



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 16, 2009
AGENDA DATE: July 23, 2009
PROJECT ADDRESS: 230 Lighthouse Road (MST2006-00455)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The project consists of the residential subdivision of an existing 1.6-acre site. The project does not include construction of individual homes. The existing church and all existing site improvements would be demolished. Although the project (as identified in the public notice) originally included two development options, the applicant has withdrawn the request for Option 1, which was a ten-lot subdivision that included three affordable lots. Therefore, the remainder of this staff report will focus on what was previously identified as Option 2.

The project consists of an eight-lot residential subdivision. Two private driveways (one at the northern boundary and one at the southern boundary of the project site) would provide vehicular access to all of the lots. The northern driveway would provide vehicular access to four lots (Lots 1-4). The southern driveway would provide vehicular access to six lots (Lots 5-8). A common walkway and landscaping ("walkstreet") would be provided down the center of the site to provide pedestrian access to each of the lots. Lot sizes would range from approximately 8,552 to 9,728 net square feet. Six lot frontage modifications would be required for the project. An uncovered guest parking space is proposed as part of the future development of each lot, and a conceptual landscape plan has been developed.

II. REQUIRED APPLICATIONS

The discretionary applications required are:

1. Tentative Subdivision Map (TSM) for an eight-lot subdivision (SBMC Chapter 27.07);
2. Lot Frontage Modifications (6) to allow six of the lots to have less than the required 60 feet of frontage on a public street (SBMC §28.92110.A.2);
3. Public Street Frontage Waiver (2) to allow more than two lots to be served by a private driveway (SBMC §22.60.300); and
4. Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. 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.

APPLICATION DEEMED COMPLETE: June 19, 2009
DATE ACTION REQUIRED PER MAP ACT: September 7, 2009

IV. BACKGROUND

In January 2007, the Planning Commission reviewed a conceptual proposal for development of the subject property with a 22-unit condominium development utilizing the Garden Apartment zoning designation, which required a re-zone to two-family residential (R-2). That project proposed six units available to middle and upper-middle-income homebuyers. Planning Commissioners generally commented that the project was too dense and that the existing E-3 zoning was an appropriate designation for the site (refer to Exhibit C – Planning Commission Minutes, January 11, 2007).

On October 9, 2008, the Planning Commission conceptually reviewed a 10-lot subdivision of the project site, which was essentially the same project as the Option 1 proposal identified in the public notice. However, staff had concerns with that proposal, and expressed those concerns to the applicant in a letter dated April 9, 2009. In response, the applicant submitted Option 2, which essentially merged the three affordable lots into one market-rate lot, and is the current project proposal.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Lisa Plowman, Peikert Group Architects	Property Owner:	Southern California-Nevada Conference – United Church of Christ
Parcel Number:	045-021-021	Lot Area:	73,150 gross square feet
General Plan:	Residential, 5 units per acre	Zoning:	E-3/S-D-3
Existing Use:	Church (currently vacant)	Topography:	5.4% slope down toward the northeast corner
Adjacent Land Uses:			
	North - single-family residential		East - single-family residential
	South - Washington Elementary School		West - multi-family residential



Vicinity Map

B. PROJECT STATISTICS

	Lot Sizes
Lot 1	9,728 net square feet
Lot 2	8,555 net square feet
Lot 3	8,555 net square feet
Lot 4	8,557 net square feet
Lot 5	8,552 net square feet
Lot 6	8,555 net square feet
Lot 7	8,555 net square feet
Lot 8	9,573 net square feet

VI. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Proposed Project
Setbacks -Front -Interior	20 feet 6 feet	20 feet 6 feet min.
Building Height	30 feet	30 feet
Parking	2 covered spaces	2 garage spaces per lot, plus one uncovered guest space
Minimum Lot Frontage Required	60 feet on a public street	Lots 1 and 8 have 125 feet on a public street Lots 2-7 have 73.1 feet on a private driveway*
Minimum Lot Area Required	7,500 square feet	8,500 square feet min.
Open Yard	1,250 square feet, minimum dimensions of 20'x20'	1,250 sq. ft. min. with minimum dimensions of 20' x 20'

* Requires a modification

The proposed project would satisfy the requirements of the E-3/S-D-3 Zone, with the exception of lot frontage. Lot frontage modifications are required for six of the eight lots because they do not have frontage on a public street.

A. LOT FRONTAGE MODIFICATIONS

With the exception of the two lots that have frontage along Lighthouse Road, the lots proposed will require lot frontage modifications because they do not have frontage on a public street, as required by SBMC §28.15.080.

Because proposed Lots 2 through 7 are served by private driveways rather than a public street, they cannot satisfy the requisite lot frontage requirement. However, these lots would have more than the minimum width required by this section (approximately 73 feet where 60 feet is required). Because staff is supportive of the public street waiver to allow the lots to be served by a private driveway rather than a public street, and because the lots satisfy the minimum width requirements of SBMC §28.15.080, staff is supportive of these lot frontage modification requests.

B. INCLUSIONARY HOUSING ORDINANCE

On May 12, 2009, City Council amended the Inclusionary Housing Ordinance (Exhibit J). The amended ordinance applies to all ownership housing projects with two or more units. These provisions apply to all qualifying projects approved subsequent to the adoption of the ordinance. The subject project would be required to pay an in-lieu fee of \$144,000 (\$18,000/unit x 8 units), payable prior to recordation of the Final Map.

VII. ISSUES

A. COMPLIANCE WITH THE GENERAL PLAN

1. Land Use Element

The subject parcel is in the East Mesa Neighborhood as described in the Land Use Element of the General Plan. This area is described as mostly having a density classification of five dwelling units per acre, which is consistent with the proposed E-3 zoning classification. The discussion in the General Plan of both the East and West Mesa neighborhoods is that, despite the predominant single-family development, there has been, in the past, pressure for rezoning to allow multi-family developments along Cliff Drive. The General Plan has shown an area around the Mesa Shopping Center in a density classification of twelve dwelling units to the acre. Most of this area is now zoned R-2 and is developed with garden apartments, duplexes and condominiums.

The project would result in a build out of 4.8 dwelling units per acre, which would be consistent with the Residential - 5 dwelling units per acre General Plan designation. The General Plan Map also shows the Buffer designation separating the school use from this residential use. Based on the project design providing a buffer between the two properties (in the form of a driveway), staff finds the project to be consistent with the Land Use Element of the General Plan.

2. Housing Element

The proposed project would result in a total of seven net new residential lots available for development of single-family residences. Some primary goals of the Housing Element applicable to the subject proposal are: to ensure a full range of housing opportunities for all persons and to protect existing neighborhood character while encouraging compatible infill development. The project would implement the goals of the Housing Element because it is an infill project that creates seven new lots available for construction of single-family residences. These future new homes would be compatible in scale, size and design with the surrounding neighborhood, and the project would be subject to design review by the City's Single Family Design Board (Policies 3.2, 3.3 and 4.3, and Implementation Strategy 4.1.10). The project would be subject to in-lieu fees in accordance with the City's Inclusionary housing Ordinance; therefore, policies of the Housing Element addressing development of low-income housing would be addressed. Staff finds the project to be consistent with the Housing Element of the General Plan.

3. Circulation Element

The proposed project includes private driveways at the northern and southern property lines to provide access to each of the lots. The project also includes a common "walkstreet" down the center of the site for pedestrian access to each unit. The project would include public improvements to the pedestrian facilities abutting the site frontage along Lighthouse Road. The project would not result in any significant impacts

associated with traffic or circulation. Therefore, staff believes the project would be consistent with the Circulation Element policies relative to traffic and circulation.

4. **Conservation Element**

The proposed project would not significantly impact cultural, visual or biological resources. The project site contains approximately 33 trees (32 non-natives, one native (Coast Live Oak)), and the proposed project includes the removal of 32 of these trees. A conceptual landscape plan has been submitted that identifies the installation of approximately 60 on-site trees as part of the subdivision improvements. These trees would be required to be installed prior to the recordation of the final map per the conditions of approval. An Arborist Report prepared for the project indicates that the existing trees are in fair to poor condition. The applicant has proposed to relocate the existing Olive tree onsite following construction. The existing Coast Live Oak is in poor condition and is recommended for removal rather than transplantation. The Conservation Element includes policies that address tree protection. However, due to the health and species of the existing trees, staff believes that the removal of the existing trees, and the planting of new trees is appropriate in this case. Proposed conditions of approval are included to ensure appropriate replacement ratios are included as part of the project. Additionally, staff has included, as a condition of approval, that the existing trees shall not be removed prior to issuance of a building permit for construction of the subdivision improvements. See additional discussion under "Tree Removal" below.

B. COMPLIANCE WITH THE COASTAL ACT AND LOCAL COASTAL PLAN

The project must be found consistent with the California Coastal Act and the City's Local Coastal Plan (LCP) because the site is located in the Coastal Zone. The Local Coastal Plan Map designation for the site is Residential, 5 units per acre, and the Buffer designation is shown between the subject site and the school property. The project is located in Component Two of the LCP. The LCP notes that this area is almost entirely developed with single-family residences with a few areas of multiple family residential located primarily around the commercial center at the intersection of Cliff Drive and Meigs Road.

The major coastal issues that are applicable to this project are neighborhood compatibility and preserving views. It should be noted that future construction of a single family residence on each of the newly created lots would not require a coastal development permit, pursuant to SBMC §28.44.070.C.

1. **Neighborhood Compatibility**

In accordance with LCP Policy 5.3, the proposed residential development must be compatible in terms of scale, size and design with the character of the established neighborhood and shall not overburden public circulation or street parking resources of the existing residential neighborhood.

The project includes one uncovered guest parking space in addition to the two covered spaces required by the City's Parking Ordinance. Therefore the project would be consistent with Policies 3.3 and 5.3. Future development of single family homes on the

newly created lots would be subject to review by the Single Family Design Board to ensure compatibility with the surrounding neighborhood and consideration of the unique layout of the subdivision as it relates to common areas. Staff believes that the development would be compatible with the neighborhood.

2. Low-Income Housing

In accordance with LCP Policy 5.6, new residential development shall, to the maximum extent feasible, include provisions for low- and moderate-income housing.

The project does not include any low- or moderate-income housing units; however, the project would be required to pay in-lieu fees (totaling \$144,000) as required by the City's recently amended Inclusionary Housing Ordinance. These funds would go into the City's Affordable Housing Inclusionary Fund, which are used to increase and improve the supply of housing affordable to Upper-Middle-, Middle-, Moderate-, Low- and Very-Low-Income households in the City. As such, staff believes that the project would be consistent with LCP Policy 5.6

3. Visual Resources

Vegetation within this disturbed site consists primarily of non-native shrubs and trees (Eucalyptus, Myoporum), as well as one oak tree. The project would remove 32 existing trees (mostly Eucalyptus Trees and other non-native trees). The LCP includes discussion of existing plans and policies that have been adopted for preservation and enhancement of the City's coastal resources and its visual qualities, consistent with Coastal Act Policy §30251. From a visual standpoint, the proposed project would result in a visual change from the public street with the loss of trees and future development of homes. However, with the incorporation of new trees into the landscape plan for the subdivision, this change would be further reduced. The site is not visible from any major public viewing areas and would not block any public views of the mountains. Maximum building height would be 30 feet. Therefore, the project would be consistent with these policies.

C. PUBLIC STREET WAIVER/STREET FRONTAGE MODIFICATIONS

Where more than two lots are served via a private road or driveway, a public street waiver is required. Staff's past practice was to support up to four lots with access via a private road or driveway. As designed, only two of the project's lots would front on a public street. The remaining six lots would be served by one of two proposed private driveways. In order to approve the proposed Tentative Map, the Planning Commission must approve a Public Street Waiver, finding that:

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

Staff believes that the proposed layout and private driveways provide adequate access to the site, and provides the benefit of a permanent buffer area between the school property and any future residential units. During the concept review for the project, the Planning Commission indicated general support for this layout.

D. TREE REMOVAL

The project includes the removal of 32 trees as follows:

8 Eucalyptus globulus	3 Eriobotrya japonica (Loquat)
1 Eucalyptus sideroxylon	1 Liquidambar styraciflua (Sweetgum)
3 Myoporum laetum	1 Ceratonia siliqua (Carob)
2 Schinus terebinthifolius (Brazilian Pepper)	1 Strelitzia nicolai (Giant Bird of Paradise)
2 Strelitzia reginae (Bird of Paradise)	1 Morus spp. (Mulberry)
1 Quercus agrifolia (Coast Live Oak)	1 Fraxinus undei (Ash)
2 Pinus pinea (Pine - one of which is dead)	1 Xylosma congestum
1 Tipuana tipu (Tipu Tree)	1 Magnolia spp.
1 Juniperus chinensis (twisted juniper hedgerow)	

The Park and Recreation Commission considered the project's proposed removal of trees within the front setback (five Eucalyptus, one Myoporum, one Pine, and one Pepper tree). The Park and Recreation Commission expressed concern with the proposed tree removals and postponed a decision on the matter until the Planning Commission considers the subdivision request (meeting minutes are attached as Exhibit E). Suggestions were made to accommodate the Eucalyptus trees in the design by either putting a common road down the center of the project site or shifting the southern driveway to the north. Parks staff is concerned that the proposed subdivision design causes removal of four of the five setback Eucalyptus trees unnecessarily (as well as the three outside the setback). Parks staff is also concerned that if the proposed design goes through, the subsequent root pruning necessary will mandate the removals without a decision from the Park and Recreation Commission.

Planning staff concurs with the Arborist Report prepared for the site (refer to Exhibit I), and can support the tree removal based on the size, species and health of said trees, with the following recommendations: relocate the existing Olive tree on site, retain the Brazilian Pepper that straddles the northern property line and is cared for by the neighbor, and replace the Oak with five one-gallon trees. Staff believes that the proposed landscape plan would more than adequately make up for the loss of the existing trees.

E. DESIGN REVIEW

The project was reviewed by the Single Family Design Board (SFDB) on March 30, 2009 (meeting minutes are attached as Exhibit D). However, at that time the project was a 10-lot subdivision that included the three affordable lots. The SFDB was generally supportive of the proposal; however, they had comments regarding future building massing adjacent to the driveways and compatibility of the "triplex" (three affordable units) in Option 1, which has since been withdrawn. Although the proposed project's current configuration was not specifically discussed by the SFDB, the comments would be similar to those of the prior 10-lot project, but there would be no "triplex" development. Therefore many of the concerns identified by the SFDB would be eliminated.

F. ENVIRONMENTAL REVIEW

The Guidelines of the California Environmental Quality Act (CEQA) include a number of types of projects that are generally exempt from environmental review. Staff and the Environmental Analyst have determined that the project qualifies for an exemption per CEQA Section 15332, which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects as identified by the following criteria:

In-fill Development Project:

1. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. *The project is consistent with the General Plan designation (Residential, 5 units per acre), all applicable General Plan policies, and the Zoning designation (E-3/SD-3: One Family Residential/Coastal Overlay Zone) and applicable regulations, as described in the staff report.*
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. *The project site consists of one existing parcel of 73,150 gross square feet (1.67 acres) within the City limits, and is completely surrounded by urban uses.*
3. The project site has no value as habitat for endangered, rare, or threatened species. *The site is currently developed with a church (currently vacant), accessory buildings, and an asphalt parking area. The project site has no value as habitat for endangered, rare, or threatened species.*
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic: The proposed project would generate 77 average daily trips, 8 A.M. peak hour trips, and 8 P.M. peak hour trips. Once the peak hour trips are distributed, the project is not anticipated to have a significant adverse impact on adjacent streets or intersections.

Noise: According to the City's Master Environmental Assessment (MEA), the project site is located within the less than 60 dB(A) noise contour. Therefore, outdoor noise levels would be less than the City's residential threshold of 60 dB(A) and exterior noise

impacts to the residential units would be less than significant. Consequently, interior noise levels would be less than the City's residential threshold of 45 dB(A) and interior noise impacts to the residential units would be less than significant. Standard conditions of approval to address construction-related noise would address any potential adverse impacts to the school due to construction activities.

Air Quality: The City uses the Santa Barbara County Air Pollution Control District's (APCD) thresholds of significance for air quality impacts. Based on the APCD's Land Use Screening Table, a project consisting of eight residential units would not result in significant air quality impacts. The project would involve grading, paving and landscaping activities that could result in short-term dust related impacts. Standard dust control measures are included in the conditions of approval; therefore, no significant air quality effects would result.

Water Quality: Stormwater calculations have been prepared for the project. The project will result in increased runoff of approximately 0.8 cubic feet per second (25-year storm event). Underground detention facilities are proposed to retain the additional runoff. Stormwater will also be treated by a vegetated swale. The project site is subject to the City's Storm Water Management Plan. A condition of approval is included that requires that the first inch of runoff be treated on-site and that the runoff be directed into passive water treatment facilities, such as bioswales and landscape features, as currently proposed. With the implementation of this condition, the proposed project would have less than significant impacts on water quality.

5. The site can be adequately served by all required utilities and public services. *All required utilities and public services are available to adequately serve the project.*

VIII. FINDINGS

The Planning Commission finds the following:

A. PUBLIC STREET WAIVER (SBMC §22.60.300)

1. The private driveways will provide adequate access to the proposed parcels. The proposed driveways are acceptable to the Fire Department and Public Works Department.
2. The proposed driveways will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveways will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. There is adequate provision for maintenance of the proposed driveways because the owners of the proposed lots would be required to maintain the private driveways pursuant to an agreement with the subdivider, to be recorded prior to or concurrent with recordation of the Final Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development with private

driveways rather than a public street allows for the common "walkstreet" down the middle of the development, which is an amenity to the subdivision. The southern driveway provides a permanent buffer between the new development and Washington School, which is important to the School. Additionally, the private driveways do not require expenditure of public money for maintenance.

