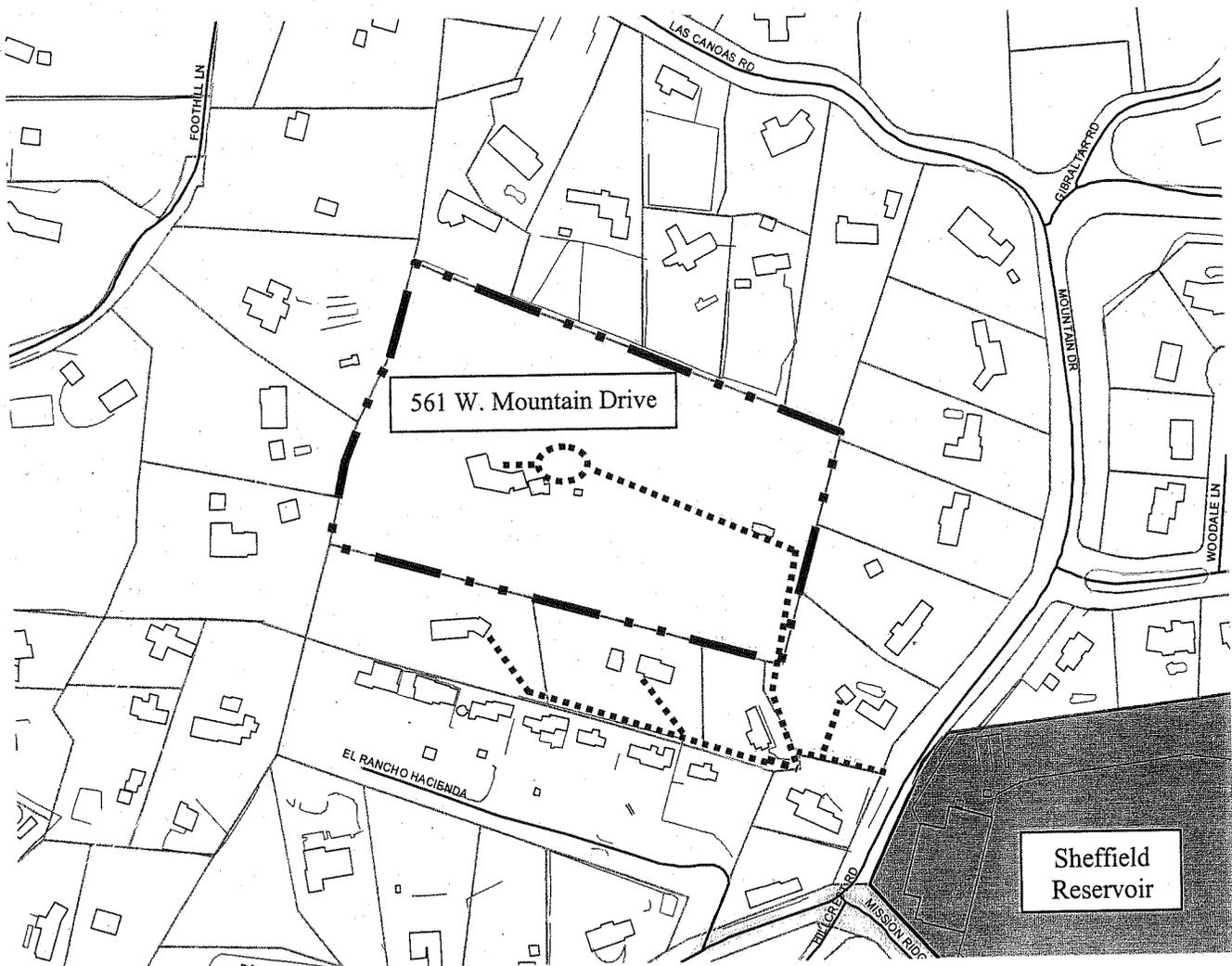
I. PROJECT DESCRIPTION

Request for a 6-lot subdivision of an 8.8-acre parcel for future residential development. One lot would be designated for an affordable home site. Current development on the site includes a single-family residence, detached garage and shed, which are proposed to remain. Refer to Exhibit A (Applicant's Letter) and Development Plans for additional information on the proposal.

