



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: February 2, 2006
AGENDA DATE: February 9, 2006
PROJECT ADDRESS: 3983-4010 Primavera Rd (MST2005-00768)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Chelsey Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a request to remove certain Planning Commission conditions of approval for the built-out La Colina Oaks subdivision including: (1) a condition limiting home sizes to no more than 2,300 square feet including the garage, (2) a condition requiring all exterior alterations to the residences be reviewed and approved by the Architectural Board of Review and (3) a condition requiring all modification request to be approved by the Planning Commission.

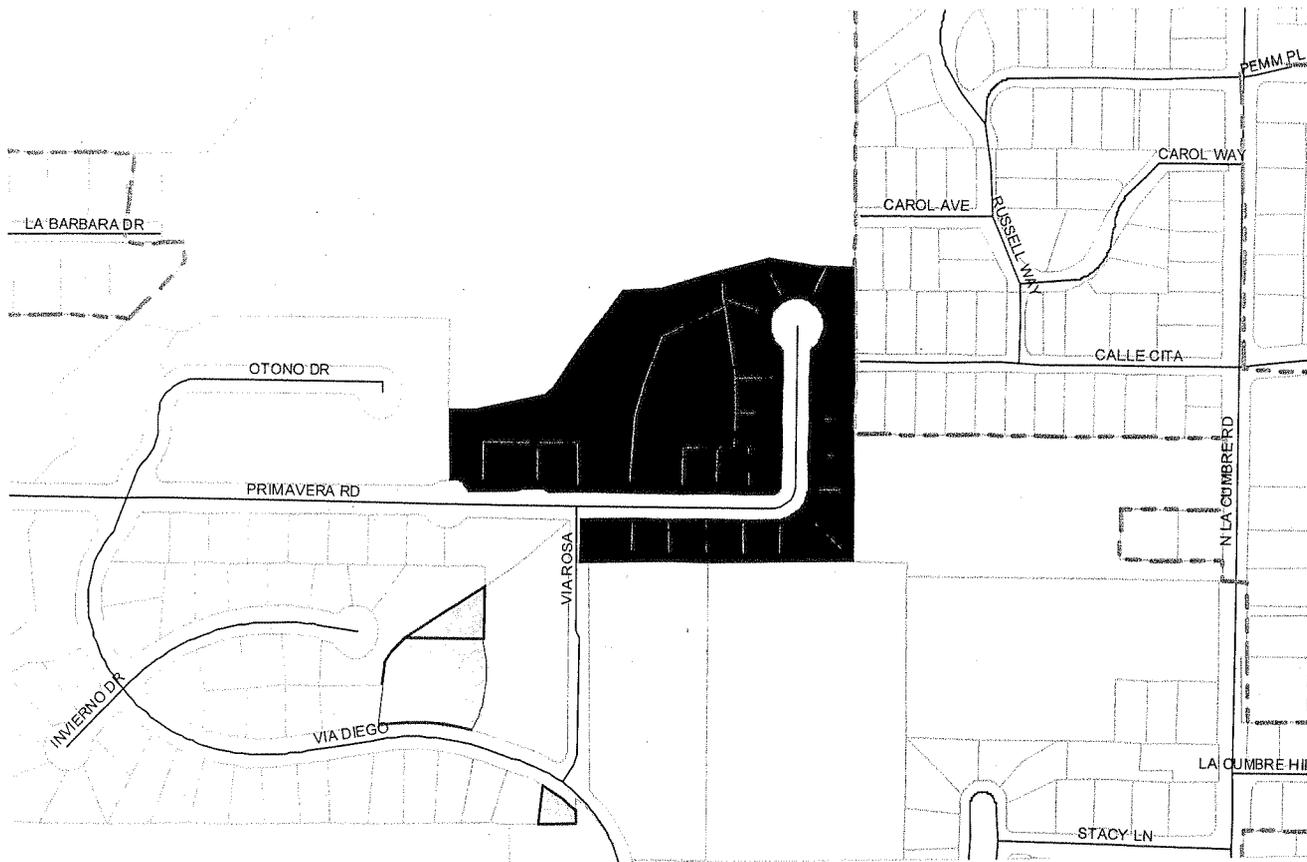
II. REQUIRED APPLICATIONS

The discretionary application required for this project is:

Amendment of the Planning Commission Conditions of Approval for a Tentative Subdivision Map (SBMC §27.07) to remove the condition restricting the home sizes; to remove a condition that automatically requires any exterior alterations to be reviewed by the Architectural Board of Review (ABR); and to remove a condition that automatically requires any modification be reviewed by the Planning Commission.