B. LOT FRONTAGE MODIFICATIONS

As discussed in Section VI.A of this staff report, this modification is consistent with the purposes and intent of the zoning ordinance and is necessary to secure an appropriate improvement on the lot because the lots have frontage on a private driveway rather than a public street.

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 as discussed in Sections VI and VII.A of this staff report. The site is physically suitable for the proposed development due to its flat topography and soil composition, the project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections VI and VII.A of this staff report, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems as discussed in Section VII.F of this staff report.

D. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act; and
As shown in Section VII.B of this Staff Report, the proposed project is consistent with the policies of the California Coastal Act.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

The proposed project is consistent with all applicable Local Coastal Plan policies of the Coastal Land Use Plan as demonstrated in Section VII.B of this staff report, and all applicable Zoning Ordinance regulations with the requested modifications, as shown in Section VI of this staff report.

3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite and the project would not result in a negative impact to recreational activities at nearby La Mesa Park;

and, due to its location on the northeast side of Meigs Road/Shoreline Drive, the project does not have the potential to affect public access to the coast.

Exhibits:

- A. Conditions of Approval
- B. Project Plans
- C. Applicant's letter, dated July 13, 2009
- D. SFDB Minutes, March 30, 2009
- E. Park and Recreation Commission Minutes, April 22, 2009
- F. Planning Commission Minutes, October 9, 2008
- G. DART Letter dated April 9, 2009
- H. Applicable General Plan/Local Coastal Plan Policies
- I. Arborist Report prepared by Arbor Services and dated February 2009
- J. Inclusionary Housing Ordinance

PLANNING COMMISSION CONDITIONS OF APPROVAL

230 LIGHTHOUSE ROAD
8-LOT SUBDIVISION
*TENTATIVE SUBDIVISION MAP, COASTAL DEVELOPMENT PERMIT, LOT FRONTAGE MODIFICATIONS,
PUBLIC STREET WAIVER*
JULY 23, 2009

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. **Design Review.** The subdivision improvements are subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project (subdivision improvements) until the following Planning Commission land use conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized or 15 gallon size tree(s), as determined by the SFDB, of an appropriate species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 - a. **Oak Tree Replacements.** The oak tree removed as part of the project shall be replaced on site with five (5) one-gallon trees, or with three (3) 15-gallon trees, as determined by the SFDB.
 - (1) Landscaping provided under the replacement oak trees shall be compatible with preservation of the trees as determined by the SFDB. No irrigation system shall be installed under the dripline of any oak tree.
 - b. **Olive Tree Relocation.** The existing 17" Olive tree shall be relocated on site.
 2. **Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to screen the school from the southern driveway.
 3. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 4. **Future Residential Units.** Any new home developed on one of the newly created lots shall be subject to design review by the SFDB to ensure it is compatible with surrounding development, as well as with the unique layout provided as part of the subdivision to ensure it relates appropriately to the "walkstreet" area.
 5. **Guest Parking.** One (1) guest parking space shall be provided on each lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance.

The size and location of the guest parking spaces shall be subject to approval by the Public Works Director.

- B. **Recorded Conditions 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 23, 2009 is limited to an eight-lot residential subdivision and the improvements shown on the Tentative Subdivision Map (including two private driveways, common pedestrian “walkstreet” and associated landscaping, utilities, and public improvements) signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Six lot frontage modifications are approved as part of the project.
 2. **Guest Parking Stall.** Each lot shall provide and maintain an uncovered guest parking stall on the lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance.
 3. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 4. **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 Single Family Design Board (SFDB).
 5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for all common areas. Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the homeowners and/or Homeowners Association shall be responsible for its immediate replacement.
 6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner(s) 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 (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project’s surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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 and Coastal Development 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.

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 areas, common access ways, 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.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **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 areas, include an item in the private covenants stating that the green waste will be hauled off site.
 - e. **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. **Residential Permit Parking Program.** Residents of this subdivision shall not participate in the Residential Permit Parking Program.
9. **Common Area Improvements Constructed Before Individual Residences.** Owner shall complete construction of the two private driveways, the common

walkway down the center of the site, and the private utilities as shown on the tentative map before a building permit will be issued for the individual residences.

- C. **Public Works Submittal Prior to Final 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 Final Map and prior to the issuance of any permits for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final 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. *An Easement for All Street Purposes* along Lighthouse Way in order to establish an additional 10-foot wide public right-of-way.
 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*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 5. **Hydrology Report.** The Owner shall submit a *final* hydrology report 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 shall be retained on-site.
 6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Parks 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 pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the

operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

7. **Lighthouse Way Public Improvements.** The Owner shall submit separate C-1 Public plans for construction of improvements along the property frontage on Lighthouse Way. C-1 plans are submitted separately from the Building plans, to the Public Works counter. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards the following: *six-foot wide sidewalk, four-foot wide parkway, two residential driveway aprons modified to meet Title 24 requirements, +/- 100-feet of curb and gutter realignment, access ramp to existing raised crosswalk, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains from private on-site mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe and curb drain outlets, supply and install 2 residential Dome style standard street lights, final placement to be determined by the Public Works Department and the appropriate design review board, coordinate with City staff to retire light standards from existing utility poles, and contact Edison to energize the new lights, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/CA supplements during construction, new street trees and tree grates as recommended by the Parks Commission and the City Arborist, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
8. **Land Development Agreement.** The Owner shall submit an executed *Land Development Agreement* for Public Improvements, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
9. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State schools) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
10. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed private driveways and private drainage system, subject to the review and approval of the Public Works Director and City Attorney.
11. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The City's Inclusionary Housing Ordinance requires Residential Lot Subdivisions of greater than one lot and less than ten lots to pay an inclusionary housing fee. As

of the date of project approval, the inclusionary housing fee is \$18,000 for each lot in the project. For this project, the required inclusionary fee is \$144,000.

- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department prior to issuance of building permits for individual parcels, *and* following construction of private infrastructure, common areas and the two private driveways serving individual lots.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building Permit.
- E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:
1. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 2. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of trees in the front yard setback.
 3. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The City's Inclusionary Housing Ordinance requires Residential Lot Subdivisions of greater than one lot and less than ten lots to pay an inclusionary housing fee. As of the date of project approval, the inclusionary housing fee is \$18,000 for each lot in the project. For this project, the required inclusionary fee is \$144,000.
 4. **Common Area Improvements Constructed Before Individual Residences.** Owner shall complete construction of the two private driveways, the common walkway down the center of the site, and the private utilities as shown on the tentative map before a building permit will be issued for the individual residences.
- 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 Single Family Design Board, outlined in Section A above.

2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

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 rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Guest Parking.** One (1) guest parking space shall be provided on each lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. The size and location of the guest parking spaces shall be subject to approval by the Public Works Director.

5. **Private Driveway and Traffic Control Signs.** The Owner must furnish and install any private driveway traffic control sign(s) as determined by the Public Works Department Transportation Operations Division or Fire Department. Signs shall be subject to approval by the Sign Committee, as applicable.
6. **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. **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. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
 2. **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., as well as consideration of peak school traffic hours). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.

3. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
5. **Construction Activities Limitation.** Grading and related activities associated with development of the tract improvements for the subdivision shall take place during the school's summer break (unless mutually agreed upon by developer and School District). To ensure that grading activities are completed prior to the beginning of the school year, some preparatory activities may be implemented outside of the summer break period. If grading activities or other excessively loud construction activities will take place while school is in session (for tract improvements or later development of homes), temporary sound walls or other methods of reducing exposure of the school site to excessive noise levels shall be incorporated (as determined necessary based on input from the School District).
6. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 7:00 p.m. and Saturdays before 8:00 a.m. and after 5:00 p.m., and all day on 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
Cesar Chavez Day	March 31st
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.

No noise generating activities, including but not limited to activities using heavy equipment, framing, sheathing and roofing shall occur during any school-wide testing at Washington School. To the degree feasible, noisy construction activities shall be coordinated with Washington School.

Construction activities that do not generate noise may occur on holidays and Sundays between the hours of 8:00 a.m. and 5:00 p.m.

Occasional night work may be approved for the hours between 7 p.m. and 7 a.m. weekdays by the Chief of Building and Safety (per Section 9.16.015 of the Santa Barbara Municipal Code). In the event of such night work approval, the applicant

shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. Night work shall not be permitted on weekends or holidays.

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction equipment/vehicles shall be provided on-site. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. 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.
 - c. On-site storage shall be provided for construction materials, equipment and vehicles. Storage or staging of construction materials or equipment within the public right-of-way is prohibited.
8. **Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without said muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited.
9. **Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25.
10. **Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
11. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
12. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent

dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

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

13. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
14. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
15. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - A. Seeding and watering until grass cover is grown;
 - B. Spreading soil binders;
 - C. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - D. Other methods approved in advance by the Air Pollution Control District.
16. **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.
17. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
18. **Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
19. **Fleet Owners.** Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles.
20. See <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.
21. **Construction Equipment Engine Size.** The engine size of construction equipment shall be the minimum practical size.

22. **Construction Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
23. **Construction Equipment Maintenance.** All construction equipment shall be maintained in tune per the manufacturers' specifications.
24. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
25. **Diesel Construction Equipment.** Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
26. **Engine Timing and Diesel Catalytic Converters.** Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
27. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible.
28. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible.
29. **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.
30. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
31. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
32. **Tree Relocation.** The existing Olive tree shall be relocated on the Real Property and shall be fenced and protected during construction.

33. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
34. **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.
35. [The following condition should be standard for any project that involves ground disturbance (even if a report has been prepared that concludes that there are no known cultural resources - unless an archaeological monitoring contract is required)]**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 the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. 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 per SBMC §22.60.090. 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 plans, including utility service undergrounding and installation of street trees.
 3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B have been recorded.
- 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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Sections 28.44.230 and 28.87.370 of the Santa Barbara Municipal Code, the Coastal Development Permit for the subdivision improvements shall remain valid as long as the tentative map approved by the Planning Commission on July 23, 2009 remains valid.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire three (3) 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.



PEIKERT GROUP ARCHITECTS, LLP

July 13, 2009

City of Santa Barbara Planning Commission
Community Development Department
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

**SUBJECT: 230 LIGHTHOUSE ROAD – MST #2006-00455
REVISED APPLICATION LETTER**

Dear Chair Larson and Planning Commissioners:

On behalf of the Southern California Nevada Conference – United Church of Christ (SCNCUCC), Peikert Group Architects (PGA) is pleased to submit this application package for a residential subdivision to create eight market rate lots at 230 Lighthouse Road. While the applicant's initial proposal to include affordable lots has been eliminated, the City's new inclusionary housing policy will apply. The discretionary approvals sought from the Planning Commission include:

1. Tentative Tract Map with Modifications
2. Coastal Development Permit
3. Public Street Frontage Waiver

In conjunction with this application we submitted applications for a Street Tree Removal Permit and for vacant lot concept review by the Single Family Design Board.

Project Description

The project site and the neighboring parcels directly to the north and east are zoned E-3/SD-3 One Family Residences with a 7,500 square foot minimum lot size. The parcels to the west and northwest are zoned R-2 Two Family Residences and C-P /R-2 Restricted Commercial zone/Two Family Residences, respectively. The use to the south of the site is Washington Elementary School. The parcel is 73,150 square feet.

It is anticipated that each lot would be developed to include a two car garage and one guest parking space.

As noted above, the site slopes gently from north to south. In order to create the proposed 8-lot configuration, the site would be graded to create generally level lots with an approximate 2% grade. The required grading would total approximately 3,560 cubic yards of cut/fill. Please refer to the proposed grading and drainage plan prepared for Triad/Holmes Associates for more detailed information. Triad/Holmes also prepared Stormwater Calculations for the proposed subdivision. The grading and drainage plans and the calculations show that with the development of the project, storm water run-off could increase on-site. The map includes the use of permeable paving and bio-retention to address the treatment and detention of the storm water.

Please refer to the Preliminary Stormwater Calculations for more detailed information. In addition, it is anticipated that the Conditions, Covenants, and Restrictions for this project would require that all roof water be directed to landscaped areas.

Required Modifications

The subdivision configuration requires a street frontage waiver and a modification of frontage requirements. Because the site is designed to include a landscaped walkstreet down the center of the development and two private driveways that provide access at the rear of the lots, only Lots 1 and 8 have frontage on a public street. Both of these lots have 123 feet of frontage on Lighthouse Road. A modification would be required to allow the six remaining lots to be interior lots accessed from private driveways. The design of the proposed subdivision accomplishes the following:

- The project fits within and enhances the neighborhood by providing a unique single-family residential subdivision that will include an abundantly landscaped common green space shared by the residents,
- The project responds to concerns from the surrounding neighbors by setting development back from existing residential units and Washington School, and
- The cost to maintain the private driveways would be the responsibility of the property owners, rather than the City, and stormwater detention and treatment would also be on private property and maintained privately.

In summary, we believe that the merits of the proposed justify the requested street frontage modifications.

Justification of Project

The proposed project is consistent with the single-family development pattern in the neighborhood. The site is an ideal location for housing as it is directly adjacent to a school, and is within walking distance to a local park and two shopping centers that include most basic services.

Chair Larson and Planning Commissioners

July 13, 2009

Page 4 of 4

In closing, we believe that this concept provides a needed housing opportunity in Santa Barbara. We remain eager to work with staff to bring this important project to fruition. If you have any questions, please feel free to call me at your convenience.

Sincerely,



for

Lisa Plowman,
Planning Manager

CC: Mr. Gary Roberts, Southern California Nevada Conference – United Church of Christ
Mr. Dave Chamberlain

*** THE BOARD RECESS FROM 4:53 UNTIL 5:03 P.M. ***

FINAL REVIEW

5. **1651 SYCAMORE CANYON RD**

A-1 Zone

(5:15) Assessor's Parcel Number: 019-290-001
Application Number: MST2007-00121
Owner: Assad Mora
Architect: Peter Hunt

(Revised proposal to permit "as-built" construction consisting of 713 square feet of one- and two-story additions and a 184 square foot accessory building and a swimming pool. Proposed new construction consists of 1,340 square feet of additions, a 1,751 square foot attached pool house, a 538 square foot two-car garage and a 210 square foot one-car garage, and 50 cubic yards of cut and fill grading. Staff Hearing Officer approval of a modification was approved to allow more than 500 square feet of accessory space. The existing permitted 3,725 square foot two-story single-family residence is located on a 24.7 acre lot in the Hillside Design District. The proposed total of 7,713 square feet is 42% of the maximum guideline FAR. Enforcement case ENF2006-00683 is currently under the purview of the City Attorney's office.)

Actual time: 5:03

Present: Peter Hunt, Architect.

Public comment opened at 5:17 p.m.

A public comment letter from Paula Westbury expressing concerns was acknowledged.
Public comment was closed.

Motion: Continued four weeks to the Consent Calendar with the following comments:

- 1) Provide a Fire Department approved landscape plan.
- 2) Study articulation and landscaping to soften the large blank wall.
- 3) Study the integral plaster colors and decorative metal colors to be softer and more natural.
- 4) Provide window and additional details, and information on pool fencing.

Action: Deisler/Mosel, 5/0/0. (Zink stepped down. Carroll absent.)

SFDB-CONCEPT REVIEW (CONT.)

6. **230 LIGHTHOUSE RD**

E-3/SD-3 Zone

(5:45) Assessor's Parcel Number: 045-021-021
Application Number: MST2006-00455
Owner: Congregational Conference of Southern California and the Southwest
Architect: Peikert Group Architects

(Proposal for a subdivision to create 10 single-family residential lots, three of which would be affordable lots available to low- or very-low income households. The existing church is to be removed. Construction of houses is not proposed at this time. Planning Commission approval of Modifications is requested for lot frontage [8 lots], parking [3 lots to provide 1 parking space], interior yard setbacks [3 lots], lot area [3 lots] and open yard area [3 lots]. The existing 1.65 acre parcel is located in the Coastal Zone.)

(Comments only; project requires environmental assessment and Planning Commission approval of a Tentative Tract Map and Modifications.)

Actual time: 5:41

Present: Detlev Peikert, Architect, and April Palencia, Peikert Group Architects.

Public comment opened at 5:53 p.m.

Two public comment letters from Nica and Michael Guinn, and Paula Westbury were acknowledged. Natasha Campbell, Washington School PTO: addressed support of the landscaping buffer, and the change in elevation. Addressed concerns about the deck and window placement; preference of a wall instead of the fence as a noise buffer, and parking for affordable units and guests.

Public comment closed at 5:59 p.m.

Motion: Continued indefinitely to the Planning Commission and return to the Full Board with the following comments:

- 1) There are concerns about the building envelopes right up to alley. In the future, the Board will review individual houses for placement within the building envelopes for relationship to the alley and for landscaping.
- 2) The common open space should be park-like and natural, in character with surrounding neighborhoods and parks.
- 3) Onsite parking should be adequate for guests, consider guest parking on driveways. Parking should be adequate to prevent impacts to street parking.
- 4) The solid 8 foot wall and landscaping adjacent to the school is important to provide privacy and mitigate noise.
- 5) The lots adjacent to Lighthouse Road should have a street presence.
- 6) There is concern that the proposed triplex will generate a building that is not compatible in size, bulk, and scale; study having duplexes. The Board will insist that the multiple units be compatible in scale and appearance with the single family homes.
- 7) Study trash truck access.

Action: Zink/Woolery, 6/0/0. Motion carried. (Carroll absent.)