Proposed lot sizes and slopes are as follows:

Lot No.	Slope	Lot Area Proposed	Lot Area Required
1	18.4%	1.50	1.50
2	18.9%	2.00	1.50
3	19.8%	1.50	1.50
4	17.4%	1.50	1.50
5	19.5%	1.50	1.50
6	20.1%	0.34	2.00

As currently proposed, the discretionary applications required for this project would be: a Modification to provide less than the required lot area for the proposed affordable lot (SBMC §28.15.080); a Modification of the lot frontage requirement for each lot (SBMC §28.15.080); a Vesting Tentative Subdivision Map (TSM) to divide one lot into 6 residential lots (SBMC Title 27); Neighborhood Preservation Ordinance findings by the Planning Commission for a residential subdivision in the Hillside Design District (SBMC §22.68.040); Historic Landmarks Commission review and approval of the Phase 1 Archaeological Resources Report; and a Public Street Frontage Waiver (SBMC §22.60.300).



Vicinity Map - 561 W. Mountain Drive

II. PRELIMINARY REVIEW

The project was submitted to the City's Pre-Application Review Team (PRT) process on March 23, 2004. At that time, the project was a five-lot subdivision and did not include the affordable lot. The primary issue areas identified in the PRT letter were: provision of a public road, drainage, and biological resources.

On March 4, 2005, the project was submitted to the Development Application Review Team (DART). The project had been modified to include a sixth residential lot, proposed as an affordable lot. The primary issue identified was the fact that the project would not be served by a public road (refer to Exhibit B, DART letter, dated April 7, 2005).

This project has not yet been reviewed by the Architectural Board of Review (ABR).

III. ISSUES

A. PUBLIC VS. PRIVATE ROAD

The subject parcel is landlocked and takes access via a private road easement from Mountain Drive. Although the applicants are willing to offer that portion of the road located on their property to the City for dedication as a public road, there is an intervening section of road that connects the subject parcel to Mountain Drive that they do not have the authority to offer. Public Works will not accept a road dedication until a connection to the existing public road (Mountain Drive) can be established.

Therefore, the project requires a Public Street Frontage Waiver. Santa Barbara Municipal Code Section 22.60.300 requires that each lot created by a new subdivision front upon a public street or private driveway serving no more than two lots, unless this requirement is waived by the Planning Commission. Currently, five parcels take access off this private road. Following the proposed subdivision, ten parcels would take access off the private road.

In order to waive the public street frontage requirement and approve the proposed Vesting Tentative Map, the Planning Commission must find that:

1. The proposed driveway(s) would provide adequate access to the subject sites, including access for fire suppression vehicles.
2. There is adequate provision for maintenance of the proposed private driveway(s) through a recorded agreement.
3. The waiver is in the best interest of the City and will improve the quality and reduce the impacts of the proposed development.

Staff *cannot* make the findings necessary to support a private road as the access to these new parcels, and does *not* support a public street frontage waiver for the project for the following reasons:

1. The project is located in a High Fire Area and staff does not believe that a private road will be in the public's best interest due to public safety concerns. This property is in the High Fire Area that is indicated in the Wildfire Master Plan as the most extreme in the City.
2. Private hydrants and water lines are a concern to the Fire Department due to the potential for inadequate maintenance. The City does not and will not maintain water lines on a private road and the Fire Department only inspects private fire hydrants on a complaint basis due to lack of staff.
3. A proposal to paint curbs red has been offered as mitigation to keeping the road open at all times for fire/emergency response vehicles, but parking in signed and/or red-curbed areas cannot be enforced by the City on a private road, which means that the City cannot tow illegally parked cars in the event of an emergency.