III. RECOMMENDATION

The proposed condition amendments conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: December 16, 2005
DATE ACTION REQUIRED PER MAP ACT: March 16, 2005

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Dianne Johnson, President, La Colina Oaks Owners Association	
Parcel Numbers: 057-420-001 through 057-420-0026	Lot Area: varies: 6,145 sq. ft. – 10,960 sq. ft.
General Plan: Major Public Institutional and Residential, 12 units/acre	Zoning: E-3/SD-2
Existing Use: Single-Family Residential	Topography: varies per lot
Adjacent Land Uses: North – Single-Family Residential/ East – Single-Family Residential/ SB County La Colina Oaks Middle School South – Single-Family Residential/ West – Single-Family Residential/ Two-Family Residential/ Hope School Two-Family Residential	

B. PROJECT STATISTICS

Address (Primavera Rd)	Existing Lot Size (sq. ft.)	Existing home + two-car garage (approx. 400 sq. ft.) in sq. ft. ¹	Existing FAR including garage ²
3983	7,963	2,300	.29
3985	6,170	2,300	.37
3987	7,117	2,300	.32
3989	7,248	2,488*	.34
3990	6,887	2,300	.33
3991	7,274	2,300	.32
3992	9,392	2,439*	.26
3993	7,288	2,300	.32
3994	6,702	2,269	.34
3995	10,960	2,269	.21
3996	7,398	2,300	.31
3997	10,034	2,671 ⁺	.27
3998	7,035	2,300	.33
3999	6,334	2,300	.36

¹ Square footages are based on best available information in City of Santa Barbara Street Files.

² FARs are based on best available information in City of Santa Barbara Street Files.

* City approved addition without Substantial Conformance Determination.

⁺ City approved addition with Substantial Conformance Determination.

4000	7,035	2,480*	.35
4001	6,342	2,482*	.39
4002	6,221	2,300	.37
4003	6,359	2,269	.36
4004	6,169	2,300	.37
4005	6,375	2,300	.36
4006	6,145	2,269	.37
4007	9,153	2,300	.25
4008	8,026	2,269	.28
4010	10,546	2,647*	.25

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior -exterior boundary of PRD	20' 8' Based on height of structure	All homes should meet setback requirements.	No Change
Building Height	30'	30'	No change
Parking	2 covered	2 covered	No change
Lot Area Required for Each Unit	6,000 sq. ft.	varies: 6,145 sq. ft. – 10,546 sq. ft.	No change
Open Yard	1,250 sq. ft.	All lots should meet 1,250 sq. ft.	No change
Lot Frontage	65 ft.	19 lots have >65 ft.; 5 lots have < 65 ft. and received Mods	No change

The proposed amendment to the conditions of approval would not conflict with the requirements of PRD standards or E-3/SD-2 Zones, and all future development on each individual lot would be required to comply with current zoning standards per SBMC §28.33 and §28.15.

VI. BACKGROUND

In 1987, the Planning Commission approved a Conditional Use Permit for a Planned Residential Development (PRD), which included twenty (26) lots, and a Tentative Subdivision Map for twenty-four (24) residential lots and two (2) open space lots. Street frontage modifications were also approved for 5 of the residential lots. The Planning Commission and surrounding property owners had initial strong concerns about grading, and the proposed density of the project. In response to these concerns, Planning Staff suggested that the Planning Commission consider limiting maximum square footage for each house (including a two-car garage) to 2,300 square feet. In addition, and after further review at the Planning Commission, the applicant revised the project so that three of the lots were eliminated from the proposal, which reduced the number of units, increased the overall size of each lot, and all lots included 1,250 square feet of open yard area. Based on the revisions made to the project, the Planning Commission was supportive of and approved the project, including conditions requiring Architectural Board of Review (ABR) approval of all buildings and future additions even though the project was not in the Hillside Design District and requiring that all modifications be subject to Planning Commission approval.

