Agenda Item No._____

File Code No. 680.04

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 6, 2011

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Introduction Of An Ordinance And Resolutions For The Annexation Of 455 And 457 North Hope Avenue

**RECOMMENDATION:** That Council:

A. Consider the Planning Commission's recommendation to initiate the annexation of properties located at 455 and 457 North Hope Avenue;

B. Make the environmental findings contained in the Council Agenda Report;

C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning Upon Annexation of Assessor's Parcel Numbers 057-191-011 and 057-191-014 Located at 455 North Hope Avenue and Assessor's Parcel Number 057-170-012 Located at 457 North Hope Avenue in the Hope Neighborhood;

D. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Santa Barbara Sheriff's Office (CSA 32) and Goleta Water District for Certain Real Property Presently Located at 455 North Hope Avenue (Assessor's Parcel Numbers 057-191-011 and 057-191-014) and Located at 457 North Hope Avenue (Assessor's Parcel Number 057-170-012); and

E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 057-191-011 and 057-191-014 Located at 455 North Hope Avenue and Assessor's Parcel Number 057-170-012 Located at 457 North Hope Avenue, Which will be Annexed to the City of Santa Barbara.

**EXECUTIVE SUMMARY:**

The project site includes three parcels, comprised of a vacant parcel addressed as 457 North Hope Avenue, along with a parcel that is developed as a driveway and parcel developed with a single family residence that is served by the driveway parcel, both addressed as 455 North Hope Avenue. In addition to the request for a rezone, a General

Plan Amendment and annexation, the 457 North Hope Avenue lot included a request for a Tentative Subdivision Map and a Street Frontage Modification, which was approved by the Planning Commission on March 3, 2011. The 455 North Hope parcels do not include any development requests. The owner of these two parcels waived the right to protest annexation of these lots at the time their home was connected to City sewer[1] in 1989, following a septic failure. Because of this agreement, the LAFCO Executive Director encouraged the inclusion of these properties in the proposed annexation of 457 North Hope Avenue.

The annexation request complies with the City Council Resolution 96-118, which requires that the subject parcels that are within the City's Sphere of Influence and are adjacent to the existing City boundaries be annexed. The project site is located within the Hope Neighborhood, which is described in the Land Use Element as being bounded by the City limits to the west and north, Arroyo Burro Creek to the east and Via Lucero to the south and is comprised mainly of single-family residences. The project site is located within one of the four unincorporated areas identified in the Land Use Element for annexation, which states that, "All available means of gaining support of the residents of these areas for annexation should be utilized". Therefore, Staff recommends that the subject project site be annexed to the City; be given a Zoning Designation of One-Family Residence/Special District, E-3/S-D-2 (7,500 s.f. minimum), and be given a General Plan Designation of Residential, 5 units per acre, consistent with the surrounding neighborhood located within the City.

**DISCUSSION:**

Background

On June 4, 2009, the Planning Commission initiated the annexation of the subject parcel addressed as 457 North Hope Avenue by a vote of 4-0 (Attachment 1 - Resolution No. 023-09). The initiation also included the two adjacent parcels at 455 North Hope Avenue, owned by the Andersen Trust. One parcel is developed as a driveway and is located along the entire length of the southern lot line of 457 Hope Avenue. This driveway serves one single-family residence, located on the other parcel subject to the annexation. The applicant attempted to include this driveway as part of an access road for the proposed subdivision, but was not able to reach an agreement with the adjacent owner regarding the use of the driveway.

[1] In addition, 455 Hope Avenue receives City water. However, technically the lot is still being served by the Goleta District. Each month Goleta Water District bills this parcel, then Goleta Water District reconciles the water usage with the City. Once the Annexation is completed, the City will take over the existing water meter with no physical change to the water main, lateral or meter.

*Project Approval by Planning Commission:*

On October 6, 2011, the Planning Commission approved a Tentative Subdivision Map and a Street Frontage Modification on the project site located at 457 North Hope Avenue, contingent upon approval of a Reorganization that includes four separate Changes of Organization (annexation to the City of Santa Barbara, and detachments from CSA 32 (Unincorporated Law Enforcement), County Fire and Goleta Water District), a General Plan Amendment and a Zoning Ordinance Amendment to establish the site's zoning designation. (Attachment 3 – Resolution 020-011)

The 457 North Hope Avenue project consists of a nine-lot subdivision of a 2.96-acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction, and is described in further detail in the Planning Commission staff report dated September 29, 2011 (Attachment 2). The proposed lots would range in size from 10,387 to 13,419 square feet and average approximately 11,471 square feet.

No development of the individual lots is currently proposed, but construction of infrastructure to serve all of the lots is part of the project. Infrastructure would include a new cul-de-sac public road and all utilities to serve each of the nine lots. Future development of the parcels would be single-family homes, which would be reviewed individually through design review and building permit review. Based upon the proposed zoning and lot size, it can be assumed that development could be up to 30 feet in height and an approximately 4,000 square feet in size (includes garage and habitable. The requests for the Tentative Subdivision Map and Street Frontage Modification were approved by a vote of 4-2 (Bartlett and Jordan – no).

*Issues*

The request for the Tentative Subdivision Map and the Street Frontage Modification did not receive unanimous approval because of two concerns: The first concern was the size of the parcels relative to the surround neighborhood lots. The second concern was the front lot line of one parcel would be less than the minimum requirement due to the cul-de-sac curve. At the hearing neither staff nor the applicant had sufficient information to alleviate these concerns. Since the hearing was held, staff researched the size and configuration of the parcels within the neighborhood and found that the proposed lots' size would be in the middle of the range of all lots within a 300 foot radius.

Included as Attachment 4, is a list of 79 parcels within a 300 foot radius of the project site. Based upon an average size of 11,471 net square feet, the proposed lots would be approximately in the mid-range of the existing surrounding parcels. There are also factors unique to the project site that causes some of the parcels to be larger. One of the subject parcels exceeds an average slope of 10% and must comply with the Slope Density requirements of the Municipal Code and be at least 11,250 square feet. Another

parcel is corner lot and includes a detention basin which captures runoff from part of the proposed public road. Finally, an eight foot wide easement in favor of the City is located along 8 out of 9 parcels. The onsite easements are included in the net lot area calculation and reduce the developable area of the parcels. Therefore, based upon a review of the surrounding 79 parcels and the onsite constraints of most of the parcels, the net square footage of each of the proposed parcels is consistent with the neighborhood.

The proposed zoning for the project site is Single-Family Residential E-3/SD-2 and the street frontage requirement for this zone district is a minimum of 60 feet. As proposed, the street frontage for Parcel 8 would be reduced from 60 feet to 38 feet. Typically most parcels along the bulb of cul-de-sacs are wedge shaped, and have shorter street frontages. As shown in Attachment 5, a nearby subdivision, also zone E-3, includes four parcels with street frontage of between 38 and 40 feet because they are located on a cul-de-sac bulb. Proposed Parcel 8 is configured similar to a flag lot with a 38 foot wide leg that expands into a square-shaped lot. This configuration would cause the development to be set further away from the street than the required front setback, which would break up the massing between the adjacent development.

Project request

*Annexation*

Because all three parcels are within the County jurisdiction, the project includes a request that Council initiate a “Reorganization” that includes four separate “Changes of Organization” included in one proceeding. These Changes of Organizations are as follows: Annexation to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Detachment from County Service Area No. 32 (Unincorporated Law Enforcement) and Detachment from the Goleta Water District. City Council Resolution 96-118 establishes procedures for reviewing applications for annexation of territory to the City of Santa Barbara. This resolution limits the acceptance of applications requesting the initiation of annexations to parcels that are within the City’s Sphere of Influence and are adjacent to the existing City boundaries.

The application complies with the procedures and requirements established in Resolution 96-118. The project site is located within one of the four unincorporated areas identified in the Land Use Element for annexation. All four of these areas are islands of unincorporated land surrounded by the City. The Land Use Element states that these unincorporated areas are essentially a part of the City, and most of these areas use some or all City services.

*Zoning and General Plan Amendments*

The proposal is a request to introduce and subsequently adopt by Ordinance to re-zone, upon annexation, the project parcels addressed as 455 and 457 North Hope Avenue, as well as adoption of a General Plan Amendment for all three parcels. The parcels' current County Comprehensive Plan designations are Residential 4.7 units/acre, and are zoned Residential, 8,000 square feet minimum (8-R-1).

A City General Plan designation of Residential (5 units/acre) and City Zoning designation of One-Family Residence/Special District E-3/S-D-2 (7,500 square feet minimum) is proposed. The proposed General Plan and Zone designations would be consistent with the surrounding neighborhood. Future development of 457 North Hope Avenue that would be allowed under the proposed zoning would be consistent with the neighboring development. The S-D-2 overlay designation that is a part of the zoning request is commonly known as the Upper State Street Area. The development standards for the Upper State Street Area mainly apply to the commercially zoned parcels.

Procedures

Under the City's Charter Section 1507, amendments to the City's General Plan and Zoning Ordinance require a minimum of five affirmative votes of the City Council, and findings that the amendments comply with the City's policy of living within our resources. Rezones are carried out by Ordinance, and General Plan Amendments are adopted by Resolution.

Environmental Review

A Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act (CEQA). Project impacts were a mix of either no impacts or less than significant. There are no required mitigations for the project, in part because there were no sensitive resources on site and because current City ordinances would address any potentially adverse project related impacts such as noise, lighting, and aesthetics from the development and grading. However, recommended mitigations are included in the Negative Declaration to further reduce the adverse but less than significant impacts related to air quality (short-term) geophysical conditions, noise, and short-term transportation. These recommended mitigations were included as conditions. The Planning Commission adopted the Negative Declaration by a vote of 6-0.

Pursuant to CEQA, the City Council must consider the Final Mitigated Negative Declaration and any comments received and determine prior to approving the project that there is no substantial evidence that the project would have a significant effect on the environment.

Next Steps

If the annexation is approved by Council, the proposed Zoning Ordinance Amendment will return to Council for adoption. Following action by the Council, the City has the option to negotiate the tax exchange with the County, prior to City staff transmitting the application for the annexation to LAFCO, or during the LAFCO application process. The tax exchange agreement will determine the portion of the property tax paid on the property that will be allocated to the City. In either case, a resolution providing for a negotiated exchange of property tax revenues will be prepared for Council approval. Following LAFCO consideration and approval of these actions, LAFCO will transmit a Certificate of Completion to the County Recorder and a Statement of Boundary Change to the State Board of Equalization.

**BUDGET/FINANCIAL INFORMATION:**

Property Tax

State law governing annexations requires that the City and the County negotiate a tax exchange agreement. The tax exchange agreement determines what portion of the property tax paid on the property will be allocated to the City. The property tax exchange agreement between the City and County will be prepared either before the application is submitted to LAFCO or during the application process. The tax exchange agreement will be negotiated and subsequently, a resolution providing for a negotiated exchange of property tax revenues will be prepared for Council approval

Annexation Buy-in Fees

Chapter 4.04 of the Municipal Code (Annexation and Charges) requires owners of annexed property to pay an annexation “buy-in” fee for potential units to be developed on the property. The annexation fee amount is set by City Council Resolution based on the value of municipal improvements and the acreage of land in the City. The applicant shall pay the annexation "buy-in" fee, which is based exclusively on the number of potential dwelling units that may be constructed upon the annexed real property, prior to the recordation of the Final Map for the subdivision.

**RECOMMENDATION:**

The project is consistent with the current annexation requirements in that the parcel is located within the City’s Sphere of Influence and adjacent to City boundaries. The proposed Zoning and General Plan designations can be found consistent with the pattern of development of the existing neighborhood. Therefore, staff recommends that Council make the environmental findings below, consent to the reorganization, including the General Plan and Zoning Map, adopt the resolutions, and introduce and subsequently adopt the ordinance.

*California Environmental Quality Act (CEQA) Findings:*

1. The City Council has read and considered the Final Negative Declaration together with comments received during the public review process. In this agency's independent judgment and analysis and on the basis of the record before the City Council, there is no substantial evidence that the project will have a significant effect on the environment.
2. The custodian of the environmental documents and record of the proceedings upon which this decision is based is the Environmental Analyst for the City of Santa Barbara Planning Division located at 630 Garden Street.