4. Private roads are a concern to the Public Works Department due to the potential for inadequate maintenance. Oftentimes, the City is asked to take on a private road several years down the line, at which point the road is in poor condition.
5. A total of 10 lots would be served off of the private road, well above the limits prescribed in the Municipal Code (Section 22.60.300), which allows access to 2 lots. Staff generally supports waiver requirements up to 4 lots.

Provisions to ensure the maintenance required on the utilities, roads and fire equipment can be incorporated into recorded covenants and maintenance agreements on the property; however, performance of regular maintenance as agreed may be difficult to ensure. Given the large number of properties that would take access off the road, both existing and proposed, this presents a considerable public safety concern for the City.

Whether the road is private or public, it would be required to be constructed to City public road standards.

B. LOT AREA MODIFICATION FOR AFFORDABLE UNIT

Staff has concerns that the proposed affordable lot is not appropriate for the site due to the development constraints on that lot (seasonal drainage, biological habitat, oaks, slopes, etc.) and the requested lot area modification. Feedback from the Planning Commission on the desirability of the proposed lot and the findings to support a lot area modification would be appreciated.

A table listing lot areas and slopes for surrounding parcels has been included in Exhibit C to assist in understanding the surrounding development pattern.

C. ENVIRONMENTAL REVIEW

The DART submittal package included a Biological Evaluation prepared by Lawrence Hunt and dated January 24, 2005, an Arborist's Report prepared by Peter Winn of Westree and dated December 10, 2004, a Soils Engineering Report prepared by Earth Systems Pacific and dated November 11, 2004, a Drainage Analysis prepared by Flowers & Associates and dated February 28, 2005 and a Phase 1 Archaeological Report prepared by Stone Archaeological Consulting and dated October 2004. Staff has requested additional information relative to the Biological Evaluation and the Arborist's Report.

The property has two seasonal drainages, one along the western portion of the lot and one along the eastern portion of the lot. Given the potential for these drainages to have biological resources, adequate setbacks and protection measures will be required. This will be analyzed in more detail through the project's environmental review.

There are also many oak trees on the property, particularly along the eastern portion. The proposed road has the potential to impact many of these trees. Any realignment of the road must take into consideration potential oak removal and grading. This will also be analyzed in more detail during environmental review.

An environmental determination has not been made for this project, although Staff anticipates the preparation of an Initial Study once the application has been deemed complete in order to analyze

the project's potential environmental impacts.

IV. SUMMARY

The purpose of this hearing is to provide the applicant with feedback on the proposed subdivision and development, with specific attention paid to those issue areas identified above.

Exhibits:

- A. Applicant's Letter dated June 23, 2005
- B. DART letter dated April 7, 2005
- C. Table of Surrounding Lot Areas and Slopes, with Corresponding Map
- D. Letters from Neighbors

square feet on the back parcel and would prefer to return with a two lot subdivision, and asked staff for direction.

Ms. Hubbell stated staff would prefer a denial without prejudice to allow the applicant to resubmit with a revised subdivision.

MOTION: White/Larson
Deny the project without prejudice.

Assigned Resolution No. 051-05

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Myers, Maguire) Abstain: 1 (Jostes) Absent: 1 (Mahan)

Chair Maguire announced the ten calendar day appeal period.

V. **NEW ITEMS**

ACTUAL TIME: 1:51 P.M.

A. 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 proposed project involves the subdivision of an 8.8-acre lot into six residential lots. One lot would be designated as an affordable home site. Current development on the site includes a single-family residence, detached garage and shed.

As currently proposed, the discretionary applications required for this project would be: a Modification to provide less than the required lot area for the proposed affordable lot (SBMC §28.15.080); a Modification of the lot frontage requirement for each lot (SBMC §28.15.080); a Tentative Subdivision Map (TSM) to divide one lot into six residential lots (SBMC Title 27); Neighborhood Preservation Ordinance findings by the Planning Commission for a residential subdivision in the Hillside Design District (SBMC §22.68.040); Historic Landmarks Commission review and approval of the Phase 1 Archaeological Resources Report; and a Public Street Frontage Waiver (SBMC §22.60.300).

The purpose of the concept review is to allow the Planning Commission an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.