VII. ISSUES

A. CONDITION AMENDMENTS

The applicant has requested that the City amend the condition limiting house size based on the following: they believe that adding moderate additions that follow zoning standards and appropriate design guidelines would accommodate growing families needs; the neighborhood has more than three acres of dedicated open space areas and is bordered on two sides by open space provided by Hope Elementary School and La Colina Jr. High; and much denser neighborhoods and ongoing additions surround their neighborhood. Further, the applicant points out that due to the current cost of housing in the City, homeowners would prefer to remain in their homes and do moderate additions rather than relocate out of the neighborhood.

Staff proposes that the condition of approval limiting home and garage size to a total of 2,300 square feet be removed so that future additions are allowed and shall be subject to SBMC §22.68 and the City's Neighborhood Preservation Ordinance (NPO). The subdivision was approved prior to adoption of the NPO and, therefore, the existing design review triggers for single-family homes were not yet in place. By removing this condition of approval, future additions would be subject to the same current standards and design guidelines as other two-story homes within the City, including the assessment of appropriate floor to lot area ratios (FARs) and potentially future FAR limitations that may occur with the NPO update. Staff believes that allowing additions within the La Colina Oaks neighborhood, which would be required to conform to current zoning standards and design review processes, would be consistent with the direction of single-family development and design standards within the City. This

would allow some flexibility for homeowners to allow living area to exceed 1,900 square feet, while still being consistent with the intent of the NPO.

Staff also proposes that the condition of approval that requires construction and maintenance of all buildings be subject to the approval of the Architectural Board of Review (ABR) be removed and that the NPO (SMBC §22.68) determine the requirement for ABR approval. Staff believes it would be appropriate that each residence within La Colina Oaks would be subject to the same design review standards applied to all single-family homes within the City. The removal of these conditions would achieve this goal.

Lastly, Staff proposes that the condition of approval which requires any modification request be subject to the review and approval of the Planning Commission be removed and that all future proposed modifications be reviewed as provided in the Zoning Ordinance. Planning Staff originally proposed this condition as a response to the Planning Commission's initial concerns regarding open yard areas of 1,250 square feet not being met for each lot. The project was revised so that all lots were to include an open yard area of 1,250 square feet and Staff suggested that any future modifications to the open yard area should be reviewed by the Planning Commission. According to City Planning files, there is no record of any open yard modification requests since the approval of the Tentative Map. Staff believes that this amendment follows with the concept behind the establishment of the Staff Hearing Officer position that smaller and less complex projects should progress in a timely manner through the discretionary review process.

B. COMPLIANCE WITH THE GENERAL PLAN

The Land Use Element of the General Plan describes the location of the La Colina Oaks PRD as being within the Hope neighborhood. This neighborhood is bounded on the north and west by the City limits; on the south by Via Lucero; and on the east by Arroyo Burro Creek. It is described as a primarily single-family residential area with some two-family and multiple-family residential areas. The major portion of the residential land in the neighborhood is designated as five units per dwelling acre, with some areas of twelve units per acre. Most of the zoning designations align with the General Plan density and include the E-3, R-2, and R-3 zones. The Land Use Element recognizes that future residential growth is expected for this neighborhood.

The PRD was originally designed to comply with the General Plan density of twelve units per acre, as it provides an overall density of less than three units per acre. The proposed amendments would not change the density of the PRD and would only allow for potentially slightly larger home sizes, and not an increase in the number of residential units.

C. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15305, Minor Alterations in land Use Limitations.

VIII. FINDINGS

The Planning Commission finds the following:

A. AMENDMENT TO THE CONDITIONS OF APPROVAL FOR A TENTATIVE MAP (SBMC §27.07)

The Amendments to the Conditions of Approval of the Tentative Map are consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The proposed amendments are consistent with the vision for two-story single-family development throughout the City and within this neighborhood of the General Plan.

Exhibits:

- A. Amended Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated November 7, 2005
- D. Planning Commission Resolution #065-87

PLANNING COMMISSION CONDITIONS OF APPROVAL

3983-4010 PRIMAVERA ROAD
AMENDMENT TO CONDITIONS OF APPROVAL
FEBRUARY 9, 2006

The Planning Commission hereby amends Resolution No. 065-87, to replace the conditions of approval specified in Subsection II.A of Resolution 065-87 with the following conditions of approval. The following conditions replace and supersede the conditions specified in Subsection II.A of Resolution No. 065-87 in their entirety.