**NOTE:** The documents, listed below, have been separately delivered to the City Council with a cover memo, dated November 30, 2011, for their review as part of the Council reading file and are available for public review in the City Clerk's Office, the Planning Division offices at 630 Garden Street and on the City Website (http://www.santabarbaraca.gov/Resident/Environmental_Documents/):

- Final Negative Declaration dated September 27, 2011
- Project Plans

**ATTACHMENTS:**

1. Planning Commission Resolution 023-09, dated June 4, 2009
2. Planning Commission Staff Report, dated October 6, 2011
3. Planning Commission Resolution 020-011, dated October 6, 2011
4. Lot Size Survey of Surrounding Parcels with Map
5. Typical Street Frontage Dimension of Cul-de-Sacs

**PREPARED BY:** Peter Lawson, Associate Planner

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

# City of Santa Barbara
## California

**CITY OF SANTA BARBARA PLANNING COMMISSION**

**RESOLUTION NO. 023-09**
**455, 457, 459 N. HOPE AVENUE**
**RECOMMENDATION FOR INITIATION OF ANNEXATION**
**JUNE 4, 2009**

**APPLICATION OF TRUDI CAREY, AGENT FOR GIARDINI DI CIPRIANI, LLC, 455, 457, 459 N. HOPE AVENUE, APNs 057-170-012, 057-191-011 & -014, COUNTY ZONING: 8-R-1 (SINGLE FAMILY RESIDENTIAL WITH A MINIMUM LOT SIZE OF 8,000 SQUARE FEET PER UNIT), COUNTY GENERAL PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE (MST2006-00564)**

The City received a request from Trudi Carey of The Carey Group, Inc., agent for property owner Giardini di Cipriani, LLC, for initiation of annexation of the 2.92 acre lot known as 457 and 459 N. Hope Ave. (APN 057-170-012). Upon annexation, the owner intends to subdivide the property into nine residential lots. In addition, due to previously-imposed conditions on the adjoining property to the south, staff requests initiation of annexation of the 0.25 acre lot known as 455 N. Hope Ave. (APN 057-191-011) and the 0.14 acre driveway lot (APN 057-191-014) serving the residence at 455 N. Hope Ave. These two lots are owned by the Anderson Family Revocable Trust, and no improvements are proposed as this time. The three subject lots are located within the City's Sphere of Influence, and adjoin parcels already in the City. At this time, the discretionary action required for the project is **Initiation of Annexation** (SBMC Chapter 28.96).

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

**WHEREAS,** no one appeared to speak in favor of the annexation, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 30, 2009
2. Site Plans
3. Correspondence received against annexation:
    a. Paula Westbury, Santa Barbara, CA

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

Initiated Annexation of the parcels indicated in the Staff Report, with a General Plan designation of residential with 5 units/per acre and Zoning designations of E-3 and SD-2.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

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

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

_____ _____

Julie Rodriguez, Planning Commission Secretary Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

# City of Santa Barbara
## California

## PLANNING COMMISSION
### STAFF REPORT

**REPORT DATE:** September 29, 2011

**AGENDA DATE:** October 6, 2011

**PROJECT ADDRESS:** 457 N Hope Avenue (MST2006-00564)

**TO:** Planning Commission

**FROM:** Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Peter Lawson, Associate Planner

## I. PROJECT DESCRIPTION

The project consists of a nine-lot subdivision of a 2.96-acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. As part of the project, the site would be annexed to the City of Santa Barbara. A General Plan designation of Residential (5 units/acre) and Zoning designation of One-Family Residence E-3/S-D-2 (7,500 square feet minimum) is proposed. No development of the individual lots is currently proposed, but construction of infrastructure to serve all of the lots is part of the project. Infrastructure would include a new cul-de-sac road, which would be dedicated as a public road, and all utilities to serve each of the nine lots. Future development of the parcels would be single-family homes. Future development of homes would be reviewed individually through design review and building permit review. Based upon the proposed lot size, it can be assumed that development could be up to 30 feet in height and an approximately 4,000 square feet in size (includes garage, habitable space and hardscape).

## II. REQUIRED APPLICATIONS

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Local Agency Formation Commission (LAFCO):

1. General Plan Amendment to change the land use designation of project site from the Santa Barbara County Land Use Designation of Residential, Res 4.6 units per acre to City General Plan Designation of Residential, 5 units per acre, (SBMC §28.07);
2. Zoning Map Amendment to rezone the site from the Santa Barbara County zoning designation of Single-Family Residential 8-R-1 to the City Zoning designation of One-Family Residence/Special District E-3/S-D-2 (7,500 s.f. minimum) (SBMC, §28.92.020);
3. Detachment from County Fire Protection District and Goleta Water District;
4. Annexation of the property from Santa Barbara County to the City of Santa Barbara;

Actions by the Planning Commission, contingent upon approval of the actions listed above:

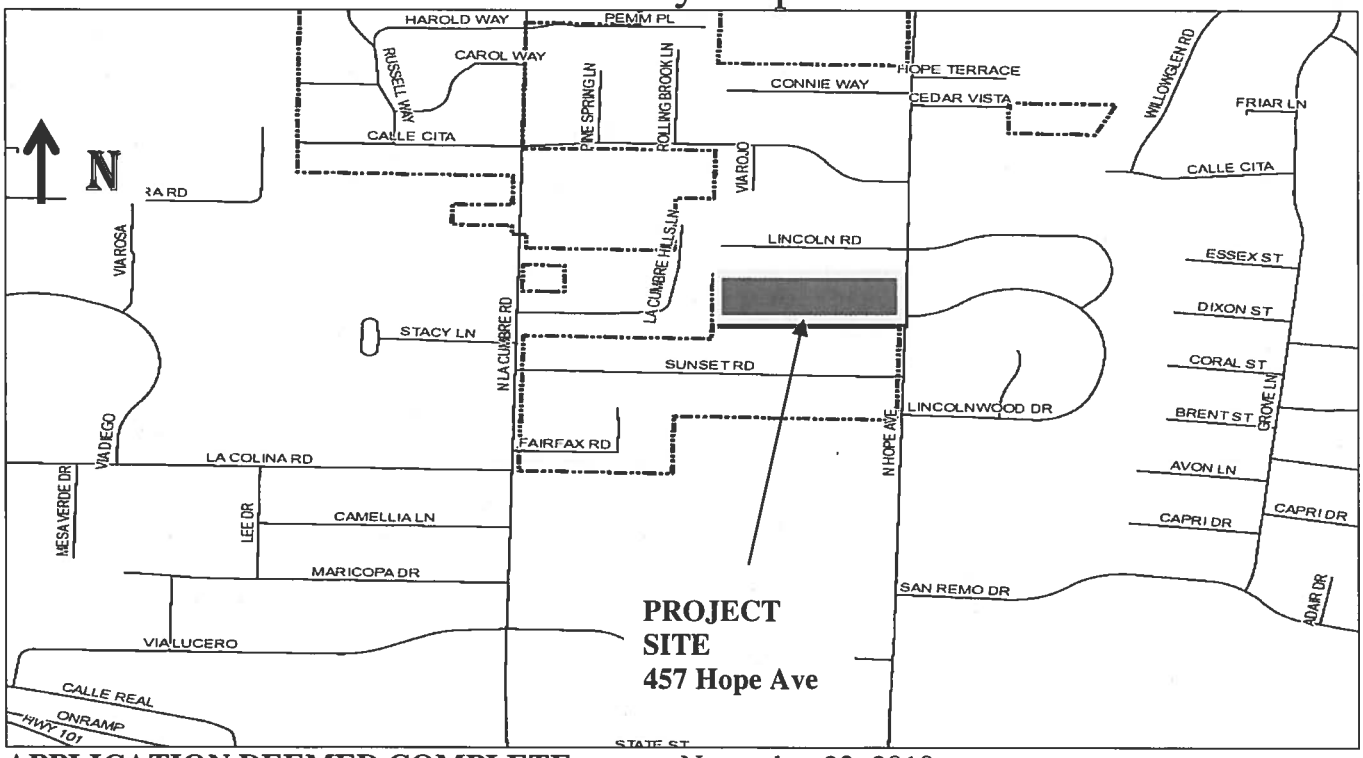
5. A Modification to reduce the required street frontage of proposed Lot number 8 from 60 feet to 38 feet (SBMC §28.92.026.A) and;

6. A Tentative Subdivision Map to allow the division of one parcel (1) into nine (9) lots (SBMC 27.07)

## III. RECOMMENDATION

City staff is supportive of the proposed nine-lot subdivision. With City Council approval of the requested annexation, rezone and accompanying General Plan land use designation amendment, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. The project would result in a net gain of nine residential units in the City's housing stock, and the density of the proposed subdivision would be compatible with the surrounding neighborhood. Future development of the lots would be subject to review by the Single Family Design Board to ensure compatibility with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission recommend to the City Council the approval of the reorganization (annexation to the City and detachment from County Fire Protection District and Goleta Water District), the re-zone and the General Plan amendment, and approve the Modification and Tentative Subdivision Map, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map




**APPLICATION DEEMED COMPLETE:** November 23, 2010

## IV. BACKGROUND INFORMATION

The project site is currently located within the County of Santa Barbara and was previously developed with three single-family residences. Approximately eighteen months ago, all structures on the project site were demolished with permits issued by County of Santa Barbara. Except for the driveway, the site is vacant. On June 4, 2009, the Planning Commission considered a request by the applicant to initiate annexation of the parcel. The Commission initiated the annexation by a 4-0 vote (Commissioners Larson, Jacobs, and White were absent).

## V. SITE INFORMATION

| | |
|---|---|
| Applicant/Property Owner: Giardini Di Cipriani, LLC, c/o The Carey Group | |
| Parcel Number: 057-170-012 | Lot Area: 2.96 acres |
| General Plan (County): Residential 4.7 units/acre | Zoning (County): Residential 8-R-1 (8,000 s.f.) |
| Existing Use: Vacant | Topography: Rolling 5 – 11% |
| Adjacent Land Uses:<br>North – Residential (City)<br>South – Residential (City) | <br>East – Residential (City)<br>West – Residential (PUD) (City) |

## VI. ZONING ORDINANCE CONSISTENCY & PROJECT STATISTICS

| Lot | Slope | Required Lot Area | Proposed Project Lot Area (Net) *** | Street Frontage | |
|---|---|---|---|---|---|
| | | | | Req | Proposed Project |
| 1 | 5.27% | 7,500 sf | 13,419 | 60' | 85.7' |
| 2 | 4.71% | 7,500 sf | 11,268 | 60' | 71.7' |
| 3 | 6.41% | 7,500 sf | 11,290 | 60' | 71.7' |
| 4 | 7.58% | 7,500 sf | 11,313 | 60' | 71.7' |
| 5 | 8.76% | 7,500 sf | 11,335 | 60' | 71.7' |
| 6 | 9.67% | 7,500 sf | 11,311 | 60' | 72.8' |
| 7 | 9.87% | 7,500 sf | 10,387 | 60' | 75.0' |
| 8 | 11.06% | 11,250 sf (1.5 X 7,500)* | 11,252 | 60' | 38.0'** |
| 9 | 6.18% | 7,500 sf | 11,661 | 60' | 108.2' |
| **Average** | 7.72 | 7,500 sf | 11,471 | 60' | 74.06 |
| **Total** | | | 103,236 | | |

*For lots with slopes that are 10% to 20%, a factor of 1.5 is multiplied by the required lot area.

**A modification for a reduced street frontage is being requested for Lot 8.

*** The net lot area does not include the proposed public improvements (i.e. new right-of-way and Hope Ave sidewalk improvements)

The proposed project would comply with the requirements of the proposed zoning of One-Family Residence E-3/S-D-2, with the exception of proposed Lot 8, which does not satisfy the required street frontage dimension of 60 feet. Lot 8 is located at the end of the cul-de-sac in the proposed new public street, which results in a smaller street frontage. However, this parcel is

consistent with all other requirements of the Municipal Code and adequate access can be provided. Future residential development of the lots will be reviewed for consistency with the Municipal Code at the time they are proposed. The parcel sizes are greater than what is required in the E-3 Zone District and would result in a density of 3.8 units/acre after the public improvements are netted out of the total lot area.

In addition to the E-3 Zone District requirements, the project site is also subject to the S-D-2 Overlay (Upper State Street Area). The development standards for the S-D-2 shall not be less restrictive than the underlying zone district, and for this particular overlay, those standards are mainly focused on commercial development and for reducing traffic impacts on State Street. When the S-D-2 development standards are compared to the E-3 development standards, the E-3 development standards are more restrictive. Therefore, if future development of the lots is consistent with the E-3 Zone District, then the development would be consistent with the S-D-2 overlay.

## VII. ISSUES

### A. DESIGN REVIEW

This project was reviewed by the Single Family Design Board (SFDB) on October 11, 2010 (meeting minutes are attached as Exhibit D). The SFDB was supportive of the layout of the proposed lots, and the project was continued indefinitely pending outcome of environmental review and Planning Commission decision. The Board encouraged the applicant to reduce the height of any retaining walls on proposed Lot 8, which is now reflected in the current plans.

### B. PUBLIC ROAD DESIGN

The proposed project includes development of a cul-de-sac road that would provide access to all nine parcels, and would be dedicated to the City. Through the evolution of the project design, the location of the road was changed from its initial location along the southern property line to the current proposed location along the northern property line. Staff first recommended that the road remain in the southern location, which would allow it to be approximately opposite Lincoln Drive, and potentially combined with a ten-foot wide driveway immediately south of the project property. The adjacent driveway serves one single-family residence and extends the entire length of the project site property line. The applicant approached the adjacent landowner with the idea of combining their driveway with the proposed public road, but ultimately they were not able to come to an agreement.

Because the merger of the adjacent driveway with the project road was no longer an option, the new cul-de-sac entrance would be immediately adjacent to the driveway entrance, which would create a conflict. Additionally, without merging the driveway, the proposed new public road would not be directly opposite Lincolnwood Drive. The location of the new public road along the northern property line began to make more sense because of these two issues and, in addition, a City utility easement is located along the northern property line. As part of the project, the applicant would provide a landscaped buffer of approximately ten feet between the northern lot line and the edge of the new right-of-way. A new City sewer main will be installed

in the centerline of the new public road. The properties to the north of the project site will be provided the opportunity to connect to the new main if they wish.