Ms. DeBusk gave a brief overview of the project.

Brent Daniels, L&P Consultants and agent for the applicant, addressed the Planning Commission.

Craig Parker, Investec, gave a presentation of the project.

The public hearing was opened at 2:24 p.m., and the following people spoke in opposition to the project:

William Makler

Anthony Mulac

Muriel Ridland (also read a letter from the Riviera Association Board)

Carlos Gutierrez-Jones

Christopher Wiedmann

Craig Christenson

Susan Christenson

Lisa Sands

Cody Campbell

John Warnock

Randall Wade

Mary Quittner

The following people spoke in favor of the project:

John Lason

Chuck Schlosser

With no one else wishing to speak, the public hearing was closed at 3:24 p.m.

Commissioners' Comments and Questions:

1. Asked Mr. Schlosser, representing Santa Barbara Foundation, to define the mechanics behind affordable housing and their organization. Also asked if a non-profit organization associated with the Foundation is the only candidate that would be eligible to move into this house, and if that candidate happened to leave the particular non profit they are working for and move on to another non profit that might not be associated with the Foundation – would that affect their tenancy/ownership of the house.
2. Asked applicant if Investec will build these houses, or will they sell the lots to individual builders?
3. Asked what the street waiver means and what is required.
4. Asked staff if the City has received previous development applications on this parcel.
5. Asked applicant why the building envelope for Lot 4 have such an odd shape.
6. Asked a follow-up to question about the waiver; are there any notes to the 1948 or 1949 Planning Commission hearing regarding the access road, and are there any minutes, maps, etc. regarding this project.

7. Asked if Fire turnarounds are posted and enforced for no parking.
8. Asked applicant if a gate will be proposed at the subdivision entrance?
9. Asked how Civil Code affects ability of one party to encumber another party's access easement.
10. Asked Fire staff if fire trucks, and other vehicles such as UPS, or trash trucks, are able to maneuver in a turnaround with an island.
11. Asked for clarification from Fire on how a parcel that is heavily vegetated and has no access is a better condition than one that would have ample access and structures with clearings around it.
12. Asked about access to the property at 565 Mountain Drive.
13. Stated this is a tough situation because many lots in the area are already developed to the same standard the applicant is proposing, but has a hard time with the street frontage waiver because of the public safety issue, and is reluctant about going forward with a private street for this project. Asked if there is lesser density that would work. Also stated that this is not necessarily the best location for an affordable housing unit. Finally, indicated that it would be difficult to make Neighborhood Preservation Ordinance findings regarding neighborhood compatibility; might be willing to consider a project with two-acre minimum lots.
14. Commented that the lack of street frontage compels special treatment and feels access to the site is problematic. Cannot support the proposal because of its density; two lots are supportable, but four lots are not. Slope density is important to protect, so cannot support the lot area modification. Feels the project just does not fit the area. Different site/different access would certainly help.
15. Noted concern with carving up the Hillside Design District and feels the hillside is fragile for environmental and public safety reasons. Stated support for keeping the 1940's adobe home as it is a keystone for design of other units. Appreciates applicant trying to work with neighbors, and feels there is going to be much discussion before something that will work is found here. Would like to see a public road providing access for the neighborhood. The trade off for this would be considerably less density, two maybe three units. A few points to keep in mind include that minimal grading is the goal. Consider green building standards (a two green star status) for new construction, no gates, no tennis courts, no excessive paving, etc. Do not see this as an affordable housing site.
16. Two Commissioners can support affordable housing here because part of the environment of Santa Barbara consist of is the richness of our non profits, and how they service our community, and it can't be denied. Any place they can find to put a significant different type of affordable housing for a different level of income that is satisfying our non profits should be supported. Sorry not to see greater support for it. However, cannot support lot area modifications to provide the unit. Density should be reduced by one unit.
17. Stated part of the Commission's charge is maintaining the neighborhood preservation ordinance. Supports a public road, properly inspected fire hydrants, and a much less dense proposal in terms of units on the property. Would like to see the retention of the Pittman adobe, and also preserving open space.