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

7. **1927-EL CAMINO DE LA LUZ**

E-3/SD-3 Zone

(6:20) Assessor's Parcel Number: 045-100-025
 Application Number: MST2009-00145
 Owner: Michael Monteabaro
 Architect: Chris Dentzel

(Proposal to remove a 264 square foot unpermitted family room and construct a new one-story 299 square foot master bedroom. The existing 1,577 square foot one-story single-family residence and 346 square foot attached two-car garage is located on a 22,972 square foot lot in the appealable jurisdiction of the Coastal Zone and the Hillside Design District. Planning Commission approval of a Coastal Development Permit is requested. The proposed total of 2,222 square feet is 47% of the maximum guideline FAR.)

(Comments only; project requires Environmental Assessment and Planning Commission approval of a Coastal Development Permit.)

Park and Recreation Commission

April 22, 2009

- (1) 303 - 307 W. Arrellaga St. - Mark Aijian - Yucca elephantipes, Giant Yucca

Commissioner Daniel Hochman moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee conditional removal regarding item 4C(1).

- (2) 610 E. De La Guerra - Arbor Services, Karen Christman - Pinus radiata, Monterey Pine

Commissioner Daniel Hochman moved, seconded by Commissioner Daraka Larimore-Hall, and passed 4/0 to concur with the Street Tree Advisory Committee conditional removal regarding item 4C(2).

D. Deny the following Setback Tree removal request.

- (1) 2021 Garden St. - Bronwen Jones - Syagrus romanzoffianum, Queen Palm

Commissioner Daraka Larimore-Hall moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation regarding 4D(1).

E.

Postpone a decision on the following Setback Tree removal request.

- (1) 230 Lighthouse Rd. - Peikert Group Architects, Lisa Plowman - (5) Eucalyptus globulus, Blue Gum, (1) Myoporum laetum, Myoporum and (1) Schinus terebinthifolius, Brazilian Pepper

Mr. Downey advised that the reason for this request was a potential sub-division of the property into ten parcels causing conflicts with the trees. He said the applicant's letter indicates that eight of the Eucalyptus trees are located in the City right-of-way; however, the right-of-way actually veers around the trees, and five fall within the setback of 20 feet.

Mr. Downey said the applicant proposes to re-align the right-of-way causing three of the Eucalyptus trees to become City property if Planning Commission approves the sub-division. Mr. Downey stated that staff does not support re-alignment of the right-of-way. He said that the Street Tree Advisory Committee and staff the design unnecessarily causes the removal of some of the trees. He suggested that if the driveways could be moved to the middle of the property, the Eucalyptus and Pepper trees would not be affected; similarly, if the driveways remain at the perimeter, but moved away from the edges creating a space between the property line and driveways, or narrowed, some of the trees could be preserved.

Mr. Downey said that the applicant's letter mentions an Arborist report. He said the report addressed the safety of the trees with required root pruning based on assumptions the sub-division gets approved as proposed; however, it does not take into consideration alternate designs.

Mr. Downey stated that the Street Tree Advisory Committee and staff are supportive of the removal of the Myoporum and the Eucalyptus tree farthest back in the setback; however they believe this application is premature.

Mr. Downey indicated that the Street Tree Advisory Committee comments and Park and Recreation Commission comments and decision will be shared with the Planning Commission when the sub-division is considered.

Mr. Downey advised that the Street Tree Advisory Committee and staff recommend the Commission postpone a decision on the removal of these trees until the sub-division is determined.

Chair Longstreet said she visited the site, and her feelings are what they were with respect to Lower State Street. She said if the trees are removed now, the area is vulnerable if the project does not go through; and will be left barren. Chair Longstreet commented that it is very early in the planning process to take the trees out, and she would be interested in Planning Commission and ABR point of view. She further stated that Planning Commission and ABR would desire to keep the trees. Chair Longstreet said she would concur with postponement.

Commissioner Burns commented there was a letter from the School District expressing concern over the trees. He asked if staff reviewed their concerns.

Mr. Downey said the School District has the same opinion as other people do over Eucalyptus trees, and they are basing their decision on the Arborist report, which assumes the roots will need to be pruned for this design. He said he plans to speak at Planning Commission to present the Commission's comments and Parks staff opinion about how a redesign could preserve the health and safety of some of the trees or, at least require them to get and add an Arborist report if an additional design were to be presented. Mr. Downey expressed that some of the trees are a bit hazardous, but the hazards can be mitigated through pruning.

Chair Longstreet commented that there are no other mature trees on the site. She further said that if ten homes are placed on the site, it will be ten large structures with no mature plantings around them. Mr. Downey concurred. He said part of the proposal is to preserve only one of the trees on the entire property, but it is outside of City jurisdiction. Mr.

Downey said they plan to relocate an Olive tree onto the site. He said it is small considering how large Olive trees can get.

Commissioner Daniel Hochman moved, seconded by Commissioner Daraka Larimore-Hall, and passed 4/0 to concur with the Street Tree Advisory Committee and staff regarding the postponement of a decision on item 4E(1).

ADMINISTRATIVE AND STAFF REPORTS

5. What's New in Recreation? - For Information (Attachment)

Recommendation: That the Commission receive a presentation on recent new programs and inventive program changes created by the Recreation Division.

Ms. Rapp said staff wanted to talk about some new programs the Department is excited about.

Terry Brown, Kimmie Coley, Rich Hanna, and Jeff Smith provided this report.

Chair Longstreet asked how the Scholarship program is doing.

Ms. Hanna said the Department gave the Police Activities League (PAL) 140 scholarships this summer, and the free summer drop in program is still available at Franklin, McKinley, and Harding Schools. She said Campership Alliance brings scholarships from many different agencies throughout the South Coast. Ms. Hanna stated that residents can call the Police Activities League or go on their website for more information about the registration day, which is May 15th.

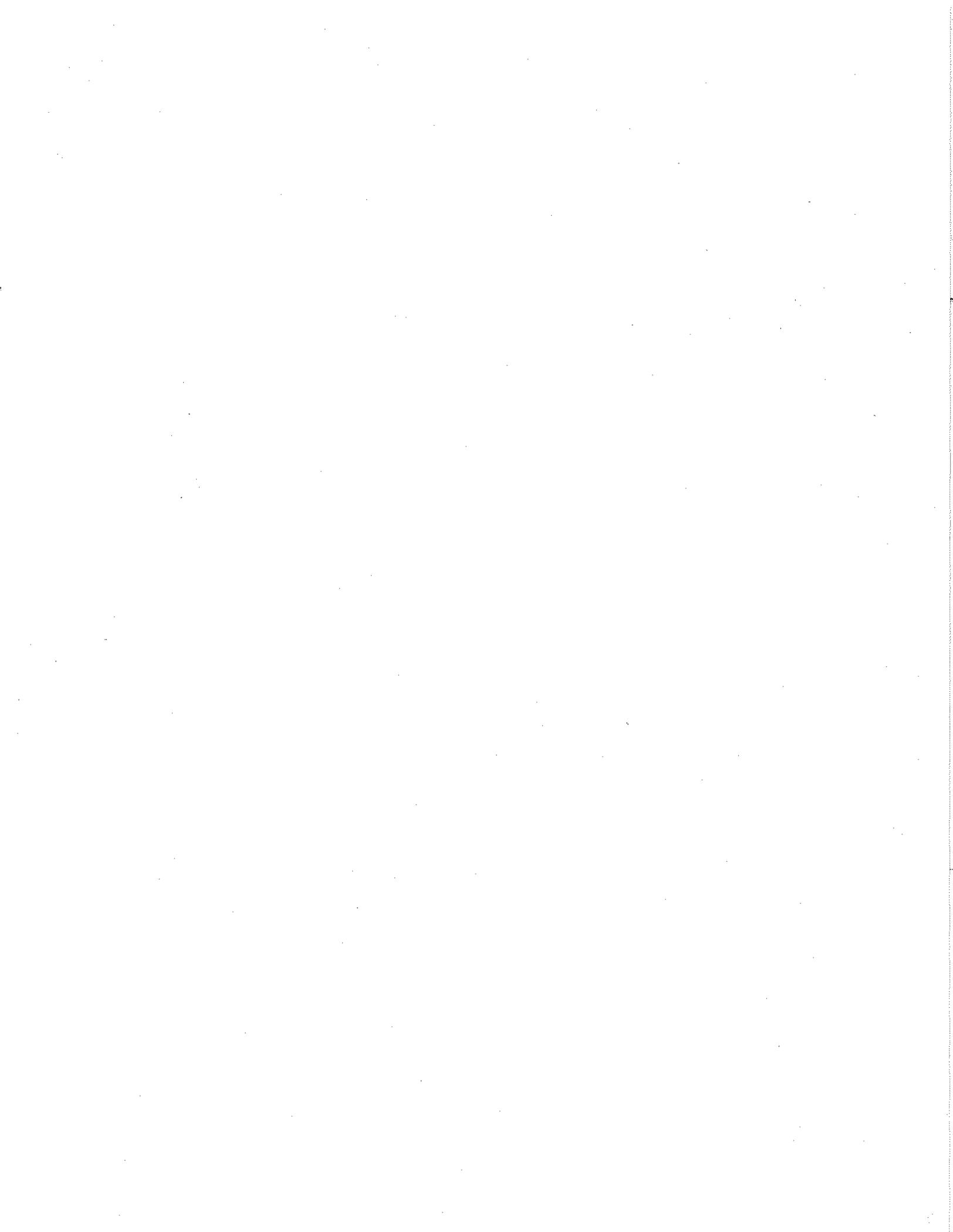
Intern Torres-Santos said it is good to see the new programs for youth this summer and asked if this is the first year for Camp Millionaire.

Ms. Coley said yes, it is the first year the City is co-sponsoring Camp Millionaire. She said that it has been done in the past as an independent unit. Chair Longstreet said there was a program in the past that cost about \$300 per week. Commission Burns interjected that his son attended Camp Millionaire a few years ago and it was a very good camp and he is glad the City is co-sponsoring it.

OLD BUSINESS

6. Presentation of Parks and Recreation Department Fiscal Year 2010 Budget - For Discussion (Attachment)

Ms. Rapp introduced this item and highlighted the budget process. Mr. Benson provided an overview of the Creeks Proposed Fiscal Year 2010 budget. Mr. McGregor provided an overview of the Fiscal Year 2010 Golf Budget. He then provided an overview of the Fiscal Year 2010 General Fund Budget.



2. The Planning Commission meeting of October 2, 2008 was cancelled last week, but a Special Meeting of the City Council and Planning Commission was held yesterday to review the Planning workload and priorities.
 3. Reviewed the items scheduled to be heard on October 16, 2008 and announced that 124 Los Aguajes will be continued indefinitely.
 4. A Joint meeting of Planning Commission and Transportation and Circulation Committee (PC/TCC) will be held on October 16, 2008 at 6 P.M. in the David Gebhard Public Meeting Room. Commissioners Larson and Bartlett requested the Staff Attorney to look into any potential conflict and possible need to step down.
 5. Reviewed the Planning Commissioner's calendar for the remainder of the year. Commissioner Jacobs announced that she will need to abstain from the 101 E. Victoria Street project to be heard on November 20th due to the applicant's attorney belonging to the same firm as her husband.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Myers opened the public hearing at 1:15 P.M. and, with no one wishing to speak, closed the hearing.

II. CONCEPT REVIEW:

ACTUAL TIME: 1:15 P.M.

Ex Parte Communication:

Commissioners Jacobs and Myers communicated with the applicant shortly after the initial concept review was held where the project went from 22 units to a more residential model. Commissioner Jacobs previewed the project, only in concept, and not the drawings currently presented.

APPLICATION OF LISA PLOWMAN, AGENT FOR SOUTHERN CALIFORNIA-NEVADA CONFERENCE – UNITED CHURCH OF CHRIST, 230 LIGHTHOUSE ROAD, APN: 045-021-021, E-3/S-D-3 ONE FAMILY RESIDENCE/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2006-00455)

The proposed project consists of a ten-lot residential subdivision. Three of the lots (Lots 8, 9 and 10) would be designated "affordable" lots, potentially developed by Habitat for Humanity. Two private driveways (one at the northern boundary and one at the southern boundary) are proposed to provide vehicular access to all of the lots. A common walkway would be provided down the center of the site to provide pedestrian access to each of the lots. Lot sizes would range from approximately 2,760 to 5,300 square feet for the affordable lots, and approximately 8,555 to 10,600 square feet for the remaining seven lots. Eight lot frontage modifications would be required for the project as a whole. The following modifications would be required for the three affordable lots: lot area, interior setbacks,

parking, and open yard area. The project does not include construction of the individual homes. The existing church and all existing site improvements are proposed to be demolished. The purpose of the concept review is to allow the Planning Commission and the public 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. The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **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.**

The discretionary applications required for this project are:

1. Tentative Subdivision Map (TSM) for a ten-lot subdivision (SBMC Chapters 27.07);
2. Three (3) Lot Area Modifications to allow three over-density units (bonus density) on a lot in the E-3/S-D-3 Zone (SBMC §28.92.110, A, 2);
3. Four (4) Interior Yard Setback Modifications to reduce the required six-foot interior setbacks on proposed Lot 8, Lot 9 (2) and Lot 10 to zero feet (SBMC §28.92110, A, 2);
4. Three (3) Parking Modifications to reduce the required parking for proposed Lots 8, 9 and 10 to one covered space (SBMC §28.92110, A, 1);
5. Three (3) Open Yard Area Modifications to reduce the size and dimensions of the required open yard areas for Lots 8, 9 and 10 to 15 feet x 15 feet (SBMC §28.92110, A, 2);
6. Eight (8) Street Frontage Modifications to allow eight of the lots to have less than 60 feet of frontage on a public street (SBMC §28.92110, A, 2);
7. Two (2) Public Street Frontage Waivers to allow more than two lots to be served by a private driveway (SBMC §22.60.300);
8. Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060); and
9. Design Review Approval by the Single Family Design Board (SFDB) (SBMC, Chapter 22.69).

Case Planner: Allison De Busk, Project Planner

Email: adebusk@SantaBarbaraCA.gov

Allison De Busk, Project Planner, gave the Staff presentation.

Staff answered Planning Commission questions about the logistics for providing affordable land versus affordable units by stating that Habitat for Humanity would take responsibility for the affordable land and has submitted a letter of interest in the project. Mr. Vincent added clarification on the Inclusionary Housing Ordinance's conditions and the covenant that would likely be established. While Habitat for Humanity has expressed interest, the

covenant would restrict selling the lots at more than an affordable rate and would apply to anyone buying the lots.

Staff answered additional Planning Commission questions by stating that an inclusionary housing plan would be submitted by the applicant as part of their project and it would contain details on whether the market-rate lots would be built while the affordable lots remained vacant; clarified the minimum parcel size for the zone district as 7,500 square feet net; confirmed that the Planning Commission could require units built as part of the subdivision map; and elaborated on granny units. Mr. Vincent added that the inclusionary housing ordinance applies to single family homes and condominium units of real property that can be transferred separate and apart from other units; granny units are secondary units and would not fall into the ordinance.

Lisa Plowman, Peikert Group Architects gave the applicant presentation and introduced Gary Roberts, United Church of Christ.

Ms. Plowman and Mr. Peikert addressed the Planning Commission's questions about logistics about the building and sale of the units by stating that the sale would involve the sale of lots and not the units and therefore they wouldn't have control over the timing of unit construction. She noted that the walk-street would be approximately a 16-foot wide easement that would run up the center of the lots and would be for communal use. She responded to Washington School's concern about parking and the space available to each lot by illustrating the guest spaces that would be available. Affordable units would have a single garage and ownership would be restricted to households with only one car via an annual review and subject to fines for non-compliance. Ms. Plowman also spoke to the varied lot configurations studied and stated that the configurations presented required fewer modifications, and the majority of modifications are related to the affordable units. She noted that attached units are cheaper to build. If the four-unit configuration were pursued with a loft unit over the garage, there are ways to mitigate the close proximity of the second story to the school, such as conditions on windows and landscaping. The applicant would continue to work with the school for mitigation.

Staff clarified that if the affordable units were developed as condominiums, they would go to the Architectural Board of Review, whereas if developed as attached single-family homes on individual lots, they would go to the Single Family Design Board.

Chair Myers opened the public hearing at 2:01 P.M.

The following people spoke in support of the project:

1. Ed Gamble would be supportive of the plan if it were to be built, but feels that this concept is just establishing a sales price for the property.
2. Joyce McCullough, Executive Director, Habitat for Humanity, looks favorably to working with the applicant in providing affordable housing; commented on the challenge in finding affordable property in the city. Habitat for Humanity is very

interested but does not have a formal agreement in place; they're waiting to hear the direction given by the Planning Commission.

The following people spoke in opposition to, or with concerns about, the project:

1. Dr. Walter Dukes, neighboring development owner, feels that Lighthouse Road is a very narrow road and remains concerned with how parking will be provided for all residents when street parking is very restricted. Would like to see story poles used to show impact to neighbors and potential blockage of ocean views.
2. Nica Guinn, adjacent neighbor, was concerned with the proposed height and impact on privacy.

With no one else wishing to speak, the public hearing was closed at 2:09 P.M.

Staff answered additional Planning Commission questions about drainage in the area by stating that a draining report was submitted for the project and it was consistent with the City's adopted Storm Water Management Practices.