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for any project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in 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/or Public Works Director, and recorded in the Office of the County Recorder:
1. **Waive the Right to Protest.** Owner waives the right to protest the formation of any and all street, street lighting, traffic, underground utility and other public improvement districts which include any portion of the Real Property.
 2. **Uninterrupted Water Flow.** Owner shall provide for the flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 4. **Common Area Maintenance.** The (Cooperative) Homeowners Association is responsible for the maintenance of all common areas, including, but not limited to yard areas, slopes, drainage systems and buildings, and pedestrian easements.
 5. **Landscape Plan Compliance.** Owner shall comply with the landscape plan as approved by the ABR. Such plan shall not be modified unless written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained

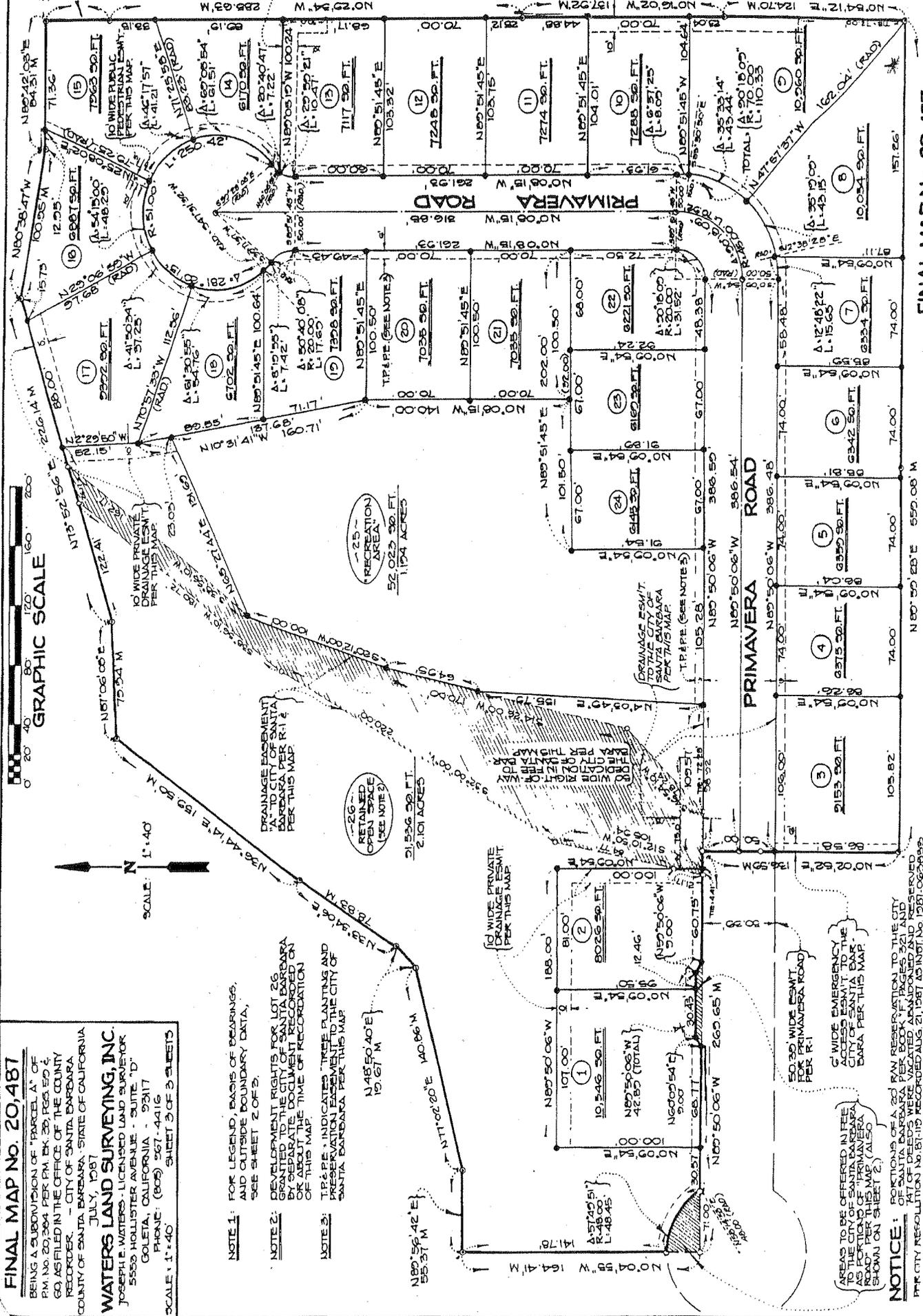
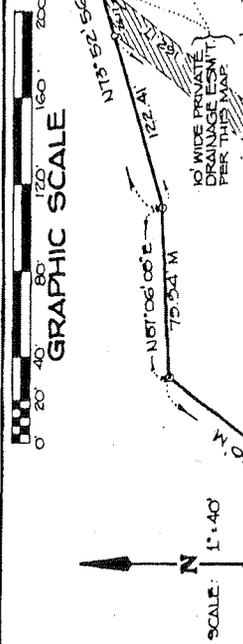
in accordance with said landscape plan. Owner shall be advised that the trees located in the front yard (ten feet from front property line) are considered street trees and area subject to review and approval of the Parks Department.