The cul-de-sac at the end of the proposed new public road has been determined by the Fire Department and Engineering Division to be adequate for emergency vehicle turn around. However, as is typical with a cul-de-sac, Lot 8 would have a reduced street frontage. A Modification is being requested for this parcel and is discussed previously in this staff report. Sidewalk, parking and parkways would be provided on the south side of the proposed new public road, adjacent to where future development would be located, consistent with the Pedestrian Master Plan.

## C. COMPLIANCE WITH THE GENERAL PLAN

A discussion of General Plan compliance can also be found in the draft Negative Declaration.

### Land Use Element

The project site is located within the Hope Neighborhood, which is described in the Land Use Element as being bounded by the City limits to the west and north, Arroyo Burro Creek to the east and Via Lucero to the south. The Hope Neighborhood is comprised mainly of single-family residences, then transitions into a mix of multi-family and single-family residents further south in the Via Lucero area. The project site is currently located within the County of Santa Barbara and is zoned Single-Family Residential 8-R-1, (8,000 square feet minimum), with a General Plan Land Use Plan designation of Residential and a density of 4.6 units per acre. The project site is surrounded by City properties to the north, east and west.

The proposed General Plan Designation of Residential (5 units/acre) and the zoning designation of One-Family Residential E-3/S-D-2 (7,500 square feet minimum) would be similar to the existing County designation. The proposed parcels are the same size or larger than the surrounding parcels and the future development would be residential, which is consistent with the neighborhood. The actual density of the project is approximately 3.8 units/acre, which is lower than what would be allowed under the proposed General Plan designation.

The project site is located within one of the four unincorporated areas identified in the Land Use Element for annexation. All four of these areas are islands of unincorporated land surrounded by the City. The Land Use Element states that these unincorporated areas are essentially a part of the City, and most of these areas use some or all City services. Finally, the Land Uses Element states that, "All available means of gaining support of the residents of these areas for annexation should be utilized." Therefore, the proposed annexation and future residential development would be consistent with the Land Use Element.

### Housing Element

The proposed project would be consistent with the Housing Element. While development is not associated with the Tentative Subdivision Map, the layout of the subdivision is compatible with the neighborhood, consistent with Goals and Policies to preserve existing neighborhood. T$he subdivision includes a cul-de-sac road, which would serve the development only and not cause an increase of vehicular speed or traffic in an established neighborhood. The average size of the

proposed parcels is approximately 11,471 square feet, which is consistent with the established neighborhood size of between 8,000 – 15,000 square feet. Because affordable housing is not proposed, the project is conditioned to provide inclusionary housing in-lieu fees for each parcel. Future development of the project site would be reviewed by the Single Family Design Board, and would require compliance with the Neighborhood Preservation Ordinance (NPO).

**Circulation Element**

The proposed project would be consistent with the Circulation Element. A new public road with a cul-de-sac would be constructed and dedicated to the City. Sidewalks and parkways would be provided along one side of the road, providing pedestrian access to and from Hope Avenue. The sidewalk along Hope Avenue would be widened, consistent with the recommendations of the Pedestrian Master Plan.

**Other Elements**

Finally, the project would be consistent with the Conservation, Noise, and Seismic & Safety Elements. The proposed subdivision and any future development would be infill within an established residential neighborhood. The project site is not a scenic open area or on a hillside. Construction and grading on the site would be required to comply with the appropriate regulations for hours of operation. The future residential development, as allowed under the proposed General Plan and Zone designations, would be compatible with the surrounding residential use. All future development would be designed and constructed consistent with the appropriate building codes, and would address any expansive soils or seismic issues. Therefore, the proposed project would be in compliance with the General Plan.

## D. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and Negative Declaration (Attachment F) was prepared to evaluate the project's potential impacts on the physical environment. The Negative Declaration was prepared for the project because the project includes an Annexation, General Plan Amendment and a Rezone. The project is a "dry lot" subdivision on a parcel surrounded by a developed residential neighborhood, with no resources on site, and no impacted intersections within the neighborhood.

Impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geophysical Conditions, Hazards, Noise, Population and Housing, Public Services, Recreation, Transportation/Circulation, and Water Environment were all a mix of either no impacts or less than significant. There are no required mitigations for the project. Current City ordinances would address any potentially adverse project related impacts such as noise, lighting, and aesthetics from the development and grading. However, recommended mitigations are included in the Negative Declaration to further reduce the adverse but less than significant impacts related to air quality (short-term) geophysical conditions, noise, and short-term transportation. Therefore, based upon the existing physical setting of the project and the existing residential development in the surrounding neighborhood, the proposed subdivision and any future

residential development of each of the new lots would result in either no impacts or less than significant impacts.

## VIII. BASIS FOR RECOMMENDATIONS TO CITY COUNCIL

Staff recommends that the Planning Commission recommend to the City Council the annexation, General Plan Amendment and Rezone for the following reasons:

### A. ANNEXATION

The proposed annexation is appropriate since the project site is identified in the Land Use Element as an area that should be annexed to the City. The project site is surrounded on three sides by property currently within the City's jurisdiction, City maintained roads serve the site and some City services are provided to the site. Finally, a City public utility easement for a sewer main is located along the northern side of the lot and that utility easement would remain within the proposed public road right-of-way.

### B. GENERAL PLAN AMENDMENTS

The proposed General Plan designation of 5 units per acre is consistent with the existing, surrounding neighborhood's City General Plan designation. The average size of each lot is approximately 11,400 square feet, which is greater than that required under a General Plan designation of 5 units/acre. This designation would be consistent and compatible with the development and land uses in this neighborhood, which are comprised of lots of 9,000 to 12,000 square feet.

### C. ZONING MAP AMENDMENT

The proposed rezone from Santa Barbara County residential zoning to the City residential zoning designation of One-Family Residence E-3/S-D-2 (7,500 s.f. minimum) is consistent with the surrounding neighborhood zoning. This residential zoning designation would also be consistent with the proposed General Plan designation of Residential, 5 units per acre, and would be consistent with the General Plan text discussion of development in the Hope Avenue area. This uses allowed under this designation would also be consistent and compatible with adjacent and nearby development, land uses and zoning designations.

## IX. FINDINGS

The Planning Commission finds the following:

### A. FINAL NEGATIVE DECLARATION ADOPTION

1. The Planning Commission has considered the proposed Final Negative Declaration, dated September 27, 2011, for the 457 North Hope Project (MST2006-00564), and comments received during the public review process prior to making a recommendation on the project.

2. The Final Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.

3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Negative Declaration, dated September 27, 2011, is hereby adopted.

4. Recommended mitigation measures identified in the Negative Declaration that would further reduce all less than significant impacts have been included in the project or made a condition of approval.

5. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.

6. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

**B. MODIFICATION**

The proposed project includes a Modification request to reduce the required street frontage of proposed Lot 8 from 60 feet to 38 feet. Because of its location at the curve of the cul-de-sac, Lot 8's street frontage would be shortened, and the lot would be shaped similar to a flag lot.The interior of the lot is rectangular (99' X 98') and the overall size is over 11,000 square feet, which would provide adequate room for development without need for any further Modifications. Therefore, due to the location of this lot, and because there is adequate room on the lot to provide access and development consistent with the Municipal Code, this Modification is consistent with the purpose and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement.

**C. THE TENTATIVE MAP (SBMC §27.07.100)**

With the approval of the requested Street Frontage Modification for Lot 8, the Tentative Subdivision map is consistent with the General Plan, as described in Section V.C. Development of the houses is not proposed at this time; however, the layout of the proposed subdivision is consistent with the applicable General Plan and Zoning requirements. The site is physically suitable for the proposed development, as there are no physical constraints, such as steep slopes, extensive vegetation or watercourses, that would prevent future development or require exceptions from the Municipal Code. The

site is physically suitable for the proposed density of development, because it is relatively flat (except for Lot 8), and the proposed density of development of 3.8 units per acre is less than the density allowable under the proposed General Plan designation (5 units per acre). The design of the project will not cause substantial environmental damage because a grading plan was provided that demonstrates drainage being conveyed in a manner consistent with adopted regulations and guidelines. The design of the development is not likely to cause public health problems, as the future development would be single-family residences, consistent with the surrounding neighborhood. Finally, the design of the development will not conflict with any public easements; the existing sewer easement at the northern property line will be relocated to the centerline of the new public street. The project includes the development and dedication of a new public street and improvements to the sidewalk along Hope Avenue.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Applicant's letter, dated September 27, 2011
D. Planning Commission Minutes (Initiation Hearing) dated June 4, 2009
E. Single Family Design Board (SFDB) Minutes dated October 11, 2010
F. Final Negative Declaration available on the City website:
http://www.santabarbaraca.gov/Resident/Environmental_Documents/

# PLANNING COMMISSION CONDITIONS OF APPROVAL

457 N. HOPE AVENUE

*TENTATIVE SUBDIVISION MAP, ANNEXATION, GENERAL PLAN AMENDMENT, REZONE AND A STREET FRONTAGE MODIFICATION*

October 6, 2011

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants 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. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.

2. Obtain all additional land use approvals. Refer to condition B "Approval Contingent upon Annexation, Adoption of General Plan Amendment and Rezone." After all City approvals are obtained, submit Annexation Map to LAFCO, provide City staff with a copy of *Certificate of Completion & LAFCO Resolution*, pay Annexation Buy-In fees to City Public Works for public infrastructure prior to recordation of Final Map.

3. Obtain all required design review approvals.

4. Pay Land Development Team Recovery Fee.

5. Make application and obtain City Council approval of the Final Map and Agreements and record said documents.

6. Permits following recordation of Final Map.

   a. Make application and obtain a Building Permit (BLD) for construction of approved development.

   b. Make application and obtain a Public Works Permit (PBW) for all required public improvements, and an Encroachment Permit for private drainage system in the public Right of Way.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Approval Contingent Upon Annexation, Adoption of General Plan, and Rezone.** Planning Commission approval of the proposed subdivision is contingent upon approval of the Annexation, Zoning Ordinance and General Plan Amendment by the City Council and completion of that annexation by the Local Agency Formation Commission.

C. **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 concurrent with the Final Map, and shall include the following:

1. **Approved Development.** A nine lot subdivision of a 2.92 acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. The site would be annexed to the City of Santa Barbara and would be given a General Plan designation of Residential (5units/acre) and Zoning designation of Residential (E-3 - 7,500 square feet/lot). No structural development of the individual lots is proposed, but infrastructure serving all of the lots would be either constructed or bonded. The infrastructure includes, but is not limited to, new water lines, sewer lines, a public road and drainage improvements, which are shown on the Tentative Subdivision Map and signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Future Residential Development.** All future development on the property shall be subject to the following conditions:

   a. All future construction shall comply with the applicable conditions of approval contained in Sections F. "Requirements Prior To Permit Issuance," G. "Construction Implementation Requirements," and H. "Prior to Certificate of Occupancy" of the Planning Commission resolution.

3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

4. **Private Drainage.** The Owner shall also provide drainage easements across the newly created lots to facilitate drainage.

5. **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).

6. **Landscape Plan Compliance.** The Homeowner(s) shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). 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 Homeowner(s) are responsible for its immediate replacement.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Homeowner(s) shall maintain the common drainage system and storm water pollution control devices as shown on the approved Tentative Map intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state as outlined in the private CC&R's (and in accordance with the Operations and

Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual).

a. 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 Home Owner(s) shall be responsible for any necessary repairs to the system and restoration of the eroded area.

b. 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.

c. The Homeowner(s) are 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.

d. Drainage from individual detention basins on each lot, as depicted on the Tentative Map, shall not be impeded by neighboring parcels.

8. **Required Private Covenants (CC&R's).** The Owner shall record in the official records of Santa Barbara County private covenants or a similar agreement which, among other things, shall provide for all of the following:

a. **Common Landscape Area Maintenance.** The Homeowners shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for the areas located between the northern property line and the new public right-of-way road easement, the detention basin within the center of the cul-de-sac and the detention basin located on Lot No. 1.

b. **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.

9. **Pesticide or Fertilizer Usage Near Drainage Facilities.** The use of pesticides or fertilizer shall be prohibited within the detention basin area located in the cul-de-sac, which drains directly into an offsite concrete V-ditch that leads to a natural water course as outlined in Municipal Code §16.15.

D. **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. **Dedications.** Public 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:

   a. A 23-foot wide easement for all street purposes along Hope Avenue in order to establish a 60-foot wide public right-of-way.

   b. Dedicate a new public road to the City of Santa Barbara shown on the Tentative Map as *Whiterose Lane* with a 40-foot wide public right-of-way, abutting to the existing City sewer easement along the northerly property line. The 40-foot wide easement shall accommodate a sidewalk and parkway along the southern side of Whiterose Lane, curbs, gutter, travel lanes and an area along the northern side of Whiterose Lane to accommodate "no parking" signs.

   c. The existing sewer easement along the northern property line shall be reduced from ten (10) feet to eight (8) feet in width.