The Commissioners made the following comments:

1. One Commissioner liked the pedestrian orientation. Did not think splitting the driveway was the most efficient layout for maximizing land use, but appreciated the buffer it provided for the school. Not convinced that small lots are the best way to proceed, especially with zero lot lines; it would effectively create an R-3 zone that may not be appropriate for the neighborhood. A homeowners association (HOA) with mixed uses and income levels could produce problems for future owners of the single family units.
2. Some Commissioners were concerned with fire access to the rear of the units and adequate turnaround for the trucks. Concerned with the distance to rear units from closest fire hydrant. Staff confirmed that the Fire Department had reviewed the project and felt the access was adequate. They did not intend to use the driveways for access and could access the units through alternative ways.
3. Commissioners were concerned with the limited parking that appears to have potential neighborhood impacts, including traffic impacts. Poor traffic ingress and egress. Difficult to enforce parking limitations on low income units; leaves enforcement to the HOA and could result in enforcement issues. Commissioners would like to see parking addressed for the affordable units.
4. No guarantee that the project won't be changed in the future since the objective of the proposal is to sell the lots. Two Commissioners were in favor of conditioning the Map to lock in conditions. One Commissioner would like to see the project committed to the concept presented, not seeing something different come forward for approval.
5. Some Commissioners were concerned with the change in plans from what was included in the Commission's packet and what was shown in the applicant's Powerpoint presentation, and feel that a continuance may be in order. Would like to see more adequate drawings submitted. Concerned that there may not be as much open space as is depicted in the renderings.

6. Public benefit of affordable housing should not be at the expense of the neighborhood. Lots of modifications asked for this project. Affordable housing should be similar to market rate units, not separately distinguished. Some Commissioners were concerned with the lack of integration of affordable units to the project and neighborhood compatibility issues.
7. One Commissioner felt that there could be a configuration designed with market rate homes and some housing rental units, such as granny units.
8. Some Commissioners loved the concept of the walkable area, but have reservation that the width of 16' is too narrow and this may not be the best place for it. Some Commissioners noted that the scale of the houses seems too big for the layout. This would not really look like a bungalow development. Two Commissioners would like to see the project "breathe".
9. The neighbor in unit number 5 would lose privacy with the zero lot line.
10. Cannot buy off on having all the affordable units up front with limited parking that would end up impacting the street.
11. One Commissioner could see reducing the area of the three oversized market rate lots by 8' in width, allowing for more room for the affordable units and less setback modifications needed. Would also provide additional width allowing for one more parking stall for each affordable unit and would eliminate the need for 3 parking modifications.
12. Concerned with implementation of association dues and CC&Rs that work for the affordable units and market rate units.
13. Would like to see well-defined building envelopes that would guarantee the walk-street and people plaza areas and show how the buildings will be placed and relate to each other.
14. Some of the 7 market rate houses could have a granny unit on their own lot. Suggested widening the affordable lots. Could support the public street waiver.
15. One Commissioner could not support granny unit approach. One Commissioner favored the four unit approach if it could be done with reasonableness in association with the school and meeting the parking needs. One Commissioner could see rezoning the lot to bring affordability to the area.

Regarding whether granny units could be built on the lot, Mr. Vincent clarified that in single family zones, granny units were possible but there are limitations. For this project, you might not get the maximum number of lots using the minimum zoning requirement and still get granny units, but could perhaps have less lots and satisfy the granny unit requirements. Mr. Kato added clarification of the requirements for secondary granny units and stated that it would be possible, but not for 8 lots.

Mr. Peikert responded to the Commission's comments by stating that the alternative was a 7-8 unit subdivision with a large cul-de-sac that would not be a superior design for this project. Assured the Commission and the public that this is a concept review and not a request for a final approval. When the project returns, building envelopes, open space, easements, etc. will be defined. With regard to parking, was agreeable to working on the addition of more guest spaces. Asked for more clarification on the affordable units and

support for the walk-street design concept. Asked for the Commission's preferred option of the two presented.

Commission asked for continued neighborhood cooperation. Recalled past situations where rear units were made to have sprinklers to address Fire safety issues. One Commissioner did not want to have to choose between the two options presented at the concept level and risk hampering the applicant's creativity.

Mr. Peikert asked for Commission's clarification on desire to have affordable units. One Commissioner stated that due to the constraints of the neighborhood, this lot may not be the place to put in affordable units.

Some Commissioners noted that this project is trying to be many things to many people: single-family, multi-family, combined single- and multi-family development all in an E-3 zone; a single family zone. Would prefer to see what is more compatible to the existing single-family neighborhood. A few granny units could address the question of affordability by presenting rental units and be managed by the lot owners, whereas rental units would have different management.

Many Commissioners felt that having affordable units was an attempt to force-feed the affordable units into the project. Looks like trying to build a multi-family building in a single-family neighborhood but calling it single-family homes. Project could result in having two homeowners associations and their associated challenges caused by force-feeding this concept. Neither of the concepts presented are the best approach given the constraints of the site. With regard to affordable units, one Commissioner suggested an alternative of going to two units instead of three. Two Commissioners suggested 8-9 single-family market rate units, keeping the walk-street concept and forgoing the affordable units. Otherwise, if affordable units are kept, two Commissioners suggested spreading them out and eliminating the setback requirements. One commissioner remained concerned with granny units. Most Commissioners felt that the three unit approach was better than the four unit approach.

Mr. Kato asked the Commission to consider the possibility of the affordable units being split up and mixed with the other units, instead of the triplex presented. One Commissioner made an observation about Granny units being added and concerns with the setbacks, parking and access, and wondered if the units could just be developed with guest quarters that could be used as a rental option. We are not in a position to advocate granny units or not.

Ms. Plowman reminded the commission that 8 Granny units would bring more parking issues than having three affordable housing units.



City of Santa Barbara

Planning Division

30-DAY DEVELOPMENT APPLICATION REVIEW TEAM (DART) COMMENTS – SUBMITTAL #2

April 9, 2009

Lisa Plowman
Peikert Architects, LLP
10 E. Figueroa Street Suite #1
Santa Barbara, CA 93101

SUBJECT: 230 LIGHTHOUSE ROAD, MST#2006-00455, APN # 045-021-021

**DART MEETING DATE: April 14, 2009 from 2:15 p.m. – 3:00 p.m.,
630 Garden Street, Housing & Redevelopment Conference
Room, 2nd Floor**

Dear Ms. Plowman:

I. INTRODUCTION

The City accepted the development application for the subject project for 30-day review on March 10, 2009. This 2nd DART submittal is in response to staff's incomplete letter dated August 26, 2008. The current project remains the same as the project submitted on July 28, 2008, and consists of ten-lot residential subdivision. Three of the lots would be for affordable units, potentially developed by Habitat for Humanity. Two private driveways are proposed to provide vehicular access to the lots. Modifications for lot area (three lots), lot frontage (eight lots), open yard (three lots), parking (three lots) and interior yard setbacks (three lots) are requested. Construction of individual homes is not proposed as part of the project. The existing church and all site improvements are proposed to be demolished.

This project was conceptually reviewed by the Planning Commission on October 9, 2008. Minutes from that hearing are attached for reference.

The information reviewed by the DART included an applicant letter dated March 10, 2009, responses to the August 26, 2008 DART letter dated March 2009, Revised Preliminary Stormwater Calculations prepared by Triad/Holmes Associated and dated February 2009, an Arborist Report prepared by Leigh Christman and dated February 2009, and an updated Tentative Tract Map dated February 27, 2009.

II. STAFF SUPPORTABILITY

Staff has reviewed the subject application does not support the project as currently proposed. Staff does not support the project because of the requested interior yard modifications, concern with the requested parking modifications, and the project's lack of response to the comments made by the Planning Commission as part of the project's concept review held on October 9, 2008. Specifically, the project does not integrate the affordable units into the overall project,

the size of the affordable lots has not been increased, and zero lot lines are still proposed for the affordable lots.

Staff is generally supportive of projects that include a voluntary affordable housing component. However, we believe that given the size of the existing lot, there are other options for site development that would achieve the same goal without impacting the neighborhood. Most significantly, staff does not believe that creation of a lot of less than 1,800 square feet, with no interior yard setbacks, thus resulting in essentially a triplex development, is appropriate in this single-family neighborhood.

Given staff's position on the project, we recommend taking the project to the Planning Commission for early denial. Please refer to Section III for a discussion of options for moving forward.

III. OPTIONS:

Given the fact that staff does not support the project as currently proposed, and the project has been deemed incomplete, there are several options for how to proceed.

1. Go to Planning Commission for early denial. We could take the project to Planning Commission for review prior to deeming the application complete. This means that staff would recommend denial of the project, and we would not do environmental review. The Planning Commission could not approve the project under this option. However, if the Planning Commission did not deny the project, then we would ask for the additional information in this letter, plus whatever was requested by the Planning Commission, and continue with another DART review. A denial would be appealable to City Council; however, the best case at Council would be for the Council to allow the project to continue through the DART process.
2. Submit information identified in Section V and have the application deemed complete. Staff would then complete environmental review, and take the project to Planning Commission, with a recommendation for denial. The Planning Commission could approve the project under this option.
3. Redesign the project. You could make some adjustments to the project in order to gain staff support. You would then submit this revised project to staff for review and have it deemed complete. Staff would then complete the environmental review, and take the project to Planning Commission, with a recommendation for approval.

You had mentioned merging the three affordable lots to create one market-rate lot; staff would be supportive of this option. You could also integrate the affordable lots into the project and redesign to avoid lots that have zero lot line development on two sides, and provide one covered and one uncovered space for each affordable lot. Although staff could support projects such as these in

concept, that is no guarantee that the Planning Commission would be supportive of said projects.

IV. COMPLETENESS DETERMINATION

The purpose of this letter is to notify you that the development application for the subject project is "incomplete," and additional information is required. The required additional information is specified below.

V. REQUIRED ADDITIONAL INFORMATION

Staff has identified the following information as necessary in order to adequately review the proposed development project. **Subsequent applications will not be accepted without this information.**

A. Planning Division

1. **Arborist Report.** Please provide a map that corresponds to the tree numbering provided in the Arborist Report (Table 1).
2. **Guest Parking.** Your submittal information identifies two guest spaces to be shared among the three affordable lots; however, the area available for the uncovered guest spaces is located on Lots 8 and 10. Please provide information on how these spaces would be shared and update the Tentative Map as necessary.

ADVISORY: Staff believes that providing those "guest" spaces as spaces assigned to the lots on which they are located would be more appropriate. This would bring those two lots up to the code required number of parking spaces, although one would be uncovered.

3. **Guest Parking Space Location.** It appears as though the proposed guest parking space on Lot 8 would encroach into the required interior yard setback. This would require a Modification of that setback.

ADVISORY: Although, based on the schematic site plan, the guest parking space on Lot 10 appears to be outside the required front setback area, it may require a front setback Modification if it encroaches into that setback, depending on final design of the residences.

4. **Parking Modification.** Staff is unable to determine the level of environmental review required for the project until we know whether or not there will be an impact related to parking. In order for the parking demand to be considered "met," we need confirmation that Habitat for Humanity, or some other entity capable of enforcing on car ownership limitation, is a part of the project. To date, such confirmation has not been provided. Please refer to Transportation Division Advisory comments below for additional information.
5. Please submit a copy of this letter, indicating how each of the comments contained herein have been addressed.
6. If, when you resubmit your DART application, your project changes in any way from the current proposal (change in the number of dwelling units, floor area,

parking spaces, building height, window location, etc.), please provide a concise explanation of all of the changes. Be advised that changes to the project may result in additional requests for information, and if deemed significant, may require submittal of a revised application (at staff's discretion) and associated fees.

B. Engineering Division

The following are minor corrections to the Tentative Map:

1. Identify the new driveways serving the proposed lots as "private driveway(s)" or "private road(s)". If each is a private road, then each road will need to be constructed to public road standards and maintained by private CC&R's. If private roads, then propose street names as outlined in SBMC §22.48.
2. Identify the proposed 6 inch sewer mains as "6 inch private sewer main".
3. Please note that according to the Draft Engineering Design Guidelines, the slope for the proposed 6 inch private sewer main is +/-0.44% minimum slope. Please revise on the TM.

VI. ENVIRONMENTAL REVIEW

In order to complete environmental review for this project, as mandated by the California Environmental Quality Act, staff will need the information identified in Section V of this letter.

Once the formal application has been deemed complete, Staff will begin the environmental review of the subject project. A final determination on the appropriate level of environmental review will be made once all necessary information has been submitted.

VII. ADVISORY COMMENTS

A. Planning Division

1. **Additional Fees.** Please be aware that projects that require a third or subsequent DART submittal are required to pay one-fourth (1/4) of the highest application fee for the project. In this case, the fee would be \$2,150.00.
2. **IHO.** The City Council has initiated discussions about possible amendments to the City's Inclusionary Housing Ordinance (IHO) that may affect this project. The current IHO provides that residential ownership projects (including "dry lot" subdivisions, new condominiums and condominium conversions that propose ten or more parcels or residential units) are subject to inclusionary housing requirements such as providing affordable units or paying an in-lieu fee. Please note that the City Council may be lowering the thresholds for certain projects so that it would apply to projects with fewer than 10 units. City Council is expected to decide on the IHO amendments in the foreseeable future. It is likely that any project that has not received approval of its Map prior to adoption of such Ordinance amendments would be subject to the updated Ordinance.
3. **Maximum Net Floor Area.** Please be aware that, based on the lot sizes proposed for the affordable lots, the maximum net floor area of homes on lots 8

and 9 would be 2,200 square feet each, and the maximum net floor area of the home on Lot 10 would be 2,476 square feet.

4. **Private Driveways.** Staff recommends that the private driveways be identified as such, and not as private roads (refer to Engineering comment above).
5. **Improvements.** Please note that the identified improvements (public street improvements, public sidewalk, common landscaping, walkstreet, shared driveways, common drainage, project directory, etc.) will be required to be installed prior to approval of the Final Map.

B. Engineering Division

1. Please be aware that *if* this project is approved, the Subdivision Map Act §66411.1(2) supports Orderly Development, which means that either all of the private improvements, including sewer main, individual sewer laterals and manifolds for the water meters must be constructed prior to recordation of the Final Map, or securities (bonds) must be submitted prior to issuance of any permits.
2. A Public Street Frontage Waiver is required per SBMC §22.60.300 since each road is proposed to serve more than two lots each, and findings must be made by the applicant to support your application for a Street Frontage Waiver.
3. All Applications for Public Works begin at the Public Works counter by filling out a Master Application (Generic application form) and describing what you are applying for (i.e. new driveways, sidewalk, curb, gutter, storm drain connections, street lights, Water Extraction Rights Agreement, etc.), including an approximate valuation of the improvements.

C. Fire Department

1. A project directory, including a map and listing of all units on the site must be posted at the entrance to the property and must be indicated on the project plans.
2. Driveway access for emergency vehicles must be all weather concrete or asphalt capable of supporting 60,000 pounds.

D. Transportation Division

1. Transportation staff does not support a modification for one space per each affordable unit, due to the uncertainty of future development and ownership of these units. If Habitat for Humanity is not involved in the future, there is no assurance that a different affordable housing developer will be committed or able to regulate and monitor the number of vehicles owned by the residents. This type of regulation is needed for staff to support the modification and to ensure an increase in parking demand is not created in the immediate area.
2. There are options to consider in order to gain staff support for a parking modification. For example, there could be two spaces for the two larger lots and a condition for the third lot to have a maximum unit size of 750 sf with one bedroom. Staff has found the parking demand to be one space for units of this size. Another option would be to widen the middle lot, so that all three

affordable lots have room for two on-site parking spaces. Further, as currently proposed, we have concerns that the two shared "guest spaces" for the affordable units would not function as intended, and would be utilized by the owners of the underlying parcels.

3. The proposed raised crosswalk must be ADA compliant and not exceed 8.3% slope. The raised crosswalk detail does not show that this maximum slope is being met, as it shows a rise of 3.5" over a 2' run, resulting in 14.6%. Please correct. An alternative design could be to keep the crosswalk level with the sidewalk, instead of ramping on both sides of the street. Staff has also contacted Washington School to explore the option of relocating the crosswalk and speed hump onto the school property, and will follow up with the applicant on this option as a condition of approval.

E. Building & Safety Division

1. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
 - a. All plumbing fixtures shall conform to the standards for water saving devices as contained in the Uniform Plumbing Code as amended by the City in Chapter 22.04.
 - b. A demolition permit is required.
 - c. A complete grading and drainage plan will be required at the time of submittal for Building and Safety Division review.
 - d. Provide an Erosion and Sedimentation Control Plan. This plan is to incorporate all Best Management Practices to prevent the migration of dirt and other pollutants offsite or from entering a new or existing City Storm Drain System. This BMP's may include, but not necessarily be limited to; Silt Fences, Hay Bale Dams, Gravel Bag Dams, Hydroseeding, Straw Mulch, Fiber Rolls, etc.
 - e. A soils report will be required prior to Building Department submittal.
 - f. All utilities: power, telephones, cable TV, serving the proposed subdivision (including poles located on subject properties) shall be placed underground as required by City of Santa Barbara Municipal Code Chapter 22.38.
2. **School Fees:** Please note that the Santa Barbara School District no longer recognizes credit for square footage demolished, unless that area of demolition is not included in the area that is being rebuilt and the project is not a complete demolition.
3. **On-Site Drainage Plan.** A complete drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality of water run-off

conditions from the site. The owner shall install any and all Best Management Practices (BMP's) needed to intercept drainage pollutants prior to drainage discharge into the public storm drain system.

4. All roofs, paved areas, yards, and courtyards shall be drained into a separate storm sewer system or other approved method.
5. Storm water runoff from one and two story single-family dwellings may be discharged onto flat areas such as streets or lawns so long as the water flows away from the building and away from adjoining property and does not cause erosion (C.P.C. Chapter 11).
6. Walls closer than 3 feet to property lines shall comply with Fire Wall Construction per CBC 705.

VIII. ADDITIONAL APPLICATIONS REQUIRED

Based on the information submitted, the subject project requires the following additional applications for the following reasons:

A. Planning Division

Modification – A Modification of the interior setback for Lot 8 to provide an uncovered guest parking space.