6. **Design Review Compliance.** Building additions and new construction shall be consistent with SBMC Chapter 22.68.
7. **Development Rights Restrictions.** Development rights for those portions of the Real Property designated as Open Space on the approved Tentative Subdivision map shall be deeded to the City of Santa Barbara in order that those portions of the Real Property remain in a natural state. Development rights shall include but not be limited to the right to develop the Real Property with any grading, irrigation, buildings, structures or utility service lines. The owner shall continue to be responsible for (i) maintenance of the area for which development rights have been granted to the City and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment. Such areas shall be shown on the Final Parcel Map.
8. **Allowed Development.** Development of the Real Property is limited to twenty-six (26) lots and the improvements shown on the Tentative Map which was approved by the Planning Commission on July 2, 1987. Lot 26 shall be retained as contiguous open space of 92,550 sq. ft., and Lot 25 shall be used as a contiguous common area and is to be not less than 51,700 sq. ft. for recreation, and each of the twenty-four (24) remaining lots may only be used for one single-family dwelling. There shall be eight (8) parking spaces adjacent to the tennis courts.
9. **Lighting.** Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. Tennis courts will not have lighting which will allow night playing.
10. **Tree Protection.** The existing trees shown on the Tentative Subdivision Map shall be preserved, protected and maintained.
11. **Oak Tree Protection.** The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within the drip line of any oak tree.
 - b. The use of herbicides and fertilizer shall be prohibited within the drip line of any oak tree.
12. **Conditional Use Permit.** If the Conditions of the project are not followed, the Conditional Use Permit is null and void.

FINAL MAP No. 20,487

BEING A SUBDIVISION OF "PARCEL A" OF
 PM NO. 20,364 PER PM BK 20, PGS 50 &
 60, AS FILED IN THE OFFICE OF THE COUNTY
 RECORDER - CITY OF SANTA BARBARA,
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
 JULY, 1987
WATERS LAND SURVEYING, INC.
 JOSEPH E. WATERS - LICENSED LAND SURVEYOR
 5553 HOLLISTER AVENUE - SUITE "D"
 GOLETA, CALIFORNIA - 93117
 PHONE: (805) 567-4416
 SCALE: 1"=40' SHEET 3 OF 3 SHEETS

- NOTE 1:** FOR LEGEND, BASIS OF BEARINGS,
 AND OUTSIDE BOUNDARY DATA,
 SEE SHEET 2 OF 3.
- NOTE 2:** DEVELOPMENT RIGHTS FOR LOT 26
 ARE RESERVED TO THE CITY OF SANTA
 BARBARA BY SEPARATE DOCUMENT FILED ON
 CK ABOUT THE TIME OF RECORDATION
 OF THIS MAP.
- NOTE 3:** TIPS ARE INDICATED TREE PLANTING AND
 PRESERVATION EASEMENT TO THE CITY OF
 SANTA BARBARA PER THIS MAP.

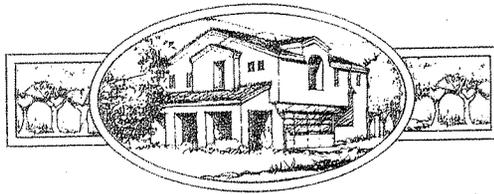


NOTICE: PORTIONS OF A 20' R/W RESERVATION TO THE CITY
 OF SANTA BARBARA PER BOOK 17, PAGES 521 AND
 522, AND PORTIONS OF A 20' R/W RESERVATION TO THE CITY OF
 SANTA BARBARA PER BOOK 17, PAGES 521 AND 522,
 PER CITY RESOLUTION NO. 15115, RECORDED JULY 21, 1987 AS NOT. NO. 1581-063895.