3. **Private Agreement to Extend Private Sewer Laterals from Individual Properties Located to the North of the Subject Subdivision** Developer shall advise the owners of the seven (7) existing homes to the north of the project site (counting from east to west, starting at Hope Avenue) of the opportunity to connect to the proposed sewer main on the project site at the owners' cost. During construction of the proposed sewer main, Developer shall accommodate the connection of private sewer laterals from any interested owners. Developer shall execute and record any documentation necessary to enable the connection and future use and maintenance of such private laterals. Developer's obligation to facilitate such connections shall cease upon construction of the proposed public road on the project site.

4. **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 prepares said agreement for the Owner's signature.

5. **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, concurrently with the Final Map.

6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations, and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be

employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

a. The Homeowner(s) shall maintain the private drainage system and storm water pollution control methods in a functioning state.

7. **New Public Road (*"Whiterose Lane"*) Improvements.** The Owner shall submit separate C-1 public improvement plans to the Public Works counter for construction of public improvements along the interior property frontage for the proposed new public road identified as *Whiterose Lane* on the Tentative Map. Public Works C-1 plans shall be submitted separately from plans submitted for Building Permits, and shall be prepared by a civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the following according to City standard details, ADAAG (*ADA Guidelines for the public R/W*), the 1975 *Interim* Design and Improvements Standards, the most current publication of the *Greenbook*, and current Municipal Codes:

a. *Construct to Greenbook standards*: (N) asphalt concrete pavement on aggregate base for a 28-foot paved roadway measured from curb to curb. *Construct to City standards*: 6-inch high curb and gutter on both sides of the new road, 5-foot wide sidewalk and 4-foot wide parkway on the southerly side only of *Whiterose Lane*, supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the Street Tree Advisory Committee. Construct nine (9) residential driveway aprons to new lots modified to meet Title 24 requirements, construct 2 single-directional access ramps at entrance to *Whiterose Lane*, supply and install (N) street name sign, supply & install (N) stop sign at southerly exit lane, a stop bar, and a minimum of three (3) No Parking signs on the northerly side of the new road behind curb.

b. Construct (N) 8-inch sewer main at centerline of *Whiterose Lane* and connect (N) main to (E) sewer main along northerly property line through an easement on proposed lot 9 as shown on the Tentative Map. Construct three (3) (N) sewer manholes, and construct nine (9) (N) sewer laterals to proposed lots behind the sidewalk as a part of construction of the (N) sewer main.

c. Construct (N) 8-inch Ductile Iron water main & appurtenances including installation of two (2) new residential fire hydrants, nine (9) new 2-inch water service lines, one to each new lot, and connect (N) water main to City water main in Hope Avenue.

d. Submit a Final hydrology report for installation of public & private drainage pipe. Construct three (3) (N) drop inlets with gutter depressions, and

provide storm drain stenciling on (N) drop inlets. In addition, each lot shall submit separate hydrology calculations depicting how the 100-year storm event will be retained as recommended in the Preliminary Hydrology Report prepared by MAC Designs dated 10-12-10. The public improvement plans shall indicate the 100-year overland escape routes.

e. Supply and install three (3) - Type B residential Dome Style City standard street lights *(one 70 watt at mid-block, one 70 watt at end of cu-de-sac & one 200 watt at the intersection of new road & Hope Ave),* with final location to be determined by the Public Works Department. Show underground conduit and point of connection for new street lights on civil plans. Contractor shall coordinate with Edison and the Public Works Inspector to energize new lights.

f. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.

8. **Hope Avenue Public Improvements.** The Owner shall submit C-1 public improvement plans to the Public Works counter for construction of public improvements along the property frontage along Hope Avenue. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall be combined on same plans as the separate C-1's for *Whiterose Lane*. As determined by the Public Works Department, the improvements shall include the following to City standards:

a. Construct (N): Concrete cross gutter across entrance of *Whiterose Lane* in *Hope Avenue* right-of-way, 6-foot wide sidewalk and 4-foot parkway along entire property frontage, +/- 20 LF curb and gutter, a minimum of two (2) Alhambra A470 curb drain outlets, slurry seal to the centerline of the Hope Avenue along entire subject property frontage, *and* slurry seal a minimum of 20 feet beyond the limits of all trenching. Submit a Final hydrology report with determination of sizes for new curb drain outlets.

b. Supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the *Street Tree Advisory Committee.*

c. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.

9. **Land Development Agreement** (to Secure Public Improvements). The Owner shall submit an executed *Land Development Agreements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.

10. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements requires an Encroachment Permit. The Owner shall obtain a separate Encroachment Permit for private drainage improvements located in the cul-de-sac of the (N) public right-of-way and all private drainage facilities shall be maintained by the private Home Owner's Association.

11. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of $15,500/lot to the Community Development Department.

E. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to any landform alterations, public improvements, private/common improvements, and landscaping, shall be subject to the review and approval of the SFDB prior to recordation of the Map.

F. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.6 "(*Whiterose Lane*) Public Improvements" and D.7 "*Hope Avenue Public Improvements*" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has submitted securities for the public improvements and executed the *Land Development Agreement.*

b. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish 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. The Haul Routes shall be approved by the Transportation Manager. (T-1)

c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways. (T-2)

d. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager. (T-3)

2. **Community Development Department.**

a. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.

b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section E "Design Review," and all elements/specifications shall be implemented on-site.

c. **Geotechnical Studies**. All recommendations contained in the foundation report prepared by Coast Valley Testing, Inc (August 21, 2009) shall be implemented. These recommendations shall include, but are not limited to requirements for inspections of excavated areas during vegetation clearing, grubbing prior to grading, grading, and review of design of foundations. .Scarification and wetting of recompacted areas to receive fill. Also, requirements for asphalt concrete flatwork, and concrete hardscape shall be followed. Grading and foundation plans shall be reviewed by a Geotechnical Engineer and Engineering Geologist to ensure compliance with the recommendations in the Coast Valley Testing, Inc. studies and comply with the findings of any additional subsurface exploration. Compliance shall be demonstrated on plans submitted for grading and building permits and subject to City Building and Safety Division review and approval.

d. **Conditions on Plans/Signatures.** The final Planning Commission or City Council Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the 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, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor name, contractor telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. 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.

2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor, site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-1).

3. **Temporary Traffic Control Plan.** A Temporary Traffic Control (TTC) plan shall be submitted to the Public Works counter, as specified in the DRAFT *City of Santa Barbara Traffic Control Guidelines*, and the 2006 California MUTCD. Traffic Control Plans are subject to approval by the Public Works Director and the City's Traffic Engineer.

4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

| | |
|---|---|
| New Year's Day | January 1st* |
| Martin Luther King's Birthday | 3rd Monday in January |
| Presidents' Day | 3rd Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th* |
| Labor Day | 1st Monday in September |
| Thanksgiving Day | 4th Thursday in November |
| Following Thanksgiving Day | Friday following Thanksgiving Day |
| Christmas Day | December 25th* |

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.(N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)

6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit. (T-4)

7. **Construction Dust Control** – Throughout grading and other ground disturbance, the following conditions shall be followed:

   a. **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 achieve minimum soil moisture of 12% 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 every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)

b. **Construction Dust Control** – Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-2)

c. **Construction Dust Control** – Gravel Pads. Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-3)

d. **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. (AQ-4)

e. **Construction Dust Control** – Disturbed Area Treatment. After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by: (AQ-5)

(1) Seeding and watering until grass cover is grown;

(2) Spreading soil binders;

(3) 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;

(4) Other methods approved in advance by the Air Pollution Control District.

f. **Construction Dust Control** – Surfacing. All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)

g. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)

h. **Construction Dust Control** – Project Environmental Coordinator (PEC). The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)

i. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-9)

j. **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. (AQ-10)

k. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-11)

l. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-12)

m. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-13)

n. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-14)

o. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and disel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-15)

p. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-16)

q. **Asbestos & Lead-Containing Materials**. Pursuant to APCD Rule 1001, the applicant is required to complete and submit an APCD Asbestos Demolition and Renovation Compliance Checklist at least 10 working days prior to commencing any alterations of the buildings. Any abatement or removal of asbestos and lead -containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained for the Air Pollution Control District prior commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate land fills that are certified to accept this material. (AQ-17)

r. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)

s. **Mobile construction equipment** - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce

diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm. (AQ-19)

8. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

   A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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.** Complete public improvements, as shown in the separate public improvement plans, including utility service undergrounding required by Municipal Code 27.028.025, .

3. **Cross-Connection Inspection**. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if irrigation meters, pools, spas or solar panelsare installed on any of the individual lots.

4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section C "Recorded Conditions Agreement" have been recorded.

6. **Evidence of Detention Basins and Northerly Landscape Strip Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that maintenance of the detention basins and the landscape strip are recorded in an *Agreement for Shared Maintenance* or private CC&R's required in Section F.2 "Requirements Prior to Permit Issuance"

I. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

   a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

   b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.

   c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are $2,044.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of $50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.

4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.

5. **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 being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

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

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

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

EXHIBIT B

## GENERAL NOTES:

1. PROPERTY ADDRESS: 455, 457 & 459 N. HOPE AVENUE
   SANTA BARBARA, CA 93110
2. AGENT: THE CAREY GROUP INC
   5325 CALLE REAL
   SANTA BARBARA, CA 93111
   (805) 964-7000
3. ENGINEER: MAC DESIGN ASSOCIATES
   1933 CLIFF DRIVE, SUITE 6
   SANTA BARBARA, CA 93109
   (805) 957-4748
4. EXISTING PARCEL. A.P.N. 057-170-012
5. EXISTING LOT STATISTICS

| A.P.N. | GROSS AREA (S.F.) | ROAD ESMT (S.F.) | NET AREA (S.F.) |
|---|---|---|---|
| 57-170-012 | 126,149 | 0 | 126,149 |

6. PROPOSED LOT STATISTICS

| LOT | GROSS AREA (S.F.) | ROAD ESMT (S.F.) | NET AREA (S.F.) | AVG. SLOPE (%) * |
|---|---|---|---|---|
| 1 | 17,182 | 3,763 | 13,419 | 5.27 |
| 2 | 13,993 | 2,725 | 11,268 | 4.71 |
| 3 | 14,015 | 2,725 | 11,290 | 6.41 |
| 4 | 14,038 | 2,725 | 11,313 | 7.58 |
| 5 | 14,060 | 2,725 | 11,335 | 8.76 |
| 6 | 14,083 | 2,772 | 11,311 | 9.67 |
| 7 | 12,650 | 2,263 | 10,387 | 9.87 |
| 8 | 12,052 | 800 | 11,252 | 11.06 |
| 9 | 14,076 | 2,415 | 11,661 | 6.18 |
| TOTAL | 126,149 | 22,913 | 103,236 | |

* AVG. SLOPE WAS CALCULATED USING THE FORMULA (S= .00291L/A) CONTAINED IN CHAP. 28.15.080 OF THE CITY OF SANTA BARBARA ZONING ORDINANCE

7. PROPOSED CITY ZONING: E-3 ONE-FAMILY RESIDENTIAL
8. NUMBER OF PROPOSED LOTS: 9
9. AVERAGE GROSS AREA OF LOT: 14,017 S.F.
10. UTILITY SERVICES:
    WATER: CITY OF SANTA BARBARA
    SEWER: CITY OF SANTA BARBARA
    ELECTRIC: SOUTHERN CALIFORNIA EDISON
    TELEPHONE: VERIZON
    GAS: THE GAS COMPANY
    CABLE TV: COX CABLE
11. SEE SHEETS TM2 THROUGH TM9 FOR PRELIMINARY GRADING AND DRAINAGE PLANS, ROAD INFORMATION, DRAINAGE INFORMATION AND WATER SYSTEM INFORMATION.

## EXISTING EASEMENT LEGEND:

(E1) 10' WIDE EASEMENT FOR SEWER, INGRESS AND EGRESS AND INCIDENTAL PURPOSES TO THE CITY OF SANTA BARBARA PER INSTR. NO. 3377 RECORDED IN BOOK 1899, PAGE 485 OF OFFICIAL RECORDS (ITEM 4 OF TITLE REPORT).

(E2) RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE LAND LYING WITHIN HOPE AVENUE. (ITEM 3 OF TITLE REPORT).

(E3) 10' WIDE EASEMENT FOR SEWER PURPOSES TO CITY OF SANTA BARBARA PER FINAL MAP NO. 20,590 RECORDED IN BK. 182, PG. 8 AND INST. NO. 3376 RECORDED IN BK. 1899, PG. 482 OF OFFICIAL RECORDS.