B. Engineering Division

Following Planning Commission:

1. New Address Assignment Application

- a. After the 10 day appeal period following Planning Commission approval, go to the Public Works counter at 630 Garden Street to begin investigation of acquiring new addresses.
- b. Provide a schematic of water meter layout and proposed addressing. New addresses will be assigned by Public Works and Fire Department staff using this schematic.
- c. Please note the new water meters must be set up in sequential order correlating to the addresses per SBMC 22.60.090 and City standard detail no. 6-905.2.

2. Final Map Application

The majority of the agreements are prepared by staff, recorded prior to or concurrently with the Final Map, and prior to issuance of Public Works or Building Permits:

- a. After the 10-day appeal period following Planning Commission approval, submit Final Map prepared by a licensed surveyor to the Public Works counter, with the current fee for the map review. A handout is available upon request. *Please be aware that the private improvements must be completed prior to recording the Final Map per the Subdivision*

Map Act §66411.1 OR submit securities prior to issuance of permits to construct improvements.

- b. City Council approval is required for an Agreement Relating to Subdivision Map Conditions Imposed on Real Property. This agreement is prepared by staff and recorded concurrently with the Parcel Map, prior to issuance of Public Works or Building Permits.
- c. An Agreement for Land Development Improvements. This agreement is prepared by staff and recorded concurrently with the Parcel Map, prior to issuance of Public Works or Building Permits.
- d. Following approval of the Engineer's Estimate by the Public Works Department, submit Performance Securities in the amount of 100% of the approved engineer's estimate, and Labor/Materials securities in the amount of 100% of the approved Engineer's Estimate. This amount will be entered into the Agreement for Land Development Improvements.
- e. The Agreement Assigning Water Extraction Rights, reaffirms the City's pre-existing Pueblo water rights. This agreement is prepared by staff and recorded concurrently with the Parcel Map, prior to issuance of Public Works or Building Permits. This agreement does not require Council approval because the City Council has delegated review and approval authority for these agreements to the Public Works Director.
- f. **COUNTY NOTICE - THE COUNTY RECORDER WILL NOT RECORD THE FINAL MAP, FINAL MAP WITHOUT WRITTEN VERIFICATION OF THE PREPAYMENT OF THE PROPERTY TAX.:** Prior to the recordation of Maps and/or Lot Line Adjustment Agreements/Declarations, contact the County Tax Collector's Office, 568-2493. Obtain pre-payment of taxes letter/ statement or memo from the County Tax Collector after pre-paying property taxes, and then submit a copy directly to your assigned Engineering staff person.

Required prior to issuance of permits:

3. Water & Sewer Service Application
 - a. Applicant shall apply for new water service connections and provide hydraulic calculations for all services greater than 5/8-inch.
 - b. Prior to issuance of any permits, Water and Sewer Buy-In fees are due in addition to trenching fees for new sewer laterals. A Buy-In credit will be applied based on the number of existing water meters the site. *Buy in fees will be due when plans come in for construction of individual lots.*
4. Public Improvement Permit Application
 - a. Submit a deposit for pre-review of required public improvement plans. The balance of the plan check and inspection fees will be calculated following approval of the Engineer's Estimate. All Public Works Construction related fees are due prior to issuance of any permits.

- b. Public Improvement Permit Application (Public Works Permits) are separate from all other City permits and shall be obtained for all public improvements and utility connections in the right of way, *including the construction of the private sewer main, laterals to each site and construction of the manifold for the new water meters.*

Required prior Certificate of Occupancy:

PRIVATE CC&R NOTICE: PRIVATE CC&R'S ARE PREPARED BY THE APPLICANT'S LAND USE ATTORNEY AND ARE REVIEWED AND APPROVED BY THE STATE DEPARTMENT OF REAL ESTATE (DRE).

5. In addition to the subdivision agreement, private agreements or Private CC&R's are required for all commonly shared features including but not limited to shared sewer laterals, driveway maintenance and storm drain system. Include long term plan for handling of Solid Waste and Recycling. Proof of recordation of private CC&R's is required prior to obtaining Certificate of Occupancy.

Following Planning Commission:

6. New Address Assignment Application

New addresses will need to be determined prior to recordation of the Final Map.

7. Final Map Application

The majority of the agreements are prepared by staff, recorded prior to or concurrently with the Final Map, and prior to issuance of Public Works or Building Permits:

- a. After the 10-day appeal period following Planning Commission approval, submit Final Map prepared by a licensed surveyor to the Public Works counter, with the current fee for the map review. A handout is available upon request.
- b. City Council approval is required for an Agreement Relating to Subdivision Map Conditions Imposed on Real Property. This agreement is prepared by staff and recorded concurrently with the Parcel Map, prior to issuance of Public Works or Building Permits.
- c. An Agreement for Land Development Improvements. This agreement is prepared by staff and recorded concurrently with the Final Map, prior to issuance of Public Works or Building Permits.
- d. Following approval of the Engineer's Estimate by the Public Works Department, submit Performance Securities in the amount of 100% of the approved engineer's estimate, and Labor/Materials securities in the amount of 100% of the approved Engineer's Estimate. This amount will be entered into the *Agreement for Land Development Improvements*.
- e. The Agreement Assigning Water Extraction Rights, reaffirms the City's pre-existing Pueblo water rights. This agreement is prepared by staff and recorded concurrently with the Parcel Map, prior to issuance of Public

Works or Building Permits. This agreement does not require Council approval because the City Council has delegated review and approval authority for these agreements to the Public Works Director.

- f. **COUNTY NOTICE - THE COUNTY RECORDER WILL NOT RECORD THE FINAL MAP WITHOUT WRITTEN VERIFICATION OF THE PREPAYMENT OF THE PROPERTY TAX.:** Prior to the recordation of Maps and Agreements, contact the County Tax Collector's Office, 568-2493. Obtain pre-payment of taxes letter/statement or memo from the County Tax Collector after pre-paying property taxes, and then submit a copy directly to your assigned Engineering staff person.

Required prior to issuance of permits:

- 8. Water & Sewer Service Application
 - a. *Applicant shall construct individual sewer laterals to each proposed site prior to recordation of the map, and apply for new water service connections and provide hydraulic calculations for all services greater than 5/8-inch.*
 - b. *Prior to issuance of any permits, Water and Sewer Buy-In fees are due in addition to trenching fees for new sewer laterals. A Buy-In credit will be applied based on the number of existing water meters.*
- 9. Public Improvement Permit Application
 - a. Submit a deposit for pre-review of required public improvement plans. The balance of the plan check and inspection fees will be calculated following approval of the Engineer's Estimate. All Public Works Construction related fees are due prior to issuance of any permits.
 - b. Public Improvement Permit Application (Public Works Permits) are separate from all other City permits and shall be obtained for all public improvements and utility connections in the right of way, and for any work in *Natural Water Courses and Storm Drain Systems* per Municipal Code Chapter 14.56, and Municipal Code Chapter 16.15, *Urban Pollution controls, Non-point discharge Restrictions.*

Required prior Certificate of Occupancy:

PRIVATE CC&R NOTICE: PRIVATE CC&R'S ARE PREPARED BY THE APPLICANT'S LAND USE ATTORNEY AND ARE REVIEWED AND APPROVED BY THE STATE DEPARTMENT OF REAL ESTATE (DRE).

- 10. In addition to the subdivision agreement, private agreements or Private CC&R's are required for all commonly shared features including but not limited to shared sewer laterals, driveway maintenance and storm drain system. Include long term plan for handling of Solid Waste and Recycling. Proof of recordation of private CC&R's is required prior to obtaining Certificate of Occupancy

IX. FEES

Please be informed that fees are subject to change at a minimum annually. Additionally, any fees required following Planning Commission Approval will be assessed during the Building Plan Check phase and shall be paid prior to issuance of the building permit. Based on the information submitted, the subject project requires the following additional fees for the following reasons:

A. Planning Division

Prior to the application being deemed complete:

Modification Fee (interior setback, additional)	\$925.00
3 rd DART Submittal Fee	\$2,150.00

Following Planning Commission approval:

Plan Check Fee	TBD
LDT Recovery Fee	30% of all Planning Fees

B. Engineering Division

Following Planning Commission approval:

Final Map review (5-10 lots/units)	\$5,344.00
Water Buy-In Fee (each new SFR water meter)	\$2,805.00
Sewer Buy-In Fee (each new SFR water meter)	\$2,240.00
1" service w/ manifold (holds up to 2 x 5/8" meters)	\$ 2,228.00
1" service w/ 1 x 5/8" meter	\$ 1,982.00
Dedicated fire line (fee is based on size of main and tap)	TBD
Civil Plan Check	% of Right of Way Construction Costs
Civil Inspection	% of Right of way Construction Costs
Securities/Bonding	100% of approved Engineer's Estimate
Labor & Materials	100% of approved Engineer's Estimate
Oversized vehicles permit (if applicable)	\$17.00/trip or \$95.00 annual fee

List all Public Improvement construction items on a separate Engineer's Estimate including description, unit, unit cost and a 15% contingency, prepared and stamped by a licensed civil engineer.

The Engineer's Estimate must approved by the City Engineer or his representative. The Civil plan check and inspection fees, as well as the dollar amount put into the Land Development Agreement will be based on the approved estimate. The Engineer's Estimate shall include, but not be limited to the following e.g.:

Demo and Grubbing (LS)	
Type II Aggregate Base (cy)	
Asphalt Concrete (sf)	
Concrete driveway Aprons, access ramps, subsurface work (each)	
Curb and gutter (lf)	
Concrete Sidewalk (lf)	

- Crack seal (sf)
- Striping (lf)
- Trenching in R/W [Lighthouse Rd]
- Slurry seal [Lighthouse Rd] (sf)
- Construct manifolds for water meters (ea)

- A470 or Type B Curb Drain Outlets (ea)
- Drop Inlet and/or storm drain connections (ea.)

- Supply and install new street light luminaires (ea)
- Supply and install new street light pedestal (ea)
- Construct new Sewer main (lf)
- Construct new Sewer lateral (lf)
- Construct new Water main (lf)
- Construct new water lateral (lf)
- Traffic Control (LS).....

C. Transportation Division

Following Planning Commission approval:

Plan Check Fee TBD

D. Building & Safety Division

Following Planning Commission approval:

Fee..... TBD

X. **NEXT STEPS:**

Please make an appointment with me to submit the required additional information, specified in Section V of this letter, at the Planning and Zoning Counter. This information should be submitted within 30 days of the date of this letter¹.

If the additional information required is not received within 120 days of the date of this letter, this will constitute an "unreasonable delay" of the proposal. An additional 60-day extension may be granted by staff upon request during the initial 120-day period. Otherwise, the application shall be "closed" and the processing fees forfeited². If you wish to pursue the project, a new, full and complete application as specified in the Submittal Requirements handout for the appropriate hearing body and payment of all applicable fees will be required.

In addition, please be advised that once the subject development application is deemed "complete," you will be notified to provide a reduced (8½" x 11") site plan, elevations, floor

¹ In some instances, the requested additional information cannot be provided within 30 days of the date of the written transmission stating the requirement for additional information. Please contact me as soon as possible to discuss any anticipated delay.

² In some cases, an additional 180-day extension of time to submit the additional information may be approved by the Community Development Director.

plans, and/or Tentative Map (for subdivisions only) prior to the date of the scheduled Planning Commission hearing. Please note that you will also be required to post the public notice on the site in accordance to current noticing requirements.

XI. CONTACTS

The following is a list of the contact personnel for the various City departments and/or divisions working on the processing of your application:

- Planning Division, 564-5470..... Allison De Busk, Project Planner
- Fire Department, 564-5702..... Joe Poire, Fire Battalion Chief or Jim Austin, Fire Inspector III
- Engineering Division, 564-5363..... Victoria Johnson, Project Engineer I
- Transportation Division, 564-5385..... Chelsey Swanson, Associate Transportation Planner
- Building & Safety Division, 564-5485..... Lonnie Cassidy, Senior Plans Examiner

XII. CONCLUSIONS/GENERAL COMMENTS

If you want to proceed to the Planning Commission with the project as currently designed, staff would recommend denial. If the Planning Commission denies the project you could appeal that decision to the City Council. If the Planning Commission, or City Council on appeal, determines that they can support the project, staff will need to do environmental review prior to any formal approval. If you choose to redesign the project, a formal revised project will need to be submitted to staff.

Your application has been deemed "incomplete;" however, you may appeal the decision to require additional information. An appeal must be filed at the Community Development Department's Planning and Zoning Counter within 10 days of the date of this letter. The appeal must consist of written notification indicating your grievance with the determination that your application is "incomplete" and the appropriate appeal fee. The appeal will be scheduled for review by the appropriate decision making body and you will receive notice of the hearing date.

These comments constitute your DART review. The project is scheduled for review at a meeting on April 14, 2009 at 2:15 p.m. with staff from the Planning, Transportation, Engineering, Building and Safety Divisions and the Fire Department. Please review this letter carefully prior to our scheduled meeting date. We will answer your questions on the DART comments at that time. If you do not feel it is necessary to meet with Staff to discuss the contents of the letter or the project, please call me at (805) 564-5470 by April 13, 2009. If we do not hear from you by this date, we will assume that you will be attending the scheduled meeting. If you have any general or process questions, please feel free to contact me.

Sincerely,

Allison De Busk

Allison De Busk, Project Planner

30-DAY DEVELOPMENT APPLICATION REVIEW TEAM COMMENTS (#2)
230 LIGHTHOUSE ROAD (MST2006-00455)
APRIL 9, 2009
PAGE 14 OF 14

Attachment:
Planning Commission Minutes, October 9, 2008

cc: (w/o attachments)
Gary Roberts, Southern California Nevada Conference – United Church of Christ, 2401 N. Lake Ave.,
Alta Dena, CA 91001
Planning File
Melissa Hetrick, Environmental Analyst
Debra Andaloro, Senior Planner I
Mark Wilde, Supervising Civil Engineer
Victoria Johnson, Project Engineer I
Rocky Peebles, Water System Superintendent
Manuel Romero, Wastewater Superintendent
Karen Gumtow, Environmental Services Specialist
Joe Poire, Fire Battalion Chief
Jim Austin, Fire Inspector III
Chelsey Swanson, Associate Transportation Planner
Lonnie Cassidy, Senior Plans Examiner
Autumn Malanca, Water Resources Specialist

Applicable General Plan/Local Coastal Plan Policies

GENERAL PLAN - HOUSING ELEMENT

GOAL 1: HOUSING OPPORTUNITIES

Ensure a full range of housing opportunities for all persons regardless of economic group, race, religion, sex, marital status, sexual orientation, ancestry, national origin or color. The City will base the enforcement of equal opportunity on provisions of State and Federal constitutions and fair housing laws, with emphasis on the protection of the housing rights of families with children. The City shall place special emphasis on providing housing opportunities for low income, moderate income and special needs households.

GOAL 3: NEIGHBORHOOD COMPATIBILITY AND IMPROVEMENT

Protect existing neighborhood character while encouraging compatible infill development.

Policy 3.2: The character and quality of life of single-family zoned neighborhoods should be protected and preserved.

Implementation Strategies

3.2.1 Complete the Neighborhood Preservation Ordinance (NPO) update in order to address quality of life, preservation of neighborhood character and the residential development issues in single-family neighborhoods.

3.2.2 Consider establishing maximum floor area to lot area ratios (FARs) for the City's single-family neighborhoods in order to prevent "mansionization" and to ensure that additions, remodels and re-building projects are compatible with existing development and neighborhoods.

Policy 3.3: New development in or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood.

Implementation Strategies

3.3.1 Allow small scale neighborhood serving commercial uses in residential areas if supported by surrounding property owners. Ensure that the character of the surrounding neighborhood is protected. (Circ. Element Strategy 13.5.2)

3.3.2 Review and update findings for approving new housing projects or additions to existing housing developments to consider appropriate size, bulk and scale for higher density projects in multi-family zones following, or in conjunction with HE strategies 5.1.7 (Affordable Housing Design Guidelines) and 5.2.6 (Multifamily Design Guidelines).

3.3.3 Consider allowing increased densities along transit and transportation corridors.

GOAL 4: NEW HOUSING DEVELOPMENT

Through the public and private sector, assist in the production of new housing opportunities which vary sufficiently in type and affordability to meet the needs of all economic and social groups, with special emphasis on housing that meets the needs of very low, low, and moderate income and special needs households.

Policy 4.1: Pursue all opportunities to construct new housing units that are affordable to low- and moderate-income owners and renters.

Implementation Strategies

4.1.1 Continue to solicit proposals for low- and moderate-income projects from private sponsors and develop programs to assist in their implementation.

4.1.2 Continue to provide bonus density units above levels required by State law, to be reviewed on a case-by-case basis. See Appendix A for information on how the City's Affordable Housing and Density Bonus Programs work.

4.1.3 Continue to assist the development of infill housing including financial and management incentives in cooperation with the Housing Authority and private developers to use underutilized and small vacant parcels of land for new low and moderate income housing opportunities.

4.1.4 Continue to support special procedures for development, permitting, construction and early occupancy of "sweat equity" projects.

4.1.5 Encourage the construction of three bedroom and larger rental and ownership units for low- and moderate-income families.

4.1.10 Support the development of infill residential projects in the City.

4.1.11 Continue to identify potential opportunity sites throughout the City and evaluate the feasibility of acquiring identified sites for "land banking." Identify sponsors to propose and develop housing applications and to purchase the sites. Residential and mixed-use (commercial and housing) projects should be encouraged.

Policy 4.3: Given limited remaining land resources, the City shall concentrate efforts to develop housing on vacant infill sites and redevelopment of opportunity sites in commercial and residential zones with priority for commercial and mixed-use development.

