



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

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

I. PROJECT DESCRIPTION

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

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

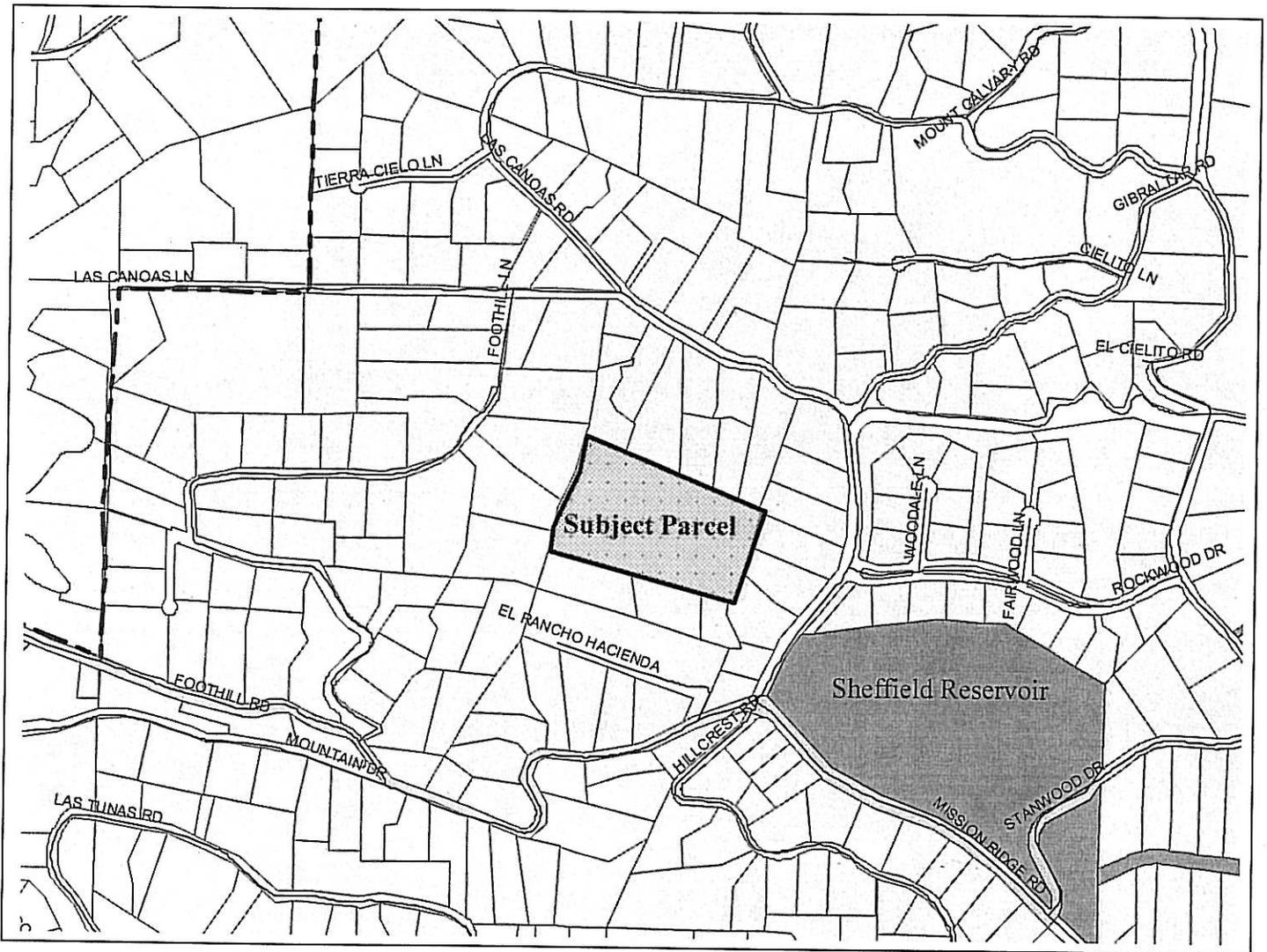
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

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

III. RECOMMENDATION

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



Vicinity Map - 561 W. Mountain Drive

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

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

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

B. PROJECT STATISTICS

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

V. ZONING ORDINANCE CONSISTENCY

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

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

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

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

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

VI. HISTORY

A. PLANNING COMMISSION CONCEPT REVIEW

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

B. DEVELOPMENT APPLICATION REVIEW TEAM (DART)

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

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

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

C. DESIGN REVIEW

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

VII. ISSUES

A. PUBLIC STREET FRONTAGE WAIVER

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

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

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

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

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

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

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

B. LOT FRONTAGE MODIFICATION

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

C. GARAGE SIZE MODIFICATIONS

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

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

D. NEIGHBORHOOD PRESERVATION ORDINANCE

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

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

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

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

E. COMPLIANCE WITH THE GENERAL PLAN

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

1. Slope

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

2. Density

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

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

3. Fire Hazard

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

F. ENVIRONMENTAL REVIEW

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

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

1. Archaeological Resources Report

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

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

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

2. Historic Structures Report

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

3. Biological Resources

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

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

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

4. Drainage

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

5. Fault Location Study

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

6. Access and Circulation

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

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

VIII. FINDINGS

The Planning Commission finds the following:

A. LOT FRONTAGE MODIFICATIONS (SBMC §28.15.080)

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

B. GARAGE SIZE MODIFICATIONS (SBMC §28.92.110 (1))

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

C. PUBLIC ROAD WAIVER (SBMC §22.60.300)

1. The existing private driveway will be improved to public road standards to provide adequate access to the proposed parcels. The proposed private road is acceptable to the Fire Department and Public Works Department. The proposed private road will

provide adequate access for fire suppression vehicles, as required by applicable fire regulations.

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

C. THE TENTATIVE MAP (SBMC §27.07.100)

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

D. NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS (SMBC §22.68.060)

1. The public health, safety and welfare are protected. The project's access road will be widened and improved, and two new private fire hydrants will be installed along the private road, thereby improving emergency access and fire protection to the existing residence as well as the proposed new residences. The new residences have been sited and designed to avoid any geologic or other public safety impacts.
2. The grading and development are appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.
3. The project will, to the maximum extent feasible, preserve and protect native and mature trees with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk. The oak trees with a diameter of four inches (4") or more at four feet (4') above natural grade that are proposed to be removed, will be replaced on a five-to-one basis. Designated Specimen, Historic and Landmark trees will not be removed.

4. The development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The proposed homes have been designed to blend in with the natural hillside and will not block public views or change the overall character of the neighborhood.
5. The development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The project site is significantly larger than the majority of the adjacent neighborhood's lots, and, following the subdivision, each new lot would be in keeping with, if not larger than, surrounding lot sizes. Each proposed new residence has been designed to blend in with the hillside and appear as a one-story residence.
6. The development will preserve significant public scenic views of and from the hillside. Given the site's topography, it is difficult to see from any public vantage point. The house designs maintain a low profile on the hillside, and will not block any significant public views.

Exhibits:

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

Copies of the following exhibits are available upon request:

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

ACTUAL TIME: 3:12 P.M.

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

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

The discretionary applications required for this project are:

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

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

Case Planner: Allison De Busk, Associate Planner
Email: aдебusk@SantaBarbaraCA.gov

Allison De Busk gave the Staff presentation, and requested that Section B 5 a, be deleted from the Conditions of Approval.

Brent Daniels, Agent; Greg Parker with Investec, Inc.; Susan Van Atta, Landscape Architect; and Charlie Eckberg with Investec gave the applicant presentation.

Mr. Daniels and staff answered Planning Commission questions on why a public road was not proposed, resolution of the matter regarding the easement for the water tunnel under the residence on Lot 1, the reasoning behind the development envelope on Lot 2, regarding the main access to the property off Mountain Drive, limitations

to the proposed building envelopes of the homes being reviewed fire hazard, and whether the homes would be constructed by the applicant.

Mr. Daniels explained that they were requested to propose the homes to the Commission as part of the concept review, and cannot guarantee they will be the ones to build the homes, but if they were chosen to build the homes then these would be the homes they would build. There is the possibility that some lots may be sold before the houses are built, but the homes would have the existing approval of the ABR, and buyers would have to return for approval of any modifications proposed on the homes.

Ms. Hubbell stated that the City cannot force a public road because of the intervening private easement, and the affected landowners do not agree to dedicate the private easement as a public road.

Chair Jacobs opened the public hearing at 4:04 P.M.

The following people spoke in support of the project:

1. Mr. Bill Mahan, with a suggestion to condition the garages.
2. Mr. Bill Jorgensen

The following people spoke in opposition of the project or with concerns regarding ingress and egress due to High Fire Hazard Area:

1. Mr. Craig Christenson (also spoke for Mr. Duffy Smith and Ms. Dorothy Warnock)
2. Mrs. Susan Christenson (also spoke for Mr. Cody Campbell, and submitted signed petition)
3. Ms. Muriel Ridland (The Riviera Association-also spoke for Mr. Art Kvaas)
4. John & Dorothy Warnok
5. Ms. Lisa Sands
6. Mr. Carl & Leslie Gutierrez-Jones
7. Mr. Steven Hammer
8. Ms. Mary Lou La Barge (also submitted photos)
9. Mr. Joshua Odell
10. Mr. Randall Wade

With no one else wishing to speak, the public hearing was closed at 4:52 P.M.

Commissioners' comments and questions:

1. Consensus of the Commission felt that the fire safety issue has been resolved by the project changes.
2. One Commissioner confirmed from staff that the modifications would still be required whether the project is a two or four lot configuration.
3. One Commissioner stated support for a three-lot configuration.
4. Stated that fire safety issue is important but seemed conflicted as the Planning Commission gave direction which was not followed.
5. Confirmed that the previous Planning Commission review was a Concept Review and only an overview of the proposed project.