## PROPOSED EASEMENT LEGEND:

1. VARIABLE WIDTH EASEMENT TO CITY OF SANTA BARBARA FOR VEHICULAR ACCESS, PEDESTRIAN ACCESS AND FOR PUBLIC UTILITY AND SEWER PURPOSES.
2. VARIABLE WIDTH EASEMENT TO LOTS 2, 3 & 4 FOR DRAINAGE PURPOSES
3. 8' WIDE EASEMENT TO LOTS 3 & 4 FOR DRAINAGE PURPOSES.
4. 8' WIDE EASEMENT TO LOT 4 FOR DRAINAGE PURPOSES.
5. 8' WIDE EASEMENT TO LOT 5 FOR DRAINAGE PURPOSES.
6. 8' WIDE EASEMENT TO LOTS 5, 6 & 7 FOR DRAINAGE PURPOSES.
7. 8' WIDE EASEMENT TO LOT 8 FOR DRAINAGE PURPOSES.
8. 10' WIDE EASEMENT TO CITY FOR SANITARY SEWER PURPOSES
9. VARIABLE WIDTH EASEMENT TO LOTS 2, 3 & 4 FOR DETENTION BASIN "A" AND DETENTION BASIN OUTLET FACILITIES.
10. 27' DIA. EASEMENT TO LOTS 5, 6, 7, 8 & 9 FOR DETENTION BASIN "B" AND DETENTION BASIN OUTLET FACILITIES.
11. 23' EASEMENT TO CITY OF SANTA BARBARA FOR ALL ROAD PURPOSES.
12. PROPOSED PRIVATE DETENTION AREA. EXACT SIZE, LOCATION AND TYPE TO BE APPROVED BY CITY PRIOR TO ISSUANCE OF BUILDING PERMIT
13. PROPOSED 8' x 8' EASEMENT FROM APN 57-170-044 TO LOTS 5-9 FOR DRAINAGE PURPOSES IDENTIFIED IN "MEMORANDUM OF OPTION AGREEMENT RECORDED AS INST. NO. 2010-0057527

OWNER'S CERTIFICATE

WE HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN ON MAP AND CERTIFY THAT WE ARE THE LEGAL OWNERS OR THE AUTHORIZED AGENT OF THE LEGAL OWNERS AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF

GIARDINI DI CIPRIANI, LLC
C/O THE CAREY GROUP, INC
5325 CALLE REAL
SANTA BARBARA, CA 93111
(805) 964-7000

DATE

HORIZONTAL COORDINATE BASIS:

THE HORIZONTAL COORDINATE BASIS IS NAD 83 PER STATION 1 PER RECORD OF SURVEY BOOK 174, PAGES 70-74

VERTICAL DATUM:

VERTICAL DATUM IS NAVD 88 PER STATION 1 PER RECORD OF SURVEY BOOK 174, PAGES 70-74
ELEVATION=352.96

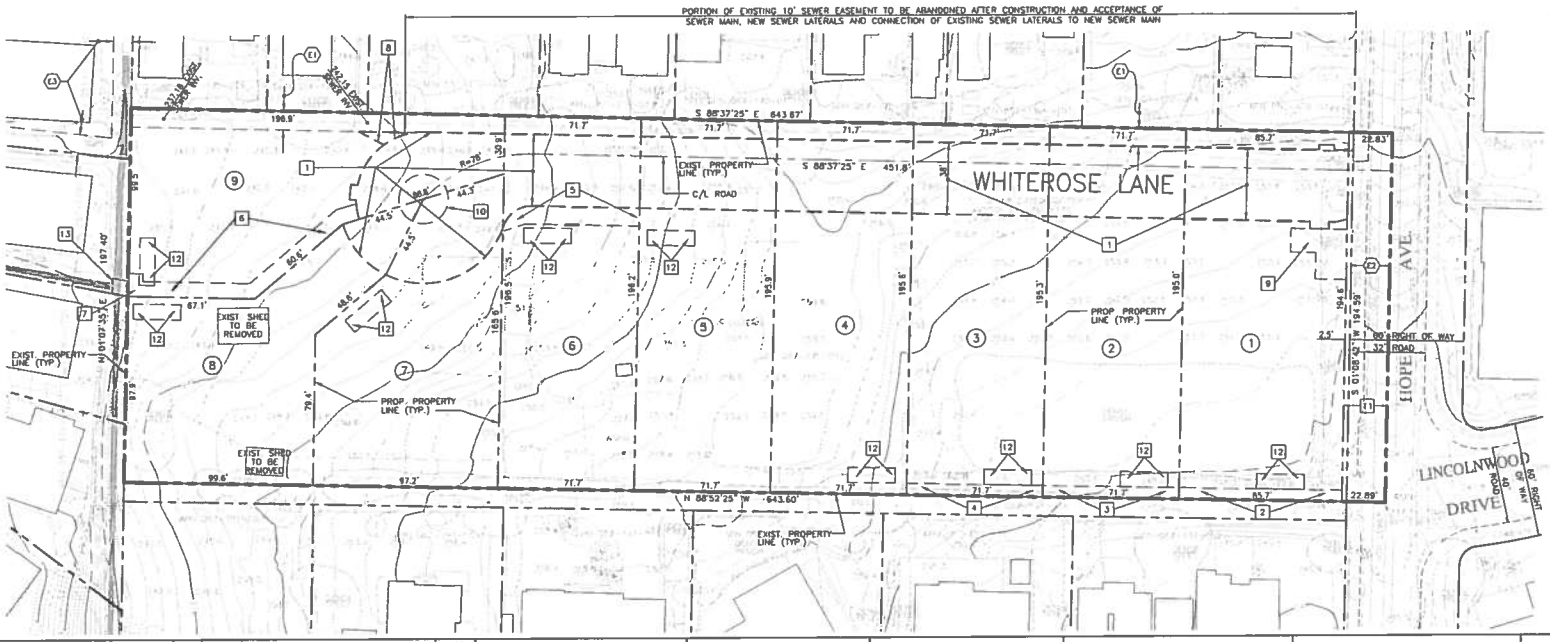
## FLOODWAY INFORMATION

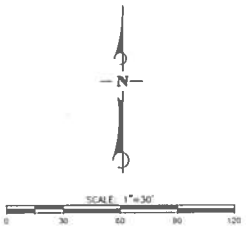
1. THE PROJECT SITE IS NOT SUBJECT TO FLOODING OR INUNDATION AS IDENTIFIED ON THE FLOOD INSURANCE RATE MAP (FIRM) NO. 06083C1378F, EFFECTIVE DATE SEPT. 30, 2005.

VICINITY MAP
NO SCALE

## INDEX TO DRAWINGS


TM1 TENTATIVE MAP
TM2 GENERAL INFORMATION
TM3 PRELIMINARY GRADING & DRAINAGE PLAN
TM4 PRELIMINARY GRADING & DRAINAGE PLAN
TM5 UTILITY PLAN
TM6 UTILITY PLAN
TM7 STORM DRAIN PLAN
TM8 STORM DRAIN PLAN
TM9 DETAILS AND SECTIONS


MICHAEL A. CACCESE No. 26887 CIVIL
DATE SIGNED

| REFERENCES: | NO. | DATE | REVISION | APPD. |
|---|---|---|---|---|
| DRAWING FILE: 03597M.DWG<br>DATA FILE:<br>PROJECT FILE:<br>VIEW NAME:<br>XREF NAME(S): | | | | |

MAC Design Associates
CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN

DESIGN NAME CHECKED
DRAWN TLA
MICHAEL A. CACCESE DATE 10-08-10
PROJECT ENGINEER
R.C.E. 26887 (EXP. 3-31-11)

CITY OF SANTA BARBARA, CALIFORNIA
REVIEWED BY:
FOR DATE

# TENTATIVE MAP

455, 457 & 459 HOPE AVENUE
APN 057-170-012
CITY OF SANTA BARBARA

SHEET TM1 OF 9
S.B. CITY FILE NO.

03597M.DWG 10/08/10 08:50:21 AM PDT

# THE CAREY GROUP, INC.

ARCHITECTURE / PLANNING / CONSTRUCTION ADMINISTRATION

5325 Calle Real Santa Barbara, CA 93111 (805) 964-7000 Fax (805) 964-7022


September 27, 2011

The Honorable Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, Ca 93101

Reference: Application Letter
455, 457 & 459 N. Hope Avenue, Santa Barbara, CA 93111
APN: 057-170-12

Dear Commissioners,

**Request**

The Carey Group, Inc. as agent for the owner Giardini di Cipriani, LLC is pleased to submit plans and engineering studies for the annexation and subdivision of the 2.9 acre (126,149 sf) site on Hope Avenue to be subdivided into nine (9) single family residential parcels. The applicant is seeking a Tentative Map.

There are no homes proposed at this time.

On May 21, 2010 your Commission approved Initiation of the project for Annexation. It now begins its next step in the planning process, which is requesting your approval of a General Plan Designation, Zoning upon Annexation, Detachment from Santa Barbara County Fire and Goleta Water District, a Modification to the Standard Public Street Width and a Street Frontage Modification for one of the nine lots (proposed Parcel 8, a flag lot).

**Pre- application Reviews**

The project has had extensive review prior to coming to the Planning Commission:

1) Pre-application Review Team (PRT), November 27, 2006
2) Informal Department Planning Review, March 10, 2009
3) LAFCO Meeting with City, March 29, 2009
4) Staff Report to Planning Commission, April 30, 2009
5) Planning Commission, Initiation to Annex, May 21, 2010
6) Traffic Review, July 13, 2010.
7) Development Application Review Submittal, August 3, 2010
8) Development Application Review, Comments #1, August 31, 2010
9) DART Meeting, September 7, 2010
10) Single Family Design Review Board, October 4, 2010
11) Development Application Review Comments #2, November 23, 2010
12) Application Deemed Complete, November 23, 2010
13) Draft Negative Declaration, July 13, 2011

14) Initial Study, July 15, 2011
15) Public Works and Planning Review Meeting with Applicant prior to Planning Commission, August 15, 2011

All of the comments from the written DART reviews have been addressed and are shown on the submitted plans.

The applicant has also provided informal reviews of the proposed subdivision plans at neighborhood meetings and to individuals who live adjacent to or near the site. Six separate neighbor mailers from the applicant have gone out requesting input or questions. At this time, the applicant knows of no neighbors who are opposed to the subdivision of the property. Two neighbors have expressed concerns regarding the proposed designs adjoining their individual properties.

**Project Goals/Discussion**

The site is a long, narrow, infill site (194' x 643') surrounded by single family homes on three sides and Hope Avenue to the east. It is presently located in the County of Santa Barbara. The parcel is located within the City's sphere of influence, and adjoins parcels located in the City on three sides.

Because it has been a goal of the City to annex the remaining County pieces in the upper Hope area, annexing the site is in keeping with the City's' planning goals.

The current City zoning for the site, E-3 allows for development of 14.5 dwelling units; however, taking into account the design criteria for a new public street, minimum lot widths, FAR calculations, maximum slope density, and site drainage, the site compatibility allows for the proposed development of nine (9) single family parcels. The applicant believes that subdividing the property into nine parcels is consistent with the surrounding neighborhood. To the north the property adjoins nine (9) parcels on Lincoln Road (City) and to the south there are six (6) larger parcels on Sunset Road (County). In addition, in 1962 when the sewer connections were installed on the north side of the site, nine (9) future sewer wyes were installed on the property for the site's future development into nine parcels.

Based on Traffic Department input, the project's proposed access road has been located close to the northern boundary of the property. The proposed road's width, on-street parking of one space per parcel, cul de sac radius, cul de sac planter, and a sidewalk on one side of the street are provided consistent with Traffic Department input and Fire Department standards. Nine (9) on-street spaces are shown, although not required. The applicant has been conditioned, as a part of the proposed project, to install a new sewer line beneath the center of the proposed new street.

The topography of the site rises from Hope Avenue, crowning about mid-site and rolling downward in the back at the far west. In addition, the property slopes to the south on the eastern portion and to the north on the western portion. At the direction of Public Works, a drainage easement to the west has been obtained and a hydrology report and preliminary grading plans have been completed. Lots 1-4 will drain to Hope Avenue and Lots 5-9 will drain to the existing concrete v-ditch located on the neighboring property west of the site. Two proposed open retention basins and private onsite or below grade storage devices will also be utilized. A concrete v-ditch will be added at the west and south side of Parcel 9.

There are no plans to remove significant vegetation.

**Other Planning Items:**

**Neighboring Anderson Parcels to the South (APN: 057-191-014 and 057-191-021)**

The adjoining neighbor to the south of the parcel was contacted per staff's request. The owners, Mr. and Mrs. Anderson, do not desire to give up their private driveway, merge their parcels, or be annexed to the City.

**Drainage Easement to La Cumbre Hills V ditch (west property line)**

As the site currently drains to the west by sheet flow, Public Works requested and the applicant obtained an easement to capture the current runoff and drain it by pipe into La Cumbre Hills drainage v-ditch to the West. The granting of this easement was approved by the landowner and the La Cumbre Hills Homeowner Association who has an easement to maintain the v-ditch for the Homeowner Association.

**Lighting** - Two street lights have been shown on the drawings per Public Works' request. One will be located at Hope Avenue at the public sidewalk and the second low wattage pole light near the proposed new cul de sac. Both fixtures are City lights and are called out on the site plan and civil drawings. The neighbors and applicant are requesting the use of City light C-O8, a "pedestrian light" with a fluted 14' pole, at the new cul de sac, as it is more in keeping with the neighborhood character. The standard street Light B-08 is shown at Hope Avenue.