Implementation Strategies

4.3.1 Continue to offer and encourage early staff predevelopment consultations for opportunity sites and mixed use projects.

4.3.2 Continue to offer property profile services in the Planning Division that explain development potential and constraints for parcels in the City.

4.3.3 Continue to train and advise Planning and Zoning staff to encourage property owners and agents to take advantage of residential infill opportunities and mixed use.

GOAL 5: REDUCE GOVERNMENTAL CONSTRAINTS

Where appropriate and legally possible, reduce or remove governmental constraints to the maintenance, improvement, and development of housing.

Policy 5.1: Assist affordable housing sponsors to produce affordable housing by reducing the time and cost associated with the development review process while maintaining the City's commitment to high quality planning, environmental protection and urban design.

Implementation Strategies

5.1.1 Continue to give priority to affordable housing projects on Staff, Committee and Commission agendas.

5.1.2 Continue to have a Staff-level Affordable Housing Facilitator with clearly established roles and responsibilities as defined by City Council.

5.1.3 Continue to use the CEQA infill exemption for Affordable Housing projects as appropriate.

Policy 5.2: Implement changes to development standards to be more flexible for housing projects, especially rental or affordable housing projects, where appropriate.

Implementation Strategies

5.2.1 Consider incremental changes to the Zoning Ordinance parking requirements such as:

- Allowing tandem parking
- Providing more flexibility for constrained sites (e.g., allowing for more than one maneuver, use of car stacking devices or other space saving measures)
- Eliminating guest parking requirements for housing in Downtown commercial area
- Rounding down when calculating parking requirements.

5.2.2 Consistent with the Circulation Element Strategy 13.2.2 (b), consider amending the Zoning Ordinance to reduce parking requirements for properties near major transit corridors if it can be demonstrated that a negative impact will not occur.

5.2.3 Consider amending the Zoning Ordinance to change how, where and the extent of outdoor living space, yard and setback requirements for housing in commercial zones.

GENERAL PLAN - CONSERVATION ELEMENT

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.

Policy 4.0 Trees enhance the general appearance of the City's landscape and should be preserved and protected.

Implementation Strategies

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.

4.2 All feasible options should be exhausted prior to the removal of trees.

4.3 Major trees removed as a result of development or other property improvement shall be replaced by specimen trees on a minimum one-for-one basis.

LOCAL COASTAL PLAN

Policy 3.3. New development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development.

Policy 3.4. New development proposals in the coastal zone which may result in significant increased recreational demand and associated circulation impacts shall provide mitigation measures as a condition of development including, if appropriate, provision of bikeways and bike facilities, pedestrian walkways, people mover systems, in lieu fees for more comprehensive circulation projects or other appropriate means of compensation.

Policy 5.3. New residential development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or street parking resources of existing residential neighborhoods shall not be permitted.

Policy 5.6. To the maximum extent feasible, taking into account economic, environmental, social and technological factors, provisions for low- and moderate-income housing in all new residential developments shall be provided.

Policy 9.1. The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following: (1) Acquisition of land for parks and open space; (2) Requiring view easements or corridors in new development; (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development; or (4) Developing a system to evaluate view impairment of new development in the review process.

Policy 9.3. All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

ARBORIST REPORT
230 Lighthouse Rd., Santa Barbara
February 2009

Prepared by
Leigh Christman
Consulting Arborist



P.O. Box 3585
Santa Barbara, CA 93130
805-687-7779

Arborist Report

February 2009

Leigh Christman, Consulting Arborist (Certified Arborist #WE7084A)
Member of American Association of Consulting Arborists
P.O. Box 3585, Santa Barbara, CA 93130 805-687-7779

For Peikert Group Architects, 10 E. Figueroa Street, Santa Barbara, CA 93101 805 963-8283

BACKGROUND/SUMMARY

Peikert Group Architects (PGA) Planning Manager, Lisa Plowman contacted Arbor Services in June 2008 to prepare a tree inventory and Arborist Report for the property located at 230 Lighthouse Road, Santa Barbara (Figure 1). The property will be subdivided and ultimately developed. Paved driveways on the northern and southern property lines are proposed (Appendix III). Both easements would be approximately 25 to 28 feet wide, according to PGA. Existing trees are proposed for removal based on their current condition and location. Ms. Plowman met with Leigh Christman, Consulting Arborist at the site to view the subject trees and discuss the assignment.

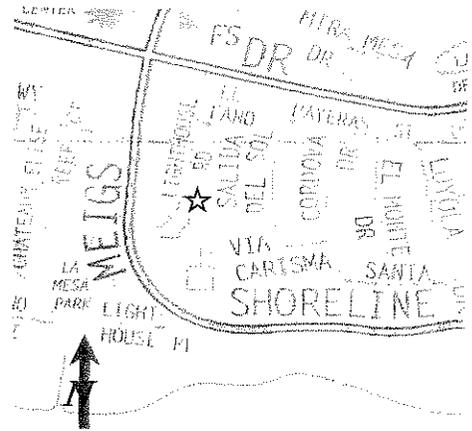


Figure 1: 230 Lighthouse Road, Santa Barbara, California (Rand McNally, 2006)

Upon contract approval, field data collection began in late June by Arbor Services. A total of thirty-three trees including a Juniper Hedgerow, and three Bird of Paradise clumps were inventoried and visually assessed (see site map and Table 1). Overall, the trees were in poor to fair condition due to drought stress, lack of maintenance, and other contributing factors. Removal of a dead pine (#12) and the Hazard Reduction Pruning of Eucalyptus (#1 through #8) was recommended in the short-term to preserve public safety. There is only one native, a *Quercus agrifolia* (tree #32) in the inventory; the remainder of the trees are non-natives. An Olive (#30) was identified to be a valuable landscape tree worth preserving and relocating if necessary in future development. The paved driveway proposed for the southern property line was determined to have potential impact on the safety and health of the Eucalyptus hedgerow, Eucalyptus #7, and Ash tree (#25). Overall, the removal of undesired trees, excluding Olive #30 was supported based on the fair to poor condition of the inventory.

ASSIGNMENT

The assignment for this arborist report included the following tasks:

- 1) Meet with Lisa Plowman, Planning Manager of Peikert Group Architects (PGA) at 230 Lighthouse Road, Santa Barbara to discuss preparation of arborist report.
- 2) Prepare Arborist Report with inventory to include species, diameter at breast height and general condition of each tree located on 230 Lighthouse Road. Address the impact on tree inventory of the proposed development of two driveways on the northern and southern property lines.

Testing and Analysis

Each tree located within the subject property was identified and inventoried for the report. Tree numbers noted in this report correspond to the site map. Diameter at Breast Height (DBH) was measured at approximately 4.5 feet above ground level using a standard tape measure. *Tree Species of Santa Barbara* (Muller and Haller, 2005) was used as a reference for identifying species. General health was determined through a visual tree assessment (VTA) based on the standards set forth by the International Society of Arboriculture (ISA). The Critical Rootzone (CRZ) or tree protection zone was estimated by multiplying an individual tree's diameter by one foot (Mattheny and Clark, 1998). CRZ radiates outward from main stem.

Limiting Factors of Assignment

No prior history of maintenance, health, and failures of individual trees was available for the preparation of this report. Documentation of rootzone disturbances (excavation, trenching, etc.) was also unavailable.

OBSERVATIONS

The site, including its structures and parking area are unoccupied (Figure 1). There is a public school (K thru 6) on the south side of the property, residential area to the east and north, and a retail/residential area to the west. A public sidewalk runs along the west border. Lighthouse Road is a two-way street and is the main access for the adjacent school

The landscape at the time of the VTA was dry with no evidence of supplemental irrigation. There is little to no evidence of recent tree pruning or maintenance. The lot, itself was recently weed-whipped. Evidence of gopher activity was noted throughout the property.

A total of thirty-three trees including a Juniper hedgerow and three Bird of Paradise clumps were inventoried for this report. There are a variety of non-native species and only one native tree, a *Quercus agrifolia* (#32). The inventory consists predominately small to medium sized trees with the exception of seven very large *Eucalyptus globulus* (#1 thru #8) and a large *Fraxinus spp.* (#25).

The overall condition of the trees is poor to fair. Many of the trees, as noted in Table 1, were observed to have limb dieback, stunting, **chlorosis**, and/or have disease/pest problems. Structurally, numerous trees had defects that included, but were not limited to tight branch attachments, epicormic growth, heavy branch end weight, and multiple stems. Many trees are also in close proximity to structures and/or hardscape that will ultimately be removed.

Eucalyptus Hedgerow and Eucalyptus Street Trees

The Eucalyptus (#1 thru #6) along the southern border have a DBH range of 21 to 76 inches. They are in a mature age class. All are multi-trunked including Tree #6 which has six main stems. The upper canopies have numerous defects including broken **hangers**, tight-branch attachments, and heavy branch end weight. Eucalyptus #1 has a main stem with a severe west lean over the road. There are several hangers and an abundance of pealed bark and dead branches present in the upper and lower canopies. Brush piles are also at the bases of the eastern trees.



Figure 2: North side of Eucalyptus hedgerow and Eucalyptus #7 at 230 Lighthouse Rd., Santa Barbara. Note dieback in eastern canopy which overhangs road. (Christman, 2008)

Foliage color, density and leaf size is normal. There is foliar damage from the Eucalyptus Tortoise Beetle. The dripline consists of dry, compact soil to the north. A chain link fence abuts the south side of the trunks. No **fruiting bodies** were observed.

Two large Eucalyptus (#7 and #8) are street trees. Their **target zones** include Lighthouse Road and sidewalk to the west. Vehicles occupy this area frequently. Pedestrian numbers are also frequent during the school year. Eucalyptus #7 has four main trunks with a total dbh of 67 inches. It has poor structure. The canopy is sparse (Figure 2) and there are hangers present. Eucalyptus #8 has two main trunks with a total dbh of 41 inches. It has a relatively denser canopy. Both are in fair condition.

Specimen Olive

Tree #30 is an Olive tree (*Olea spp.*) is located in the courtyard area close to the southern property line. Its canopy conflicts with Tree #31 (*Schinus terebinthifolius*). There is dieback in the canopy and the rootzone is dry. It is in fair condition.

Native Oak

Tree #32 is a native *Quercus agrifolia*. It is located on the southern fence line. Its canopy conflicts with adjacent vegetation. There are numerous oozing black **lesions** at the trunk base and structure is poor.

Table 1: VTA Results for 230 Lighthouse Road, Santa Barbara, CA.

	species	DBH (in)	condition	comments
1	<i>Eucalyptus globulus</i>	57	fair	Dual trunks, SW lean, abuts sidewalk
2	<i>Eucalyptus globulus</i>	21	fair	3 main trunks
3	<i>Eucalyptus globulus</i>	50	fair	High amount of fuel in canopy, 3 main stems
4	<i>Eucalyptus globulus</i>	76	fair	Fuel in canopy & at base, 6 main stems
5	<i>Eucalyptus globulus</i>	34	fair	Fuel in canopy, 2 main stems
6	<i>Eucalyptus globulus</i>	54	fair	4 main trunks, high fuel and debris
7	<i>Eucalyptus globulus</i>	67	fair	4 main trunks, sparse canopy, hangers!, poor structure
8	<i>Eucalyptus globulus</i>	41	fair	Two main trunks
9	<i>Myoporum laetum</i>	11	poor	Stressed, poor specimen
10	<i>Strelitzia nicolai</i>		fair	Drought stress, possible nutrient deficiencies
11	<i>Morus spp.</i>	5	fair	Sparse canopy
12	DEAD PINE	--	--	--
13	<i>Pinus pinea</i>	18	fair	Leans east, unbalanced canopy
14	<i>Xylosma congesta</i>	9	poor	Whitefly infestation, poor specimen
15	<i>Juniperus chinensis</i> "Torulosa hedgerow"	10 to 20	good	Mild tip borer damage
16	<i>Eucalyptus sideroxylon</i>	23	poor	Conflicting with Tree #15, epicormics, poor specimen
17	<i>Schinus terebinthifolius</i>	9	good	2 trunks, basal suckers, fence built around it
18	<i>Tipuana tipu</i>	22	fair	Stripped out inner canopy
19	<i>Strelitzia reginae</i>		poor	Shaded by Tree #18
20	<i>Eriobotrya japonica</i>	6	fair	stressed
21	<i>Liquidamber styraciflua</i>	12	fair	Confined space abuts structure under high voltage
22	<i>Magnolia spp.</i>	5	poor	Severe decline, poor specimen
23	<i>Schinus terebinthifolius</i>	13	fair	Property line tree
24	<i>Strelitzia reginae</i>		fair	---Intentionally left blank---
25	<i>Fraxinus undei</i>	45	fair	Poor structure, tight branch attachments, dense canopy, border tree
26	<i>Myoporum laetum</i>	24	poor	Poor specimen
27	<i>Eriobotrya japonica</i>	5	poor	Multi-trunked, poor specimen
28	<i>Eriobotrya japonica</i>	11	poor	Multi-trunked, poor specimen
29	<i>Ceratonia siliqua</i>	15	poor	Ivy covered, dieback in canopy
30	<i>Olea spp.</i>	17	fair	Nice specimen with remediation
31	<i>Schinus terebinthifolius</i>	6	fair	Leans sw, crowded by tree #30
32	<i>Quercus agrifolia</i>	20	poor	Oozing lesions at base, poor structure
33	<i>Myoporum laetum</i>	24	poor	Poor specimen

Bird of Paradise

There are three large clumps of Bird of Paradise (*Strelitzia reginae* and *Strelitzia nicotia*) (#10, #19, and #24) located on site that are listed on the original site map (2006) as "palms". They are in fair to poor condition. Leaves are a chlorotic yellow-green. All three clumps are in dry soil with no ground cover. Soil disruption from a ground squirrel or gopher is evident in Bird of Paradise clump (#10) located on the west side of the property.

DISCUSSION\CONCLUSION

Overall, the tree inventory is in fair to poor condition. A large percentage of the smaller caliper trees exhibit symptoms of drought stress. Insufficient water uptake causes leaf wilt, limb dieback, and/or nutrient deficiencies. All of which are exhibited within the tree inventory. This has made them vulnerable to a variety of pest and disease problems. For example, the *Xylocopa* (#14) has a Whitefly infestation with Sooty Mold on its leaves or the heavy Thrip population on *Myoporum* #26.

Many of the trees have poor structures due to lack of maintenance, poor specimen selection, plant location, and/or improper pruning techniques. This can be seen in the number of trees with multiple trunks due to Topping or heading cuts such as the large Ash (25) on the south property line. Soil disturbance from rodent activity is also a problem. The damage of smaller roots inhibits water and nutrients uptake, thus exasperating drought stress.

A least two trees are in good condition, a Brazilian Pepper (#17) located on the northern property line and the Twisted Juniper hedgerow (#15). The former receives care from the adjacent property.

The Olive (#30) is in fair condition, but should be considered for preservation being that it is a highly desirable species in the landscape industry. Olives transplant successful and can be boxed until a new site is located. The only native, Oak #32 is in poor condition which may not improve even with intervention. *Quercus agrifolia* are relatively difficult to transplant, especially when low vigor. The three clumps of Bird of Paradise (#10, #19, and #24) can also be boxed and transplanted with reasonable success if measures are taken in the short term to improve their overall health.

The eight large Eucalyptus trees located in the southwest corner of the property (Trees #1 - #8) are in fair condition and are a safety concern. There are numerous canopy defects such as heavy branch end weight, tight branch attachments and hangers. Each tree has large caliper multiple trunks. Eucalyptus #1, for example has six large main stems including one with a severe western lean. Eucalyptus trees are prone to limb and tree failure, especially in high wind episodes. This has been evident recently in local Eucalyptus hedgerows in Isla Vista and Montecito which have had large trees topple onto structures during storms. The failure potential of these trees can be minimized by reducing the windsail of the canopy through proper pruning techniques.



Figure 3: Eucalyptus globulus #8, #7, and #1, respectively on the western border of 230 Lighthouse Rd., Santa Barbara. The proposed driveway will enter the road in the general area between Eucalyptus #1 and #7. (Christman, 2008)

The proposed driveway for the south border runs within the CRZ of trees #1 through 7, thus will impact the stability, safety, and health of these large trees (Figure 3). The CRZ radiates outward from the main stems up to 76 feet (Testing and Analysis), thus may lose more than 50% of its rootsystem as a result of the construction. Large roots are essential for anchorage and the feeder roots uptake nutrients and water. Considering the size of the material that may fail, frequently occupied structures in the Target Zone, and historical failure pattern of this species, removal of the trees or rerouting of proposed driveway out the the CRZ should be considered.

In conclusion, the tree inventory for 230 Lighthouse Road consists of a variety of predominately non-native species in poor to fair condition. The dead pine (#12), Eucalyptus tress (#1 through #8) are currently safety hazards that require attention. The construction of the northern driveway will have no impact on the inventory. The southern driveway, however, will have significant impact on the safety and health of the Eucalyptus Hedgerow, Eucalyptus (#7 & #8), Ash (#25) which is already compromised by structural defects. Removal of undesired non-natives, with the exception of the *Olea species* tree (#30) and the *Schinus terebinthifolius* (#17) is pragmatic as long as the new landscape plan includes replacement trees, preferably natives such as *Quercus agrifolia* that are suitable to the site, climate, and culture of the area.

