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Santa Barbara City Council
Santa Barbara City Hall
735 Anacapa Street
Santa Barbara, CA 93101

RE: Appeal/Complaint of the Santa Barbara Planning Commission Approval of
40 Pine Drive Proposed Merger and Subdivision (MST2004-00676) on
July 20, 2006

Dear Mayor Blum and Members of the City Council,

The Santa Barbara Planning Commission approved the above referenced project subject to modified Conditions of Approval. These written Conditions of Approval have not been finalized as of today. The draft Conditions of Approval are vague with regard to the extent of the private road reconstruction and maintenance, the enforceability of it, and the timing with which road reconstruction must be completed. I am submitting this letter to appeal the above referenced Planning Commission decision if the final Conditions of Approval do not address these concerns.

The draft conditions do not reflect what was discussed and agreed upon at the Planning Commission hearing in terms of the specific location of the private road to be reconstructed and maintained; that is, reconstruction and maintenance of the entire private road that is 20 feet in width by approximately 212 feet in length. The concern is that in order to implement the hammerhead turnaround proposed by the applicant, it is necessary to reconstruct and maintain the private road both to the north and south of the applicant's driveway as discussed and agreed upon at the hearing.

Commissioner Mahan questioned enforceability of private road maintenance at the hearing, and asked if the road improvements could be required before the map is recorded. The options cited by the city attorney were (1) that the road improvements are in place before the map is recorded, or (2) that an agreement is in place before the map is recorded. The Staff Report dated July 13, 2006 (Section V, Public Street Waiver, SB Municipal Code 22.60.300) also indicates that an agreement regarding private road maintenance must be in place prior to recordation of the parcel map. Section A of the draft Conditions of Approval ("Agreement Relating to Subdivision Map Conditions Imposed on Real Property") does not reflect this. The concern is that the wording in Section A requires road reconstruction and maintenance only if and when a new house is built on the lot.

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Section B.8 of the draft Conditions of Approval state that the Land Development Improvements must be completed within one year of Parcel Map approval or before a certificate of occupancy is issued for any structure on the lot, whichever date occurs first. It is assumed that these Land Development Improvements include hammerhead and private road reconstruction, in addition to grading, water, sewer, and utilities; however, this needs to be explicitly stated. Explicitly stating that the Land Development Improvements include hammerhead and private road reconstruction will help ensure that that the proposed hammerhead is in fact created, plus these road improvements will mitigate the burden to the neighbors and to their existing private road that the construction of a new house will present.

Regards,



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c: City Administrator
City Attorney
Community Development Director
Planning Division
8-1-06, bea