After the project was "Deemed Complete", Public Works requested a condition for the addition of a third street light and that all three lights now be the City Standard Street Light B-08 not the shorter City Standard Pedestrian Light C-08 at the proposed new street per the neighbors request which was previously approved in the DART letter of completeness. We request Planning Commission input on the street lights.

**Proposed action:**

The applicant requests: 1) Annexation of the site, located in the unincorporated area of Santa Barbara County, into the City of Santa Barbara, 2) Detachment from County Fire Protection District and Goleta Water District, 3) A General Plan Amendment, 4) A Zoning Map Amendment, 5) Tentative Subdivision Map for the nine lot subdivision, 6) A Street Frontage Modification and 7) A Modification to the standard street width 8) Approval of the street lights as shown on the drawings.

We look forward to working with the City on this project.

Sincerely,

Trudi Carey

Trudi G. Carey

**Submitted to Staff with the Application Package for your reference:**

1) Soils Report
2) Traffic Study
3) Hydrology Study
4) Arborist Report
5) Historical Report
6) Grading and Drainage Plans (10 copies folded)

SB 553322 v1:007712.000S

7) Grading and Drainage Plan reductions (8 ½ x 11)
8) Tentative Map (10 copies folded)
9) Tentative Map reduction (8 ½ x 11)
10) Architectural Site Plans (10 copies folded)
11) Site photos
12) PRT letter with responses
13) Staff review meeting notes with responses
14) Traffic email 7/13/10
15) Initiation to Annexation Minutes of Approval and Staff report
16) Preliminary Title Report (two copies)
17) Light Fixture Cut Sheet
19) La Cumbre Hills Lane Recorded Map showing v-ditch, proposed v-ditch and pipe
20) Utility letters:
    a) Water and Sewer
    b) Gas
    c) Electricity
    d) Cable
    e) Telephone
21) Hazardous Waste Form
22) La Cumbre Hills Easement
23) DART Application Checklist
24) Project Plan Requirement Checklist

**B. APPLICATION OF TRUDI CAREY, AGENT FOR GIARDINI DI CIPRIANI, LLC, 455, 457, 459 N. HOPE AVENUE, APNs 057-170-012, 057-191-011 & -014, COUNTY ZONING: 8-R-1 (SINGLE FAMILY RESIDENTIAL WITH A MINIMUM LOT SIZE OF 8,000 SQUARE FEET PER UNIT), COUNTY GENERAL PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE (MST2006-00564) Continued from May 21, 2009.**

The City received a request from Trudi Carey of The Carey Group, Inc., agent for property owner Giardini di Cipriani, LLC, for initiation of annexation of the 2.92 acre lot known as 457 and 459 N. Hope Ave. (APN 057-170-012). Upon annexation, the owner intends to subdivide the property into nine residential lots. In addition, due to previously-imposed conditions on the adjoining property to the south, staff requests initiation of annexation of the 0.25 acre lot known as 455 N. Hope Ave. (APN 057-191-011) and the 0.14 acre driveway lot (APN 057-191-014) serving the residence at 455 N. Hope Ave. These two lots are owned by the Anderson Family Revocable Trust, and no improvements are proposed as this time. The three subject lots are located within the City's Sphere of Influence, and adjoin parcels already in the City. At this time, the discretionary action required for the project is **Initiation of Annexation** (SBMC Chapter 28.96).

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Daniel Gullet, Associate Planner, gave the Staff presentation.

Trudi Carey gave the applicant presentation.

Chair Thompson opened the public hearing at 6:00 P.M., and with no one wishing to speak, closed the hearing.

Regarding water use, Ms. Carey responded that the project uses city water and has city water meters. It is also uses the city sewer system.

Staff answered additional Planning Commission questions about the detachment as related to the Goleta Water District.

The Commissioners made the following comments:

1. Commissioner Jostes appreciated that the rural nature has been kept. Would like to see building envelopes include in the subdivision next time the project comes before the Planning Commission.
2. Commissioner Bartlett supported the annexation but is concerned that connectivity is not achieved and creates a dead-end cul-de-sac street without connections for pedestrians and vehicles. Concerned that the project results in too few but large lots and is inconsistent with pattern of the neighborhood.

**EXHIBIT D**

Would like to see a subdivision that has more lots that are smaller with homes that are more affordable. Likes the narrower street widths and supports the one sidewalk.

3. Commissioners Lodge and Thompson agree with looking at smaller lots and smaller houses that are affordable by design when the project returns. Commissioner Lodge was concerned with the narrowness of the smaller street.
4. The consensus of the Commission supported the annexation of the property to the city.
5. Commissioner Thompson prefers a city street, as long as the city agrees to support the street.
6. Commissioner Jostes suggested that the applicant return to the Planning Commission for a concept review for an alternative subdivision plan that is more responsive to the Planning Commission's comments.

**MOTION: Jostes/Lodge** **Assigned Resolution No. 023-09**
Recommended Initiation of Annexation of the parcels indicated in the Staff Report, with a General Plan designation as residential with 5 units/per acre.

Ms. Carey explained how the lot sizes were determined, accounting for slope density, as well as drainage issues that were addressed with the determination.

Staff responded to the Commission's inquiry on the availability of Planned Unit Development (PUD) or Planned Residence Development (PRD) zoning designations that would provide the applicant more flexibility with the site location by stating that they are both available. The PRD would be individual lots that would come with a Conditional Use Permit. The PUD would be a zone.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Larson, Jacobs, White)

Chair Thompson announced the ten calendar day appeal period.

Chair Thompson called a dinner break at 6:17 P.M and reconvened the meeting at 7:00 P.M.

**CONCEPT REVIEW - NEW ITEM**

**4. *COUNTY PROPERTY (455, 457, 459 Hope Ave)** ***COUNTY Zone**

Assessor's Parcel Number: 057-170-012
Application Number: MST2006-00564
Owner: Giardini Di Cipriani, LLC
Architect: Trudi Carey

(Proposal to create 9 lots for new single-family residences on a 2.92 acre vacant lot currently in the County of Santa Barbara. Due to the utilities being serviced by the City of Santa Barbara and the property being located within the City's sphere of influence, it will be required to be annexed. Because of the annexation, the project will include a General Plan Amendment and a Rezone. A new public road along the northern lot line will provide access to the parcels. No development of the individual lots is proposed with the subdivision.)

**(Comments only; project requires Environmental Assessment and Planning Commission review of a General Plan Amendment and rezoning.)**

(4:39)

Present: Trudi Carey, Applicant/Architect; and Michael Cassese, Civil Engineer.

Staff announced that the project was incorrectly noticed for the Architectural Board of Review (ABR) for October 4, 2010, and was postponed one week to the Single Family Design Board (SFDB), which is the appropriate governing Design Review Board.

Staff provided the Board members with a copy of section 3.3 of the Single Family Board Design Guidelines regarding subdivision grading plans, and read into the record a memo from the case planner, Peter Lawson, Associate Planner.

Public comment opened at 4:55 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.
<V/02:13:53>

**Motion:** **Continued indefinitely to the Planning Commission for return to Full Board with comments:**

1) The Board appreciates the thorough design and presentation of the project.
2) The Board would prefer a pedestrian scale light fixture at the cul-de-sac, rather than the taller auto style light fixture.
3) The Board defers to the case planner to evaluate the grading quantities prior to recording of the individual lots, and if grading is to occur that disturbs the existing vegetation, that a hydro-seed plan be reviewed and approved by the SFDB.
4) Study the possibility of a larger parkway along White Rose Lane; a 5-foot parkway and a 4-foot sidewalk was suggested.

Action: Woolery/Miller, 6/0/0. Motion carried. (Zimmerman absent).

**ADJOURNMENT:** The Full Board meeting was adjourned at 5:15 p.m.

**EXHIBIT E**

# City of Santa Barbara
## California

Exhibit F: the Final Negative Declaration (FND) for 457 N. Hope Avenue dated September 27, 2011 is being distributed separately and is available for review at:

- Community Development – Planning Division
  630 Garden Street, Second floor
  Santa Barbara, CA 93101
  Between the hours of 8:30 A.M. and 4:30 P.M.

- Public Library – Main Branch
  40 E. Anapamu Street
  Santa Barbara, CA 93101
  During hours of operation

- Online at www.SantaBarbaraCA.gov/EIR

**EXHIBIT F**

# City of Santa Barbara
## California

**CITY OF SANTA BARBARA PLANNING COMMISSION**

**RESOLUTION NO. 020-11**
**457 N. HOPE AVENUE**
**TENTATIVE SUBDIVISION MAP, ANNEXATION, GENERAL PLAN AMENDMENT, REZONE AND A STREET FRONTAGE MODIFICATION**
**OCTOBER 6, 2011**

**APPLICATION OF TRUDI CAREY AGENT FOR GIARDINI DI CIPRIANI, LLC, 457 N HOPE AVENUE, APN 057-170-012, RES 4.6 (COUNTY) ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL (COUNTY) (MST2006-00564)**

The project consists of a nine-lot subdivision of a 2.96-acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. As part of the project, the site would be annexed to the City of Santa Barbara. A General Plan designation of Residential (5 units/acre) and Zoning designation of One-Family Residence E-3/S-D-2 (7,500 square feet minimum) is proposed. No development of the individual lots is currently proposed, but construction of infrastructure to serve all of the lots is part of the project. Infrastructure would include a new cul-de-sac road, which would be dedicated as a public road, and all utilities to serve each of the nine lots. Future development of the parcels would be single-family homes. Future development of homes would be reviewed individually through design review and building permit review. Based upon the proposed lot size, it can be assumed that development could be up to 30 feet in height and an approximately 4,000 square feet in size (includes garage, habitable space and hardscape).

The discretionary applications required for this project are:

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Local Agency Formation Commission (LAFCO):**

1. General Plan Amendment to change the land use designation of project site from the Santa Barbara County Land Use Designation of Residential, Res 4.6 units per acre to City General Plan Designation of Residential, 5 units per acre, (SBMC §28.07);
2. Zoning Map Amendment to rezone the site from the Santa Barbara County zoning designation of Single-Family Residential 8-R-1 to the City Zoning designation of One-Family Residence/Special District E-3/S-D-2 (7,500 s.f. minimum) (SBMC, §28.92.020);
3. Detachment from County Service Area (CSA) No. 32 (Unincorporated Law Enforcement), Santa Barbara County Fire District, and Goleta Water District;
4. Annexation of the property from Santa Barbara County to the City of Santa Barbara;

**Actions by the Planning Commission, contingent upon approval of the actions listed above:**

5. A Modification to reduce the required street frontage of proposed Lot number 8 from 60 feet to 38 feet (SBMC §28.92.026.A);
6. A Tentative Subdivision Map to allow the division of one parcel (1) into nine (9) lots (SBMC 27.07);

The Planning Commission will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

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

**WHEREAS,** 3 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 29, 2011.
2. Site Plans
3. Correspondence received in support of the project:
   a. Lauren Saltman, via email
   b. Jeff Devine, via email
   c. Dan Dawson, via email
   d. Ross Harris, via email
   e. Dave Scott, via email
   f. Judy Rattray, via email
   g. Susan Rodriguez, via email
   h. Diane Johnson, via email
   i. Connie Townsend, via email
   j. John and Ruth Rowe, via email
4. Correspondence received in opposition to the project or with concerns:
   a. Laurie Shea, via email
   b. Paula Westbury, Santa Barbara, CA
   c. Chris and Marilee Bell, via email

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

I. Recommended to City Council the Detachments, Annexation, General Plan Amendment and the Zoning Map amendment as outlined in the Staff Report of September 29, 2011.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs); and

II. Directed to Public Works that the height of the light poles shall be 14 feet.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs); and

III. Approved the subject application making the following findings and determinations:

A. **Final Negative Declaration Adoption**

1. The Planning Commission has considered the proposed Final Negative Declaration, dated September 27, 2011, for the 457 North Hope Project (MST2006-00564), and comments received during the public review process prior to making a recommendation on the project.

2. The Final Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.

3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Negative Declaration, dated September 27, 2011, is hereby adopted.

4. Recommended mitigation measures identified in the Negative Declaration that would further reduce all less than significant impacts have been included in the project or made a condition of approval.

5. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.

6. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

This motion to certify the Final Negative Declaration was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs)

B. **Modification**

The proposed project includes a Modification request to reduce the required street frontage of proposed Lot 8 from 60 feet to 38 feet. Because of its location at the curve of the cul-de-sac, Lot 8's street frontage would be shortened, and the lot would be shaped similar to a flag lot.The interior of the lot is rectangular (99' X 98') and the overall size is over 11,000 square feet, which would provide adequate room for development without need for any further Modifications. Therefore, due to the location of this lot, and because there is adequate room on the lot to provide access and development consistent with the Municipal Code, this Modification is consistent with the purpose and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement.