RECOMMENDATIONS

1. Remove Dead Pine, immediately.
2. Remove undesired non-native species in inventory. The large Eucalyptus may best removed when public school is not in session (summer vacation) and pedestrian and vehicular traffic is minimal.
3. Remove *Quercus agrifolia* (#30), rather than relocate. Replant with three 15 gallon or five one gallon replacement trees that are to be maintained for a minimum of one year after installation in a suitable location, elsewhere on the property.
4. Incorporate species, preferably natives, into the proposed landscape plan to promote a diverse, sustainable urban forest. Street trees proposed for removal must be replaced with the species designated by the City of Santa Barbara.
5. Hazard Reduction Prune all Eucalyptus trees if not immediately removed. Pruning to include Crown Thinning, Crown Cleaning according to standards set-forth by the ISA. Removal of the southwest leaning stem on Eucalyptus in the short-term is also recommended.
6. Implement maintenance and preservation plan with Certified Arborist for retention of those species desired for long-term retention in the inventory.

* All trees within the 20 foot setback require a permit through the City of Santa Barbara, Parks and Recreation Division for removal. In addition, street trees require approval for pruning.

APPENDIX II: REFERENCES

- Abate, F. ed. 1997. Oxford Pocket Dictionary. American Ed. Oxford University Press, NY.
- Harris, R.W. 1983. Arboriculture. 2nd Edition. Prentice-Hall, Inc., Englewood Cliffs, NJ.
- Lily, S.J. 2001. Arborists' Certification Study Guide. International Society of Arboriculture, Champaign, IL.
- Matheny, N.P. and Clark, J.R. 1994. Evaluation of Hazard Trees in Urban Areas. 2nd ed. International Society of Arboriculture. Champaign, IL.
- Matheny, N.P. and Clark, J.R. 1998. Trees and Development. International Society of Arboriculture. Champaign, IL.
- Shigo, A. 1997. A New Tree Biology. 2nd Ed. Shigo and Tree Assoc. Durham, NH.
- Watson, G. and Neely, D. 1994. The Landscape Below Ground. International Society of Arboriculture. Scott City, NY.

APPENDIX III: GLOSSARY (ISA 2005 & Matheny & Clark 1994 unless otherwise noted)

canopy-- stems and foliage above ground level of tree (Oxford, 1997)

chlorosis—a whitish or yellowish leaf discoloration caused by lack of chlorophyll, often caused by nutrient deficiency

conk/fruiting body—reproductive structure of a fungus; the presence of certain species may indicate decay in tree

critical rootzone—Soil area around a tree where the roots are located that provide stability and a significant uptake of moisture

epicormic/epicormic growth—growth arising from latent or adventitious bud (growth point)

hanger—broken or cut branch that is hanging in a tree

lesion—local area of diseased or damaged tissue

mature— Complete in natural development (Abate, 1997)

root failure— Loss of roots as a result of breakage (Shigo, 1997)

target zone—area where as a person, object, or structure could be injured or damaged in the event of tree or branch failure

topping/topping cut—inappropriate pruning techniques to reduce tree size: cutting back a tree to buds, stubs, internodes, or large laterals not large enough to assume apical dominance

Certification of Performance

I, Leigh Christman, certify:

- That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and appraisal is stated in the attached report and the Terms of the Assignment;
- That I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices;
- That no one provided significant professional assistance to the consultant, except as indicated within the report;
- That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I further certify that I am a member of the American Society of Consulting Arborists, and acknowledge, accept, and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Certified Arborist, and have been involved in the practice of arboriculture and the study of trees for more than twenty-five years.

Signed: _____

Date: _____

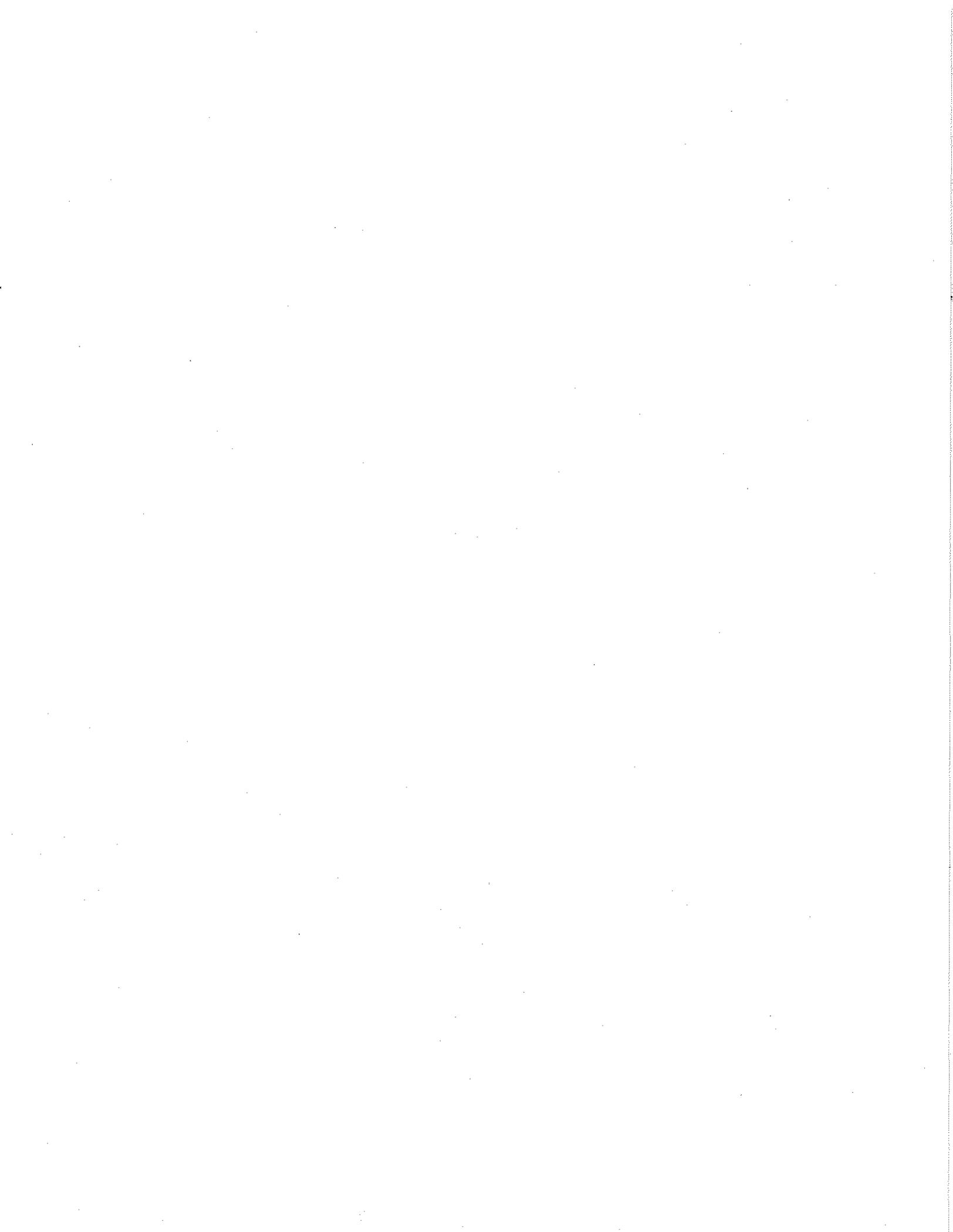
Arborist Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance health and beauty of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within the trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



Chapter 28.43

CITY OF SANTA BARBARA INCLUSIONARY HOUSING ORDINANCE

Sections:

28.43.010	Purposes and Intent.	28.43.090	Inclusionary Housing Plan Processing.
28.43.020	Definitions.	28.43.100	Eligibility for Inclusionary Units.
28.43.030	Inclusionary Requirements.	28.43.110	Owner-Occupied Units; Sales Price; Long-Term Restriction.
28.43.040	Exemptions.	28.43.120	Adjustments and Waivers.
28.43.050	Incentives for On-Site Housing.	28.43.130	Affordable Housing Inclusionary Fund.
28.43.060	Affordable Housing Standards.		
28.43.070	In-Lieu Fees.		
28.43.080	Alternative Methods of Compliance.		

28.43.010 Purposes and Intent.

A. The purposes and intent of this Chapter, which shall be known as the "City of Santa Barbara Inclusionary Housing Ordinance," are the following:

1. To encourage the development and availability of housing affordable to a broad range of Households with varying income levels within the City;
2. To promote the City's goal to add affordable housing units to the City's housing stock;
3. To increase the availability of housing opportunities for Middle Income and Upper-Middle Income households within the City limits in order to protect the economic diversity of the City's housing stock, reduce traffic, commuting and related air quality impacts, and reduce the demands placed on transportation infrastructure in the region; and
4. To implement policies of the Housing Element of the General Plan which include: a. adopting an inclusionary housing program to meet the housing needs of those not currently served by City Housing and Redevelopment Agency programs; and b. encouraging the development of housing for first time home buyers, including moderate and Middle Income households. (Ord. 5310, 2004.)

28.43.020 Definitions.

As used in this Chapter, the following terms shall have the meaning and usage indicated below:

- A. **AFFORDABLE HOUSING POLICIES AND PROCEDURES.** The City's Affordable Housing Policies and Procedures as adopted by the City Council of the City of Santa Barbara and amended from time to time.
- B. **AFFORDABLE HOUSING INCLUSIONARY FUND.** That special fund of the City established by the City as provided in Section 28.43.130.
- C. **AREA MEDIAN INCOME.** The median household income as provided in Section 50093(c) of the California Government Code, as it is currently enacted or hereinafter amended.
- D. **APPLICANT.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks City approvals for all or part of a Residential Development.
- E. **HOUSEHOLD.** One person living alone or two or more persons sharing residency whose income is considered for housing payments.
- F. **INCLUSIONARY HOUSING PLAN.** A plan for a residential development submitted by an Applicant as provided by Section 28.43.090(b).
- G. **INCLUSIONARY UNIT.** An Ownership Unit that must be offered to eligible purchasers (in accordance with eligibility requirements set by the City) at a City-approved affordable sale price according to the requirements herein.
- H. **MARKET-RATE UNIT.** An Ownership Unit in a Residential Development that is not an Inclusionary Unit.
- I. **MIDDLE INCOME HOUSEHOLD.** A Household whose income is between one hundred twenty percent (120%) and one hundred sixty percent (160%) of the Area Median Income, adjusted for household size.
- J. **OFF-SITE INCLUSIONARY UNIT.** An Inclusionary Unit that will be built separately or at a different location than the main development.
- K. **ON-SITE INCLUSIONARY UNIT.** An Inclusionary Unit that will be built as part of the main development.
- L. **OWNERSHIP UNIT.** A dwelling unit that may be sold separately under the requirements of the State Subdivision Map Act. For purposes of this Chapter, a dwelling unit may be designated as an Ownership Unit whether or not it is rented by the owner thereof. The following shall be considered to be a single Ownership Unit: 1. a dwelling unit together with an attached Secondary Dwelling Unit approved under Chapter 28.94, or 2. a dwelling unit together with an additional dwelling unit on the same lot approved under Chapter 28.93 of the City's Municipal Code.

M. **RESIDENTIAL DEVELOPMENT.** The proposed development of any single family, duplex or condominium Dwelling Units in residential or mixed use developments requiring a tentative subdivision map under the City's Subdivision Ordinance. Residential Development shall include the conversion of rental housing to condominiums or similar uses as described in Chapter 28.88 of this Municipal Code.

N. **RESIDENTIAL LOT SUBDIVISION.** The subdivision of land into individual parcels where the application to the City for the subdivision approval does not include a concurrent request for City design approval of the residential dwelling units or homes to be constructed upon on such lots.

O. **TARGET INCOME.** A number, expressed as a percentage of Area Median Income, used in calculating the maximum sale price of an affordable housing unit. It is the household income to which the unit is targeted to be affordable.

P. **UNIT SIZE.** All of the usable floor area within the perimeter walls of a dwelling unit, exclusive of open porches, decks, balconies, garages, basements, cellars that extend no more than two (2) feet above finished grade, and attics that do not exceed a floor-to-ceiling height of five (5) feet.

Q. **UPPER-MIDDLE INCOME HOUSEHOLD.** A Household whose income is between one hundred sixty percent (160%) and two hundred percent (200%) of the Area Median Income, adjusted for household size. (Ord. 5380, 2005; Ord. 5310, 2004.)

28.43.030 Inclusionary Requirements.

A. GENERAL REQUIREMENTS.

1. **Developments of Ten (10) or More Units.** For all Residential Developments of ten (10) or more dwelling units, at least fifteen percent (15%) of the total units must be constructed and offered for sale as Inclusionary Units restricted for owner-occupancy by Middle Income Households or, in the case of Residential Lot Subdivisions for the construction of single family homes, by Upper-Middle Income Households as specified herein.

2. **Developments of Less Than Ten (10) Units But More Than One Unit – Payment of an In-Lieu Fee.** For all Residential Developments of less than ten units and more than one unit, the Applicant shall, at the Applicant's election, either provide at least one unit as an owner-occupied Middle Income restricted Unit, or pay to the City an in-lieu fee equal to five percent (5%) of the in-lieu fee specified by Section 28.43.070B herein, multiplied by the total number of dwelling units of the Residential Development; provided, however, that for those Residential Developments which are not a condominium conversion project (as defined by SBMC Chapter 28.88) and which propose to construct two (2) to four (4) dwelling units, the required in-lieu fee shall equal five percent (5%) of the in-lieu fee specified by Section 28.43.070B herein multiplied by the number of units in the Residential Development which exceed one dwelling unit.

B. RESIDENTIAL LOT SUBDIVISIONS.

1. **Subdivisions of Ten or More Parcels.** For all Residential Lot Subdivisions where the lots to be approved would permit the eventual development of ten (10) or more Dwelling Units, the Applicant shall pay an in-lieu fee corresponding to fifteen percent (15%) of the number of Dwelling Units that might eventually be built on the lots, or the Applicant may propose an alternative means of compliance with this Chapter pursuant to Section 28.43.080 below.

2. **Subdivisions of Less Than Ten Parcels.** For all Residential Lot Subdivisions where the real property parcels to be approved would result in the eventual development of less than ten (10) Dwelling Units but more than one (1) Dwelling Unit, the Applicant shall, at the Applicant's election, either provide that one Dwelling Unit will be constructed as an owner-occupied Middle Income Household restricted Unit, or pay an in-lieu fee corresponding to five percent (5%) of the in-lieu fee specified by Section 28.43.070B multiplied by the number of Dwelling Units that might eventually be built as part of the subdivision. At the option of the Applicant, the Applicant may propose an alternative means of compliance with this Chapter pursuant to Section 28.43.080 below.

C. **EXISTING DWELLING UNITS.** Existing Ownership Units that are to be retained shall be included in the number of units in the Residential Development for purposes of calculating the number of Inclusionary Units required under this Section; however, the number of such existing units to be included in the calculation shall not exceed the number of proposed new Ownership Units to be added.

D. **DENSITY BONUS UNITS.** Any additional owner-occupied units authorized and approved as a density bonus under the City's Affordable Housing Policies and Procedures will not be counted in determining the required number of Inclusionary Units.

E. **ROUNDING.** In determining the number of Inclusionary Units required by this Section, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

F. **PRICE LIMITS FOR INCLUSIONARY UNITS.** Inclusionary Units must be restricted for sale at affordable prices as follows:

1. Except as provided in the following subsections, Inclusionary Units must be restricted to and sold at prices affordable to Middle Income Households, calculated according to procedure specified in the City's Affordable Housing Policies and Procedures [applicable as of the date of Planning Commission's approval] using a Target Income of one hundred twenty percent (120%) of the then current Area Median Income.

2. The Community Development Director may approve a Target Income of one hundred thirty percent (130%) of Area Median Income for Inclusionary Units built as duplexes, or exceptionally large condominiums, in accordance with the City's Affordable Housing Policies and Procedures.

3. Inclusionary Units built as detached single family homes, each on its own separate lot, must be restricted to and sold at prices affordable to Upper-Middle Income Households, with sale prices calculated according to the procedure specified in the City's Affordable Housing Policies and Procedures using a Target Income of one hundred sixty percent (160%) of Area Median Income.

4. Nothing herein shall preclude an Applicant/Owner from voluntarily agreeing to restrict the Inclusionary Units for sale to very-low, low or moderate income households at the Target Incomes specified for such income categories in the City's Affordable Housing Policies and Procedures.

G. **COMBINING RESIDENTIAL DEVELOPMENTS.** If two proposed Residential Developments that share a common boundary are under development review by the City simultaneously, such developments will be treated under this Chapter as if they were combined for purposes of determining the number of Inclusionary Units or Inclusionary Lots required under this Chapter, provided they are proposed by the same Applicant or by joint Applicants which share a substantial legal commonality of ownership and control. Applicants which are related partnerships or corporations will be deemed to share a substantial commonality of ownership and control if more than sixty percent (60%) of the natural persons who are general partners are the same for each partnership or, in the case of corporate ownership, the applicant individual or entity controls sixty percent (60%) of more of the voting stock or shares of each corporation. (Ord. 5488, 2009; Ord. 5310, 2004.)

28.43.040. Exemptions.

A. **PROJECTS EXEMPTED FROM INCLUSIONARY REQUIREMENTS.** The requirements of this Chapter shall not apply to the following types of development projects:

1. **Rental Units.** A project constructing Dwelling Units which may not be separately owned, transferred, or conveyed under the state Subdivision Map Act.

2. **Casualty Reconstruction Projects.** The reconstruction of any residential units or structures which have been destroyed by fire, flood, earthquake or other act of nature, which are being reconstructed in a manner consistent with the requirements of Santa Barbara Municipal Code Section 28.87.038.

3. **Voluntarily Affordable Projects.** Residential Developments which propose that not less than thirty percent (30%) of the units of the development will be deed restricted for occupancy by families qualifying as Upper Middle Income (or lower income) households pursuant to and in accordance with the City's Affordable Housing Policies and Procedures. (Ord. 5488, 2009; Ord. 5310, 2004.)