6. One Commissioner commented that neighbor concerns cannot be ignored and recognizing that fire management tools are needed for the area, and had no objections to lowering the height of the building pad on Lot 1, but would prefer to see the density of the project reduced to a three-lot configuration.
7. Two Commissioners preferred the two-lot configuration due to fire safety, parking density, and accessibility concerns for the area.
8. At least one Commissioner commented that as the Commission directed the applicant to seek public access, it was rather disingenuous of the public not to grant the public access, and then to use it as the reason to suggest denying the application.
9. At least two Commissioners expressed concern that the Lot 2 configuration seems to imply a building envelope with an accessory structure.
10. At least two Commissioners concurred that the proposed project might actually improve emergency fire safety accessibility to the neighborhood, that public comments on parking density issues seem to be suggested by those who park within the 50-foot easement, the proposed driveway configuration is an improvement over the current, concur that Lot 2 should have a smaller building envelope, proposed houses on Lots 1 and 3 should be lowered, find three-lot configuration is acceptable but prefer the four-lot configuration as justification for Home Owners Association purposes, and believed it unfair to view the proposed project as a "preserve" in the midst of the all the surrounding smaller lots in the area.
11. Regarding Lot 2, suggested obtaining designation as a Structure of Merit, suggested making the building envelope smaller.
12. The intent of the public road condition has been more than met by the applicant with the provided Covenants, Conditions & Restrictions (CC&R's).
13. Commented that the building envelope below the Pittman Adobe seems excessively large.
14. Clarified that the proposed public road access is viewed by Fire Department staff as an improvement over the current configuration because of the proposed additional fire hydrants, superior access, and management of the wildland fire plans.

Ms. Hubbell and Mr. Vincent clarified that the project's CC&Rs are very thorough and restrictive, and serve as a model of public street waivers for the community since it gives the City the right to keep a road maintenance schedule and to ticket and tow illegally parked cars in the area and to assess property owners for the cost.

MOTION: Bartlett/Myers

Assigned Resolution No. 014-07

Approve the project, making the findings outlined in Section VIII of the Staff Report, and the Conditions of Approval, Exhibit A, with the following amended conditions: 1) The Lot 2 building development envelope around the Pittman Adobe shall be reduced to follow the 705 foot contour, especially on southerly side with allowable drainage but no detached accessory structures. 2) Building heights or pad elevations on Lots on 1 and 3 shall be reduced. 3) Section A.5-Development Rights Restrictions shall be amended as, "The Owners shall not conduct any development

within the restricted portion of the Real Property.” 4) Section B.5.i - shall be deleted. 5) Section A.6 reference the architectural plans approved at this meeting. 6) Section C.7, shall amended “Prior to the Certificate of Occupancy,” to the beginning of the second sentence.

This motion carried by the following public vote count:

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

Chair Jacobs announced the ten calendar day appeal period

III. DRAFT MITIGATED NEGATIVE DECLARATION PUBLIC COMMENTS HEARING:

ACTUAL TIME: 5:34 P.M.

APPLICATION OF HAL HILL, AGENT FOR THE CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, OO E. CABRILLO BOULEVARD, APNs 033-120-0RW, -015, AND 033-111-011, PR/S-D-3 AND HRC-2/S-D-3 ZONES, GENERAL PLAN DESIGNATIONS: RECREATION AND OPEN SPACE, (MST2004-00878/CDP2007-00001)

The project would replace the existing structurally deficient Cabrillo Boulevard Bridge over Mission Creek and improve the hydraulic conveyance of Mission Creek from State Street to the Pacific Ocean. The banks of Mission Creek from Cabrillo Boulevard to State Street would be rebuilt in compliance with the approved Lower Mission Creek Flood Control Project.

The project requires approval of a Coastal Development Permit (CDP), recommendations to the California Coastal Commission for approval of a CDP in their permanent jurisdiction, Historic Landmarks Commission approval for bridge design, landscaping, and bank replacement, a US Army Corps of Engineers 404 permit, a California Department of Fish and Game Streambed Alteration Permit, and a Regional Water Quality Control Board - 401 certification.

Comments on the adequacy of the proposed Draft Mitigated Negative Declaration (MND) are invited from public agencies, community interest groups, and individual members of the public. We request the views of public agencies as to the scope and content of environmental information germane to agency statutory responsibilities for the project. Some agencies may need to use the MND prepared by our agency when considering approvals for the project. Please provide the name of an agency contact persons, if applicable. The public comment period ends on Wednesday, March 28, 2007.

An Initial Study, describing potentially significant project impacts and required mitigation measures and less than significant impacts in other issue areas, is available for review at the City Planning Division located at 630 Garden Street, or online at www.SantaBarbaraCA.gov.