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

With the approval of the requested Street Frontage Modification for Lot 8, the Tentative Subdivision map is consistent with the General Plan, as described in Section V.C. Development of the houses is not proposed at this time; however, the layout of the proposed subdivision is consistent with the applicable General Plan and Zoning requirements. The site is physically suitable for the proposed development, as there are no physical constraints, such as steep slopes, extensive vegetation or watercourses, that would prevent future development or require exceptions from the Municipal Code. The site is physically suitable for the proposed density of development, because it is relatively flat (except for Lot 8), and the proposed density of development of 3.8 units per acre is less than the density allowable under the proposed General Plan designation (5 units per acre). The design of the project will not cause substantial environmental damage because a grading plan was provided that demonstrates drainage being conveyed in a manner consistent with adopted regulations and guidelines. The design of the development is not likely to cause public health problems, as the future development would be single-family residences, consistent with the surrounding neighborhood. Finally, the design of the development will not conflict with any public easements; the existing sewer easement at the northern property line will be relocated to the centerline of the new public street. The project includes the development and dedication of a new public street and improvements to the sidewalk along Hope Avenue.

IV. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.

2. Obtain all additional land use approvals. Refer to condition B "Approval Contingent upon Annexation, Adoption of General Plan Amendment and Rezone." After all City approvals are obtained, submit Annexation Map to LAFCO, provide City staff with a copy of *Certificate of Completion & LAFCO Resolution*, pay Annexation Buy-In fees to City Public Works for public infrastructure prior to recordation of Final Map.

3. Obtain all required design review approvals.

4. Pay Land Development Team Recovery Fee.

5. Make application and obtain City Council approval of the Final Map and Agreements and record said documents.

6. Permits following recordation of Final Map.

   a. Make application and obtain a Building Permit (BLD) for construction of approved development.

   b. Make application and obtain a Public Works Permit (PBW) for all required public improvements, and an Encroachment Permit for private drainage system in the public Right of Way.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Approval Contingent Upon Annexation, Adoption of General Plan, and Rezone.** Planning Commission approval of the proposed subdivision is contingent upon approval of the Annexation, Zoning Ordinance and General Plan Amendment by the City Council and completion of that annexation by the Local Agency Formation Commission.

C. **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 concurrent with the Final Map, and shall include the following:

1. **Approved Development.** A nine lot subdivision of a 2.92 acre vacant parcel, currently located within the County of Santa Barbara's jurisdiction. The site would be annexed to the City of Santa Barbara and would be given a General Plan designation of Residential (5units/acre) and Zoning designation of Residential (E-3 - 7,500 square feet/lot). No structural development of the individual lots is proposed, but infrastructure serving all of the lots would be either constructed or bonded. The infrastructure includes, but is not limited to, new water lines, sewer lines, a public road and drainage improvements, which are shown on the Tentative Subdivision Map and signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Future Residential Development.** All future development on the property shall be subject to the following conditions:

   a. All future construction shall comply with the applicable conditions of approval contained in Sections F. "Requirements Prior To Permit Issuance," G. "Construction Implementation Requirements," and H. "Prior to Certificate of Occupancy" of the Planning Commission resolution.

3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

4. **Private Drainage.** The Owner shall also provide drainage easements across the newly created lots to facilitate drainage.

5. **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).

6. **Landscape Plan Compliance.** The Homeowner(s) shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). 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 Homeowner(s) are responsible for its immediate replacement.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Homeowner(s) shall maintain the common drainage system and storm water pollution control devices as shown on the approved Tentative Map intended to intercept siltation and other potential

pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state as outlined in the private CC&R's (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual).

a. 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 Home Owner(s) shall be responsible for any necessary repairs to the system and restoration of the eroded area.

b. 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.

c. The Homeowner(s) are 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.

d. Drainage from individual detention basins on each lot, as depicted on the Tentative Map, shall not be impeded by neighboring parcels.

8. **Required Private Covenants (CC&R's).** The Owner shall record in the official records of Santa Barbara County private covenants or a similar agreement which, among other things, shall provide for all of the following:

a. **Common Landscape Area Maintenance.** The Homeowners shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for the areas located between the northern property line and the new public right-of-way road easement, the detention basin within the center of the cul-de-sac and the detention basin located on Lot No. 1.

b. **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.

9. **Pesticide or Fertilizer Usage Near Drainage Facilities.** The use of pesticides or fertilizer shall be prohibited within the detention basin area located in the cul-de-sac, which drains directly into an offsite concrete V-ditch that leads to a natural water course as outlined in Municipal Code §16.15.

D. **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. **Dedications.** Public 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:

   a. A 23-foot wide easement for all street purposes along Hope Avenue in order to establish a 60-foot wide public right-of-way.

   b. Dedicate a new public road to the City of Santa Barbara shown on the Tentative Map as *Whiterose Lane* with a 40-foot wide public right-of-way, abutting to the existing City sewer easement along the northerly property line. The 40-foot wide easement shall accommodate a sidewalk and parkway along the southern side of Whiterose Lane, curbs, gutter, travel lanes and an area along the northern side of Whiterose Lane to accommodate "no parking" signs.

   c. The existing sewer easement along the northern property line shall be reduced from ten (10) feet to eight (8) feet in width.

3. **Private Agreement to Extend Private Sewer Laterals from Individual Properties Located to the North of the Subject Subdivision** Developer shall advise the owners of the seven (7) existing homes to the north of the project site (counting from east to west, starting at Hope Avenue) of the opportunity to connect to the proposed sewer main on the project site at the owners' cost. During construction of the proposed sewer main, Developer shall accommodate the connection of private sewer laterals from any interested owners. Developer shall execute and record any documentation necessary to enable the connection and future use and maintenance of such private laterals. Developer's obligation to facilitate such connections shall cease upon construction of the proposed public road on the project site.

4. **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 prepares said agreement for the Owner's signature.

5. **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, concurrently with the Final Map.

6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit drainage calculations, and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

a. The Homeowner(s) shall maintain the private drainage system and storm water pollution control methods in a functioning state.

7. **New Public Road (*"Whiterose Lane"*) Improvements.** The Owner shall submit separate C-1 public improvement plans to the Public Works counter for construction of public improvements along the interior property frontage for the proposed new public road identified as *Whiterose Lane* on the Tentative Map. Public Works C-1 plans shall be submitted separately from plans submitted for Building Permits, and shall be prepared by a civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the following according to City standard details, ADAAG (*ADA Guidelines for the public R/W*), the 1975 *Interim* Design and Improvements Standards, the most current publication of the *Greenbook*, and current Municipal Codes:

a. *Construct to Greenbook standards*: (N) asphalt concrete pavement on aggregate base for a 28-foot paved roadway measured from curb to curb. *Construct to City standards*: 6-inch high curb and gutter on both sides of the new road, 5-foot wide sidewalk and 4-foot wide parkway on the southerly side only of *Whiterose Lane*, supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the Street Tree Advisory Committee. Construct nine (9) residential driveway aprons to new lots modified to meet Title 24 requirements, construct 2 single-directional access ramps at entrance to *Whiterose Lane*, supply and install (N) street name sign, supply & install (N) stop sign at southerly exit lane, a stop bar, and a minimum of three (3) No Parking signs on the northerly side of the new road behind curb.

b. Construct (N) 8-inch sewer main at centerline of *Whiterose Lane* and connect (N) main to (E) sewer main along northerly property line through an easement on proposed lot 9 as shown on the Tentative Map. Construct three (3) (N) sewer manholes, and construct nine (9) (N) sewer laterals to proposed lots behind the sidewalk as a part of construction of the (N) sewer main.

c. Construct (N) 8-inch Ductile Iron water main & appurtenances including installation of two (2) new residential fire hydrants, nine (9) new 2-inch water service lines, one to each new lot, and connect (N) water main to City water main in Hope Avenue.

d. Submit a Final hydrology report for installation of public & private drainage pipe. Construct three (3) (N) drop inlets with gutter depressions, and provide storm drain stenciling on (N) drop inlets. In addition, each lot shall submit separate hydrology calculations depicting how the 100-year storm event will be retained as recommended in the Preliminary Hydrology Report prepared by MAC Designs dated 10-12-10. The public improvement plans shall indicate the 100-year overland escape routes.

e. Supply and install three (3) - Type B residential Dome Style City standard street lights (*one 70 watt at mid-block, one 70 watt at end of cu-de-sac & one 200 watt at the intersection of new road & Hope Ave),* with final location to be determined by the Public Works Department. Show underground conduit and point of

connection for new street lights on civil plans. Contractor shall coordinate with Edison and the Public Works Inspector to energize new lights.

f. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.

8. **Hope Avenue Public Improvements.** The Owner shall submit C-1 public improvement plans to the Public Works counter for construction of public improvements along the property frontage along Hope Avenue. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit, and shall be combined on same plans as the separate C-1's for *Whiterose Lane*. As determined by the Public Works Department, the improvements shall include the following to City standards:

   a. Construct (N): Concrete cross gutter across entrance of *Whiterose Lane* in *Hope Avenue* right-of-way, 6-foot wide sidewalk and 4-foot parkway along entire property frontage, +/- 20 LF curb and gutter, a minimum of two (2) Alhambra A470 curb drain outlets, slurry seal to the centerline of the Hope Avenue along entire subject property frontage, *and* slurry seal a minimum of 20 feet beyond the limits of all trenching. Submit a Final hydrology report with determination of sizes for new curb drain outlets.

   b. Supply and install new street trees of which the species, number and sizes of trees shall be determined by the *City Arborist* and the *Street Tree Advisory Committee.*

   c. Preserve and/or reset survey monuments and contractor stamps (*if any*), and provide adequate positive drainage from site. Any work in the public right-of-way requires a separate Public Works Permit.

9. **Land Development Agreement** (to Secure Public Improvements). The Owner shall submit an executed *Land Development Agreements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.

10. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements requires an Encroachment Permit. The Owner shall obtain a separate Encroachment Permit for private drainage improvements located in the cul-de-sac of the (N) public right-of-way and all private drainage facilities shall be maintained by the private Home Owner's Association.

11. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of $15,500/lot to the Community Development Department.

E. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to any landform alterations, public improvements, private/common improvements, and landscaping, shall be subject to the review and approval of the SFDB prior to recordation of the Map.

F. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.6 "(*Whiterose Lane*) Public Improvements" and D.7 "*Hope Avenue Public Improvements*" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has submitted securities for the public improvements and executed the *Land Development Agreement.*

b. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish 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. The Haul Routes shall be approved by the Transportation Manager. (T-1)

c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways. (T-2)

d. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager. (T-3)

2. **Community Development Department.**

a. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.

b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section E "Design Review," and all elements/specifications shall be implemented on-site.

c. **Geotechnical Studies**. All recommendations contained in the foundation report prepared by Coast Valley Testing, Inc (August 21, 2009) shall be implemented.

These recommendations shall include, but are not limited to requirements for inspections of excavated areas during vegetation clearing, grubbing prior to grading, grading, and review of design of foundations. .Scarification and wetting of recompacted areas to receive fill. Also, requirements for asphalt concrete flatwork, and concrete hardscape shall be followed. Grading and foundation plans shall be reviewed by a Geotechnical Engineer and Engineering Geologist to ensure compliance with the recommendations in the Coast Valley Testing, Inc. studies and comply with the findings of any additional subsurface exploration. Compliance shall be demonstrated on plans submitted for grading and building permits and subject to City Building and Safety Division review and approval.

d. **Conditions on Plans/Signatures.** The final Planning Commission or City Council Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the 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, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor name, contractor telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. 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.

2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor, site rules and Conditions of Approval pertaining to construction activities, and any additional information that will

assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-1).

3. **Temporary Traffic Control Plan.** A Temporary Traffic Control (TTC) plan shall be submitted to the Public Works counter, as specified in the DRAFT *City of Santa Barbara Traffic Control Guidelines*, and the 2006 California MUTCD. Traffic Control Plans are subject to approval by the Public Works Director and the City's Traffic Engineer.

4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

| | |
|---|---|
| New Year's Day | January 1st* |
| Martin Luther King's Birthday | 3rd Monday in January |
| Presidents' Day | 3rd Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th* |
| Labor Day | 1st Monday in September |
| Thanksgiving Day | 4th Thursday in November |
| Following Thanksgiving Day | Friday following Thanksgiving Day |
| Christmas Day | December 25th* |

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.(N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)

6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit. (T-4)

7. **Construction Dust Control** – Throughout grading and other ground disturbance, the following conditions shall be followed:

   a. **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

achieve minimum soil moisture of 12% 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 every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)

b. **Construction Dust Control** – Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-2)

c. **Construction Dust Control** – Gravel Pads. Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-3)

d. **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. (AQ-4)

e. **Construction Dust Control** – Disturbed Area Treatment. After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by: (AQ-5)

   (1) Seeding and watering until grass cover is grown;

   (2) Spreading soil binders;

   (3) 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;

   (4) Other methods approved in advance by the Air Pollution Control District.

f. **Construction Dust Control** – Surfacing. All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)

g. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)

h. **Construction Dust Control** – Project Environmental Coordinator (PEC). The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to

land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)

i. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-9)

j. **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. (AQ-10)

k. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-11)

l. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-12)

m. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-13)

n. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-14)

o. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and disel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-15)

p. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-16)

q. **Asbestos & Lead-Containing Materials**. Pursuant to APCD Rule 1001, the applicant is required to complete and submit an APCD Asbestos Demolition and Renovation Compliance Checklist at least 10 working days prior to commencing any alterations of the buildings. Any abatement or removal of asbestos and lead - containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained for the Air Pollution Control District prior commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate land fills that are certified to accept this material. (AQ-17)

r. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)

s. **Mobile construction equipment** - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-

fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm. (AQ-19)

8. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

   A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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.** Complete public improvements, as shown in the separate public improvement plans, including utility service undergrounding required by Municipal Code 27.028.025, .