28.43.050 Incentives for On-Site Housing.

A. **PROVIDING UNITS ON-SITE.** An Applicant for a Residential Development of ten or more dwelling units who elects to satisfy the inclusionary housing requirements of this Chapter by producing owner-occupied Inclusionary Housing units on the site of a Residential Development shall be entitled to a density bonus for the number of Inclusionary Units to be provided on-site, in accordance with the City's density bonus program for owner-occupied units as described in the City's Affordable Housing Policies and Procedures without the need for the Applicant to separately apply for a lot area modification for the density bonus.

B. **USE OF ZONING ORDINANCE MODIFICATIONS.** The City may provide modifications in zoning requirements that will facilitate increased density for the purpose of accomplishing the goals of this Chapter, including modifications to parking, setback, yard area, open space and solar access requirements as specified in Section 28.92.110 of this Municipal Code. (Ord. 5488, 2009; Ord. 5380, 2005; Ord. 5310, 2004.)

28.43.060 Affordable Housing Standards.

A. **CONSTRUCTION STANDARDS FOR INCLUSIONARY UNITS.** Inclusionary Units built under this Chapter must conform to the following standards:

1. **Design.** Except as otherwise provided in this Chapter, Inclusionary Units must be dispersed evenly throughout a Residential Development and must be comparable in construction quality and exterior design to the Market-Rate Units constructed as part of the Development. Inclusionary Units may be smaller in aggregate size and may have different interior finishes and features than Market-Rate Units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing.

2. **Size.** The average number of bedrooms in the Inclusionary Units must equal or exceed the average number of bedrooms in the Market-Rate Units of the Development. Absent a waiver from the Community Development Director, two-bedroom Inclusionary Units shall generally have at least one and one-half bathrooms, and three-bedroom Inclusionary Units shall generally have at least two bathrooms. However, the required number of bathrooms shall not be greater than the number of bathrooms in the Market-Rate Units. The minimum Unit Size of each Inclusionary Unit shall be in conformance with the City's Affordable Housing Policies and Procedures.

3. **Timing of Construction.** All Inclusionary Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market-Rate Units of the Development. In phased developments, Inclusionary Units may be constructed and occupied in proportion to the number of units in each phase of the Residential Development.

4. **Duration of Affordability Requirement.** Inclusionary Units produced under this Chapter must be legally restricted to occupancy by Households of the income levels for which the units were designated pursuant to and in conformance with the City's Affordable Housing Policies and Procedures. (Ord. 5310, 2004.)

28.43.070 In-Lieu Fees.

A. **PAYMENT OF IN-LIEU FEE TO CITY.** The requirements of this Chapter may also be satisfied by paying an in-lieu fee to the City for deposit into the City's Affordable Housing Inclusionary Fund as such fund is provided for in Section 28.43.130.

B. **CALCULATION OF IN-LIEU FEE.** The in-lieu fee for each required Inclusionary Unit that is not constructed on-site will be calculated as of the date of Planning Commission final approval in a manner sufficient to make up the monetary difference between the following: 1. the Estimated Production Cost of a two-bedroom condominium unit in the City as defined in this Section, and 2. the price of a two-bedroom dwelling unit affordable to a Low-Income Household calculated according to the procedure specified in the City's Affordable Housing Policies and Procedures for a two-bedroom unit. The target income for this calculation shall be seventy percent (70%) of Area Median Income, and the housing-cost-to-income ratio for this calculation shall be thirty percent (30%). The Estimated Production Cost shall be deemed to be the median sale price of two-bedroom condominium units in the City less a fifteen percent (15%) adjustment to reflect an Applicant/Developer's anticipated profit. The median sale price of two-bedroom condominium units in the City shall be established by the City Council, based on data provided by the Santa Barbara Association of Realtors or other source selected by the City Council, for sales during the four most recent calendar quarters prior to the calculation. The City Council may annually review the median sale price of two-bedroom condominium units in the City, and may, based on that review, adjust the in-lieu fee amount.

C. **PRORATING.** If the calculation for the required number of Inclusionary Units as provided in Section 28.43.030 results in a fraction of a unit, the amount of in-lieu fee for such fractional unit shall be prorated.

D. **REDUCTION OF IN-LIEU FEE FOR SMALLER UNITS.** For Residential Developments, the amount of the in-lieu fee shall be reduced where the average Unit Size of the Market-Rate Units is less than 1700 square feet, according to the following:

1. If the average Unit Size of the Market-Rate Units is between 1,400 and 1,699 square feet, the in-lieu fee shall be reduced by fifteen percent (15%).

2. If the average Unit Size of the Market-Rate Units is between 1,100 and 1,399 square feet, the in-lieu fee shall be reduced by twenty percent (20%).

3. If the average Unit Size of the Market-Rate Units is between 800 and 1,099 square feet, the in-lieu fee shall be reduced by twenty-five percent (25%).

4. If the average Unit Size of the Market-Rate Units is below 800 square feet, the in-lieu fee shall be reduced by thirty percent (30%).

E. **TIMING OF PAYMENT OF IN-LIEU FEE.** The timing of payment of the in-lieu fee varies according to the type of development and the number of units to be developed, as follows:

1. **New Construction of Five or More Units.** For new construction of five or more dwelling units, the in-lieu fee shall be paid prior to the issuance of a building permit for the Development; for phased-construction developments, payment of the applicable in-lieu fees shall be made for each portion of the Development prior to the issuance of a building permit for that phase of the Development. In the event that the Applicant/Developer intends to pay the in-lieu fee from proceeds of a bank construction loan, and such bank requires the issuance of a building permit prior to funding the construction loan, the Applicant/Developer may request that the Community Development Director issue the building permit prior to payment of the fee. The Community Development Director may approve such request provided the Applicant/Developer agrees in writing that the fee will be paid within ten (10) days after the issuance of the building permit, and further agrees that the building permit will be deemed revoked by the City and work undertaken pursuant to the building permit stopped if the in-lieu fee is not paid within such ten-day period.

2. **Condominium Conversions.** For condominium conversions, payment of the in-lieu fee shall be made prior to recordation of the Final Subdivision Map.

3. **Residential Lot Subdivisions.** For Residential Lot Subdivisions, payment of the in-lieu fee shall be made prior to recordation of the Final Subdivision Map.

4. **Residential Developments of Four Units or Less.** For Residential Developments of four units or less which are subject to this Chapter and which elect to pay an in-lieu fee under the requirements of this Chapter, the in-lieu fees shall be paid to the City prior to the issuance of a Certificate of Occupancy by the Chief Building Official of the City.

F. **DELAYED PAYMENT.** When payment is delayed, in the event of default, or for any other reason, the amount of the in-lieu fee payable under this Section will be based upon the greater of the fee schedule in effect at the time the fee is paid or the fee schedule in effect at the time of Planning Commission approval. (Ord. 5488, 2009; Ord. 5310, 2004.)

28.43.080 Alternative Methods of Compliance.

A. **ALTERNATIVE METHODS OF COMPLIANCE - APPLICANT PROPOSALS.** An Applicant, at the Applicant's option, may propose an alternative means of compliance with this Chapter by submitting to the City an Inclusionary Housing Plan prepared in accordance with the following alternative compliance provisions:

1. **Off-Site Construction.** All or some of the required Inclusionary Units may be constructed off-site if the Planning Commission (or the City Council on appeal) finds that the combination of location, unit size, unit type, pricing, and timing of availability of the proposed off-site Inclusionary Units would provide equivalent or greater benefit than would result from providing those Inclusionary Units on-site as might otherwise be required by this Chapter. Prior to the recordation of the Final Subdivision Map for the Residential Development subject to the inclusionary requirements of this Chapter, the Applicant shall post a bond, bank letter of credit, or other security acceptable to the Community Development Director, in the amount of the in-lieu fee per Section 28.43.070, which the City may call and may deposit in the Affordable Housing Inclusionary Fund and may spend in accordance with the terms of that Fund in the event that the off-site inclusionary units are not completed (as evidenced by the issuance of a certificate of occupancy for such units) according to the schedule stated in the Inclusionary Housing Plan submitted by the Applicant and prior to the completion and occupancy of the Residential Development.

2. **Dedication of Land For Affordable Housing Purposes.** In lieu of building Inclusionary Units on or off-site or the payment of in-lieu fees, an Applicant may choose to dedicate land to the City [or a City-designated non-profit housing developer] under circumstances where the land is suitable for the construction of Inclusionary Units and under circumstances which the Planning Commission (or the City Council on appeal) reasonably has determined to be of equivalent or greater value than would be produced by applying the City's current in-lieu fee to the Applicant's inclusionary housing obligation.

3. **Combination of Approaches.** The Planning Commission (or the City Council on appeal) may accept any combination of on-site construction, off-site construction, in-lieu fees and land dedication which, in the Planning Commission's or City Council's determination, would provide equivalent or greater benefit than that which might result from providing Inclusionary Units on-site.

B. **DISCRETION OF PLANNING COMMISSION OR CITY COUNCIL.** The Planning Commission (or the City Council on appeal) may approve, conditionally approve or reject any alternative proposed by an Applicant as part of an Affordable Housing Plan. Any approval or conditional approval must be based on a finding that the purposes of this Chapter would be better served by implementation of the proposed alternative. In determining whether the purposes of this Chapter would be better served under the proposed alternative, the Planning Commission (or the City Council on appeal) should consider the extent to which other factors affect the feasibility of prompt construction of the Inclusionary Housing Units, such as site design, zoning, infrastructure, clear title, grading and environmental review. (Ord. 5310, 2004.)

28.43.090 Inclusionary Housing Plan Processing.

A. **GENERALLY.** The submittal of an Inclusionary Housing Plan and recordation of an approved City affordability control covenant shall be a pre-condition on the City approval of any Final Subdivision Map, and no building permit shall be issued for any Development to which this Chapter applies without full compliance with the provision of this Section. This Section shall not apply to exempt projects or to projects where the requirements of the Chapter are satisfied by payment of an in-lieu fee under Section 28.43.070.

B. **INCLUSIONARY HOUSING PLAN.** Every residential development to which this Chapter applies shall include an Inclusionary Housing Plan as part of the application submittal for either development plan approval or subdivision approval. No application for a tentative map, subdivision map, or building permit for a development to which this Chapter applies may be deemed complete until an Inclusionary Housing Plan is submitted to and approved by the Community Development Director as being complete. At any time during the formal development review process, the Community Development Director may require from the Applicant additional information reasonably necessary to clarify and supplement the application or determine the consistency of the Project's proposed Inclusionary Housing Plan with the requirements of this Chapter.

C. **REQUIRED PLAN ELEMENTS.** An Inclusionary Housing Plan must include the following elements or submittal requirements:

1. The number, location, structure (attached, semi-attached, or detached), and size of the proposed Market-Rate and Inclusionary Units and the basis for calculating the number of Inclusionary Units;

2. A floor or site plan depicting the location of the Inclusionary Units and the Market-Rate Units;

3. The income levels to which each Inclusionary Unit will be made affordable;

4. The methods to be used to advertise the availability of the Inclusionary Units and select the eligible purchasers, including preference to be given, if any, to applicants who live or work in the City in conformance with the City's Affordable Housing Policies and Procedures;

5. For phased Development, a phasing plan that provides for the timely development of the number of Inclusionary Units proportionate to each proposed phase of development as required by Section 28.43.060.A.3 of this Chapter;

6. A description of any modifications as listed in Section 28.92.110 that are requested of the City;

7. Any alternative means designated in Section 28.43.080.A proposed for the Development along with information necessary to support the findings required by Section 28.43.080.B for approval of such alternatives; and

8. Any other information reasonably requested by the Community Development Director to assist with evaluation of the Plan under the standards of this Chapter.

D. **AFFORDABILITY CONTROL COVENANTS.** Prior to issuance of a grading permit or building permit, whichever is requested first, a standard City affordability control covenant must be approved and executed by the Community Development Director, executed by the Applicant/Owners, and recorded against the title of each Inclusionary Unit. If subdivision into individual property parcels has not been finalized at the time of issuance of a grading permit or building permit, an overall interim affordability control covenant shall be recorded against the Residential Development, and shall be replaced by separate recorded affordability control covenants for each unit prior to issuance of a Certificate of Occupancy by the City for such units. (Ord. 5310, 2004.)

28.43.100 Eligibility for Inclusionary Units.

A. **GENERAL ELIGIBILITY FOR INCLUSIONARY UNITS.** No Household may purchase or occupy an Inclusionary Unit unless the City has approved the Household's eligibility, and the Household and City have executed and recorded an affordability control covenant in the chain of title of the Inclusionary Unit. Such affordability control covenant is in addition to the covenant required in Section 28.43.090 above. The eligibility of the purchasing household shall be established in accordance with the City's Affordable Housing Policies and Procedures and any additional eligibility requirements agreed upon in writing by the Applicant and the City.

B. **OWNER OCCUPANCY.** A Household which purchases an Inclusionary Unit must occupy that unit as a principal residence, as that term is defined for federal tax purposes by the United States Internal Revenue Code. (Ord. 5310, 2004.)

28.43.110 Owner-Occupied Units; Sales Price; Long-Term Restriction.

A. **INITIAL SALES PRICE.** The initial sales price of an Inclusionary Unit must be set in accordance with the City's Affordable Housing Policies and Procedures, using the Target Income requirements specified in this Chapter.

B. **TRANSFERS AND CONVEYANCES.** A renewal of the affordability controls covenant will be entered into upon each change of ownership of an Inclusionary Unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied Inclusionary Unit as such covenants are required in accordance with the City's Affordable Housing Policies and Procedures.

C. **RESALE PRICE.** The maximum sales price and qualifications of purchasers permitted on resale of an Inclusionary Unit shall be specified in the affordability control covenant and shall be in conformance with the City's then approved and applicable Affordable Housing Policies and Procedures. (Ord. 5310, 2004.)

28.43.120 Adjustments and Waivers.

A. **ADJUSTMENTS AND WAIVERS.** The requirements of this Chapter may be adjusted to propose an alternative method of compliance with this Chapter in accordance with Section 28.43.080 or waived (in whole or in part) by the City if the Applicant demonstrates to the Planning Commission (or the City Council on appeal) that applying the requirement of this Chapter would be contrary to the requirements of the laws of the United States or California or the Constitutions thereof.

B. **TIMING OF WAIVER REQUEST.** To receive an adjustment or waiver, the Applicant must make an initial request of the Planning Commission for such an adjustment or waiver and an appropriate demonstration of the appropriateness of the adjustment or waiver when first applying to the Planning Commission for the review and approval of the proposed Residential Development development plan or subdivision review as such review and approval is required by either Title 28 or Title 27 of the Santa Barbara Municipal Code.

C. **WAIVER AND ADJUSTMENT CONSIDERATIONS.** In making a determination on an application to adjust or waive the requirements of this Chapter, the Planning Commission (or the City Council on appeal) may assume each of the following when applicable: (i) that the Applicant is subject to the inclusionary housing requirement or in-lieu fee; (ii) the extent to which the Applicant will benefit from inclusionary incentives under Section 28.43.050; and (iii) that the Applicant will be obligated to provide the most economical Inclusionary Units feasible in terms of construction, design, location and tenure.

D. **WRITTEN DECISION.** The Planning Commission (or the City Council on appeal) will determine the application and issue written findings and a decision within sixty (60) days of the public hearing on the Adjustment/Waiver Request.

E. **APPEAL TO THE CITY COUNCIL.** Upon a decision by the Planning Commission on the proposed overall residential development plan, any action taken by the Commission made pursuant to a request for an adjustment for an alternative method of compliance under Section 28.43.080, or for a waiver pursuant to this Section, may be appealed to the City Council in accordance with the appeal procedures of Santa Barbara Municipal Code Section 1.30.050. (Ord. 5310, 2004.)

28.43.130 Affordable Housing Inclusionary Fund.

A. **INCLUSIONARY FUND.** There is hereby established a separate City Affordable Housing Inclusionary Fund ("Fund") maintained by the City Finance Director. This Fund shall receive all fees contributed under Sections 28.43.070 and 28.43.080 and may, at the discretion of the City Administrator, also receive monies from other sources.

B. **PURPOSE AND LIMITATIONS.** Monies deposited in the Fund must be used to increase and improve the supply of housing affordable to Upper-Middle, Middle, Moderate-, Low-, and Very Low-Income Households in the City and to ensure compliance of such Households with the City's Affordable Housing Policies and Procedures. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this Section, including, but not limited to, the City's purchase and resale of affordable housing units that are in default of the affordable control covenant recorded against that property, provided that the City shall, at all times, comply with the applicable provisions and requirements of the state Mitigation Fee Act, Govt. Code Sections 66000 - 66025.

C. **ADMINISTRATION.** The Fund shall be administered by the Community Development Director, who may develop procedures to implement the purposes of the Fund consistent with the requirements of this Chapter and any adopted budget of the City.

D. **EXPENDITURES.** Fund monies shall be used in accordance with the City's Housing Element, Redevelopment Plan, the City's Affordable Housing Policies and Procedures, or subsequent plan adopted by the City Council to construct, rehabilitate or subsidize affordable housing or assist other governmental entities, private organizations or individuals to do so. Permissible uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases or other public-private partnership arrangements. The Fund may be used for the benefit of both rental and owner-occupied housing in accordance with the applicable requirements of the state Mitigation Fee Act, Govt. Code Sections 66000 - 66025.

E. **COMMUNITY DEVELOPMENT DIRECTOR'S ANNUAL REPORT.** The Community Development Director, with the assistance of the City Finance Director, shall report annually to the City Council on the status of activities undertaken with the Fund. The report shall include a statement of income, expenses, disbursements and other uses of the Fund. The report should also state the number and type of Inclusionary Units constructed during that year. (Ord. 5488, 2009; Ord. 5310, 2004.)