18. Expressed concern about the street frontage waiver because of access and circulation reasons. Lot splits are always easier to review and comment upon when they know what exactly is going to go on them.

Mr. Schlosser responded that, while first priority for occupancy of the affordable unit would be for Santa Barbara foundation-associated non-profit organizations, the Foundation would not preclude occupancy by other non-profits.

Mr. Parker stated that no decision had been made on whether Investec would build the market-rate units, but they would build the affordable unit.

Mr. Vincent stated that Municipal Code Section 22.60.300 requires any subdivision approved within the City shall provide either a public street frontage, or a private driveway serving no more than two lots unless a waiver is approved by the Planning Commission. There are several findings that the Planning Commission needs to make before approving such a waiver. Many of those findings are related to issues that have been raised by both the applicants and the interested parties.

Ms. Hubbell indicated she was not aware of any previous proposal to subdivide this property.

Mr. Vincent could not provide definitive opinion as to the rights of the applicant to increase the burden on that easement. However, the easement is serving a parcel that has a potential build-out possibility, and he will evaluate whether or not that build-out possibility is anticipated in the potential use of that easement in the future.

Jim Austin, Fire Inspector, stated the island does meet their requirements. Access would be designed to meet fire requirements, and the Fire Code does not limit density; whatever is built up there would have to meet their requirements.

Janaki Wilkinson, Fire Marshall, clarified that it is an issue of evacuation and not an issue of fire management.

Mr. Daniels asked the Commission if they would support a waiver of the public street frontage if they bring back a less dense project.

Chair Maguire suggested a straw poll, and asked who would consider a frontage street waiver on a less dense project?

Ms. Hubbell clarified and asked if the Commission would support a public or private access if the density is reduced.

Four commissioners stated they would support a street frontage waiver if only two parcels were proposed. Two commissioners were not willing to say without knowing what the houses would look like.

One commissioner noted that this issue provides an incentive for the applicant to seriously sit down with the neighbors to determine if there is a solution acceptable to the neighbors and might be willing to consider one more parcel if the applicants have the neighbors on their side.

Ms. Hubbell stated there are two things they have to be clear on: 1) there will be more than two lots, total, off the private street if this project goes forward with the two-lot subdivision, and 2) there are two different sections of the Municipal Code; one that is in the zoning ordinance, which is the lot frontage modification, and one that is in the environmental policy title about public street frontage, and it's about how streets are constructed. Two sets of findings are involved.

Recessed at 4:08 p.m., and reconvened at 4:24 p.m.

ACTUAL TIME: 4:25 P.M.

B. APPLICATION OF BRIAN CEARNAL (ARCHITECT), AGENT FOR THE RAMETTO COMPANY (PROPERTY OWNER), 121 W. DE LA GUERRA STREET, APN: 037-082-002, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND RESIDENTIAL, 12 UNITS PER ACRE (MST2004-00774)

The proposed project involves construction of a mixed-use development containing 14 residential condominiums, 3 of which would be affordable to middle-income home buyers, and 3,310 square feet of commercial space. A total of 44 parking spaces would be provided in a semi-subterranean parking garage. Vehicular access would be provided via a two-way entry/exit from De la Guerra Street. The project site is a 22,500 square foot parcel located on West De la Guerra Street between Chapala and De la Vina Streets in downtown Santa Barbara. The existing 1,200 square foot office building and 65-car parking lot would be demolished.

The discretionary applications required for this project are:

1. A Modification of the lot area requirements to allow for three inclusionary housing (bonus density) units on a lot in the C-2 Zone (SBMC § 28.92.026.A.2);
2. A Modification to allow a portion of the required 10% open space area to be provided on the second level of the building (SBMC §28.92.026.A.2); and
3. A Tentative Subdivision Map (TSM) for a one lot subdivision with 13 residential condominiums and one commercial condominium (SBMC Chapters 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301, which allows for demolition of up to three commercial structures and 15332, which provides for in-fill

