



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 014-07

561 W. MOUNTAIN DRIVE

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

MARCH 15, 2007

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

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

The discretionary applications required for this project are:

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

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

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

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

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

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

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

- I. Approved the subject application making the following findings and determinations:

A. **Lot Frontage Modifications (SBMC §28.15.080)**

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

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

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

C. Public Road Waiver (SBMC §22.60.300)

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

D. The Tentative Map (SBMC §27.07.100)

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

E. Neighborhood Preservation Ordinance Findings (SMBC §22.68.060)

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

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

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

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate.
 2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).

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

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

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

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

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

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

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

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