3. **Cross-Connection Inspection**. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if irrigation meters, pools, spas or solar panelsare installed on any of the individual lots.

4. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section C "Recorded Conditions Agreement" have been recorded.

6. **Evidence of Detention Basins and Northerly Landscape Strip Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that maintenance of the detention basins and the landscape strip are recorded in an *Agreement for Shared Maintenance* or private CC&R's required in Section F.2 "Requirements Prior to Permit Issuance"

I. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

   a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

   b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.

   c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are $2,044.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of $50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.

4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.

5. **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 being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

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

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

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 6th day of October, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Bartlett, Jordan) ABSTAIN: 0 ABSENT: 1 (Jacobs)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

November 3, 2011
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**

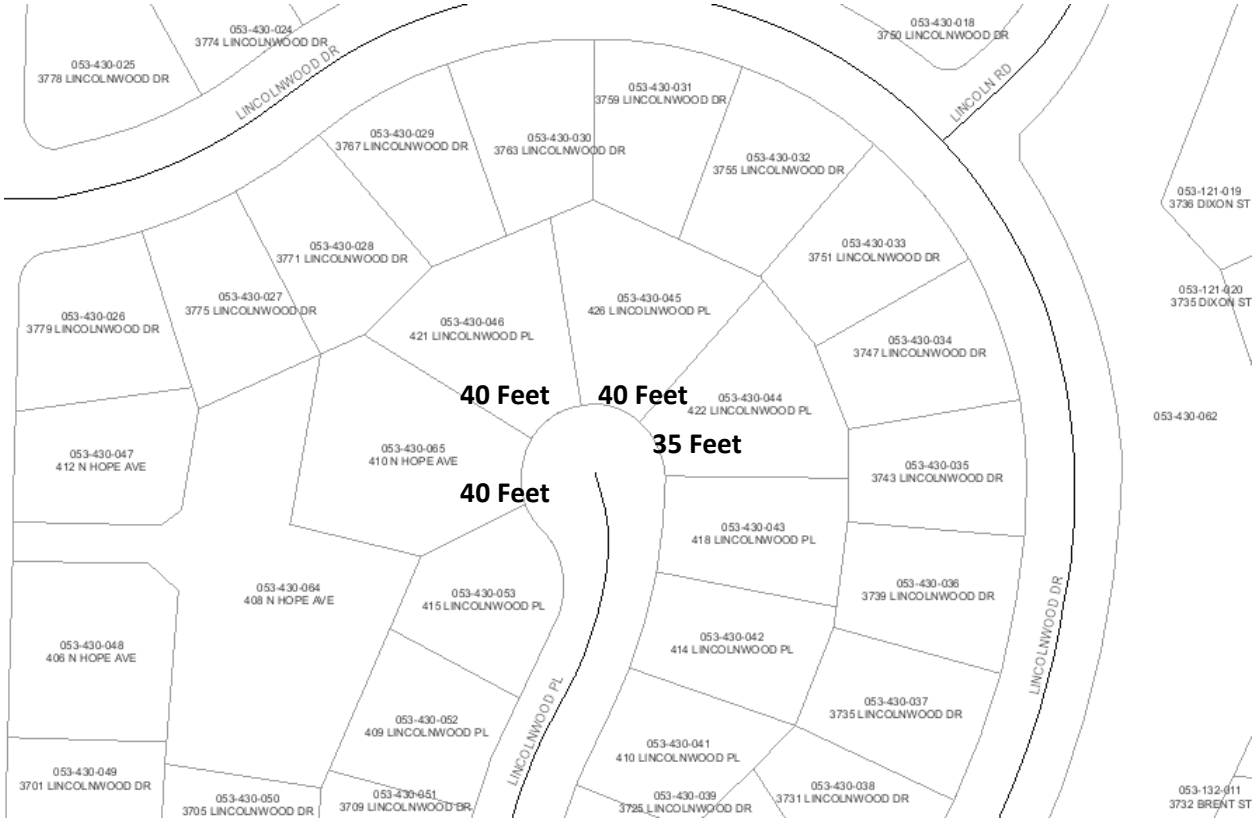
## SURROUNDING PARCELS SIZE AND PROJECT PARCELS SIZE

| APN | Lot Square Footage | Address | Acreage |
|---|---|---|---|
| 057-170-006 | 30,188.90 | 506 N LA CUMBRE RD | 0.69 |
| 053-430-064 | 27,899.96 | 408 N HOPE AVE | 0.65 |
| 057-191-008 | 25,612.46 | 3844 SUNSET RD | 0.59 |
| 057-170-008 | 20,914.59 | 504 N LA CUMBRE RD | 0.48 |
| 057-143-012 | 20,745.69 | 3813 CALLE CITA | 0.48 |
| 057-170-052 | 18,722.00 | 3810 LA CUMBRE HILLS LN | 0.43 |
| 057-191-017 | 15,841.17 | 3804 SUNSET RD | 0.36 |
| 057-191-022 | 15,244.49 | 449 N HOPE AVE | 0.35 |
| 057-170-048 | 15,068.67 | 3839 LA CUMBRE HILLS LN | 0.35 |
| 057-170-030 | 14,738.27 | 3810 LINCOLN RD | 0.34 |
| 057-191-005 | 14,600.03 | 3870 SUNSET RD | 0.34 |
| 057-191-006 | 14,600.02 | 3860 SUNSET RD | 0.34 |
| 057-191-007 | 14,599.96 | 3850 SUNSET RD | 0.34 |
| 057-191-012 | 14,599.94 | 3830 SUNSET RD | 0.34 |
| 057-191-009 | 14,467.14 | 3840 SUNSET RD | 0.33 |
| 057-170-051 | 14,394.06 | 3826 LA CUMBRE HILLS LN | 0.33 |
| 057-191-021 | 14,376.57 | 3820 SUNSET RD | 0.33 |
| 057-191-020 | 13,799.89 | 3822 SUNSET RD | 0.32 |
| 053-430-065 | 13,624.65 | 410 N HOPE AVE | 0.32 |
| **Lot 1** | **13,419.00** | **PROJECT SITE** | **0.31** |
| 057-143-005 | 13,248.90 | 521 VIA ROJO | 0.3 |
| 057-170-038 | 13,035.52 | 3815 LA CUMBRE HILLS LN | 0.3 |
| 057-170-059 | 12,592.64 | 496 N LA CUMBRE RD | 0.29 |
| 057-170-060 | 12,449.73 | 3834 LA CUMBRE LN | 0.29 |
| 057-143-006 | 12,351.30 | 522 VIA ROJO | 0.28 |
| 057-143-007 | 12,219.53 | 524 VIA ROJO | 0.28 |
| 053-430-002 | 11,719.70 | 3772 LINCOLN RD | 0.27 |
| **Lot 9** | **11,661.00** | **PROJECT SITE** | **0.27** |
| **Lot 5** | **11,335.00** | **PROJECT SITE** | **0.26** |
| **Lot 4** | **11,313.00** | **PROJECT SITE** | **0.26** |
| **Lot 6** | **11,311.00** | **PROJECT SITE** | **0.26** |
| **Lot 3** | **11,290.00** | **PROJECT SITE** | **0.26** |
| **Lot 2** | **11,268.00** | **PROJECT SITE** | **0.26** |
| **Lot 8** | **11,252.00** | **PROJECT SITE** | **0.26** |
| 053-430-001 | 11,234.18 | 438 N HOPE AVE | 0.26 |
| 057-191-010 | 11,147.71 | 3838 SUNSET RD | 0.26 |
| 057-191-011 | 11,015.04 | 455 N HOPE AVE | 0.25 |
| 053-430-048 | 10,941.86 | 406 N HOPE AVE | 0.25 |
| 053-430-003 | 10,926.42 | 3768 LINCOLN RD | 0.25 |
| 057-170-019 | 10,852.54 | 3831 LINCOLN RD | 0.25 |
| 053-430-009 | 10,443.67 | 426 N HOPE AVE | 0.24 |
| **Lot 7** | **10,387.00** | **PROJECT SITE** | **0.24** |
| 053-430-046 | 10,244.82 | 421 LINCOLNWOOD PL | 0.24 |
| 057-170-049 | 10,031.28 | 3830 LA CUMBRE HILLS LN | 0.23 |

## SURROUNDING PARCELS SIZE AND PROJECT PARCELS SIZE

| APN | Lot Square Footage | Address | Acreage | |
|---|---|---|---|---|
| 053-430-025 | 9,961.70 | 3778 LINCOLNWOOD DR | 0.23 | |
| 057-170-041 | 9,921.58 | 3823 LA CUMBRE HILLS LN | 0.23 | |
| 057-191-018 | 9,549.68 | 3818 SUNSET RD | 0.22 | |
| 057-191-015 | 9,548.86 | 3816 SUNSET RD | 0.22 | |
| 057-191-023 | 9,508.93 | 445 HOPE AVE | 0.22 | |
| 057-170-031 | 9,253.67 | 3802 LINCOLN RD | 0.23 | |
| 057-143-017 | 9,123.72 | 549 N HOPE AVE | 0.26 | |
| 053-430-026 | 8,966.65 | 3779 LINCOLNWOOD DR | 0.21 | |
| 053-430-012 | 8,802.81 | 3765 LINCOLN RD | 0.2 | |
| 057-170-021 | 8,644.69 | 3845 LINCOLN RD | 0.2 | |
| 057-170-050 | 8,630.46 | 3828 LA CUMBRE HILLS LN | 0.2 | |
| 053-430-010 | 8,611.69 | 3773 LINCOLN RD | 0.2 | |
| 057-170-047 | 8,603.04 | 3835 LA CUMBRE HILLS LN | 0.2 | |
| 057-170-018 | 8,549.29 | 3829 LINCOLN RD | 0.2 | |
| 057-170-017 | 8,543.95 | 3825 LINCOLN RD | 0.2 | |
| 053-430-028 | 8,499.63 | 3771 LINCOLNWOOD DR | 0.2 | |
| 053-430-022 | 8,498.43 | 3766 LINCOLNWOOD DR | 0.2 | |
| 057-170-015 | 8,493.70 | 3811 LINCOLN RD | 0.19 | |
| 053-430-023 | 8,450.75 | 3770 LINCOLNWOOD DR | 0.19 | |
| 057-170-013 | 8,435.61 | 3801 LINCOLN RD | 0.19 | |
| 057-170-016 | 8,380.50 | 3817 LINCOLN RD | 0.19 | |
| 053-430-047 | 8,314.69 | 412 N HOPE AVE | 0.19 | |
| 057-170-014 | 8,310.49 | 3805 LINCOLN RD | 0.19 | |
| 053-430-027 | 8,257.70 | 3775 LINCOLNWOOD DR | 0.19 | |
| 053-430-011 | 8,030.81 | 3769 LINCOLN RD | 0.18 | |
| 053-430-029 | 7,814.11 | 3767 LINCOLNWOOD DR | 0.18 | |
| 057-170-026 | 7,622.55 | 3824 LINCOLN RD | 0.17 | |
| 053-430-024 | 7,598.40 | 3774 LINCOLNWOOD DR | 0.17 | |
| 057-170-028 | 7,582.58 | 3820 LINCOLN RD | 0.17 | |
| 057-170-024 | 7,396.40 | 3840 LINCOLN RD | 0.17 | |
| 057-170-025 | 7,391.58 | 3832 LINCOLN RD | 0.17 | |
| 057-170-027 | 7,345.55 | 3822 LINCOLN RD | 0.17 | |
| 057-170-042 | 7,309.51 | 3825 LA CUMBRE HILLS LN | 0.17 | |
| 057-170-040 | 6,858.63 | 3821 LA CUMBRE HILLS LN | 0.16 | |
| 057-170-044 | 6,727.37 | 3829 LA CUMBRE HILLS LN | 0.15 | |
| 057-170-046 | 6,632.79 | 3833 LA CUMBRE HILLS LN | 0.15 | |
| 057-170-023 | 6,582.92 | 3844 LINCOLN RD | 0.15 | |
| 057-170-043 | 6,512.63 | 3827 LA CUMBRE HILLS LN | 0.15 | |
| 057-191-014 | 6,430.74 | | 0.15 | |
| 057-170-039 | 6,339.17 | 3817 LA CUMBRE HILLS LN | 0.15 | |
| 057-170-045 | 6,234.48 | 3831 LA CUMBRE HILLS LN | 0.14 | |
| 057-170-020 | 6,222.20 | 3839 LINCOLN RD | 0.14 | |
| 057-143-016 | 5,657.59 | 549 N HOPE AVE | 0.13 | |
| 057-170-029 | 856.88 | | 0.02 | |

Map of Parcels Selected with 300 Foot Radius of 457 N Hope

**ATTACHMENT 5**

# Cul-de-Sac Dimensions