FINAL MAP No. 20,487

SHEET 3 OF 3

La Colina Oaks
Homeowners' Association



4028 Primavera Rd.
Santa Barbara
California 93110

November 7, 2005

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

RECEIVED

NOV 17 2005

**CITY OF SANTA BARBARA
PLANNING DIVISION**

To Whom It May Concern,

We, the individual homeowners of La Colina Oaks Owners' Association, are requesting that the Planning Commission amend the conditions of approval dated July 2, 1987 where it was stated that "The maximum square footage of all buildings on any residential parcel may not exceed 2,300 square feet, including a two-car garage."

As homeowners we feel that this restriction on our properties is overly restrictive and detrimental to our entire neighborhood. Our neighborhood has well over 3 acres of dedicated open space which we maintain, and we are bordered on two sides by quasi open space provided by Hope Elementary School and La Colina Jr. High.

We feel that allowing homeowners the possibility of adding a moderate amount of square footage is necessary to accommodate growing families and needs. As long as homeowners stay within required setbacks and appropriate design guidelines, we feel that our neighborhood can handle some well planned additions.

To travel to our twenty-four homes on our cul-de-sac on Primavera Road, one must drive through condominiums and duplexes of a much higher density. Other surrounding neighborhoods also have a much higher density than La Colina Oaks. There are numerous additions currently being built in older neighborhoods not too far away.

As you are well aware, the cost of housing in Santa Barbara continues to climb and is out of reach for most families. The homeowners on our street love our neighborhood and do not want to have to move out of the area to have a home to fit their families and their budget. Allowing a modest increase in square footage by lifting the overly restrictive 1900 square foot maximum would enable long time residents to remain in Santa Barbara.

Respectfully,

Dianne Johnson
President
La Colina Oaks Owners' Association

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION 065-87

Terminus of Primavera Road
La Colina Estates
July 2, 1987

SUBJECT:

Application of Vernon Williams, Agent for Bernard MacElhenny, for a (i) Modification under the provisions of Santa Barbara Municipal Code Section 28.15.080 to permit six (6) lots to have less than the required street frontage; (ii) Conditional Use Permit per Santa Barbara Municipal Code Section 28.94.030 in order to permit a Planned Residence Development with twenty-six (26) lots; and (iii) Tentative Subdivision Map for twenty-four (24) residential lots and two (2) common open space lots on APN 57-020-20 at the terminus of Primavera Road in a One-Family Residence Zone with a Special District 2 Overlay Zone (E-3/SD-2).

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

WHEREAS, (0) persons appeared to speak in favor of the application and (0) persons appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report, April 16, 1987
2. Site Plan
3. Memo from Staff, May 7, 1987
4. Memo from Staff, June 2, 1987
5. Memo from Staff, June 10, 1987
6. Memo from Staff, June 11, 1987
7. Memo from Staff, July 4, 1987

NOW, THEREFORE IT WAS RESOLVED that the Planning Commission of the City of Santa Barbara:

- I. Approve the subject application making the following findings and Statement of Overriding Consideration:
 - A. The Planning Commission has read and considered the Outer State Street Area Cumulative Traffic and Air Quality Environmental Impact Report (SB-143-85); and
 - B. The Planning Commission makes the following Statement of Overriding Considerations for the cumulative traffic and air quality impacts identified in the EIR (SB-143-85):

1. The project will provide safe pedestrian access from the proposed extension of Primavera Road through to La Colina Junior High School as well as a pedestrian access to Calle Cita and La Cumbre Road.
 2. The project will provide a monetary contribution to the Freeway Overpass Improvement and 1986 Outer State Street improvements. These fees will contribute toward the implementation of area wide traffic mitigations in an effort to reduce the significant traffic and air quality impacts of this project and other projects in the Outer State Street area.
 3. The project will preserve and protect twenty (20) oak trees which are currently being subjected to severe erosion and drainage problems. Twenty-five percent (25%) of the site will remain in open space with the development rights granted to the City.
 4. This project has been reduced in size, decreasing the traffic impacts in the Upper State Street area.
- C. Changes in and alterations to the project have been required as Conditions of Approval which mitigate or avoid significant environmental effects identified in the EIR.
- D. Modification of Santa Barbara Municipal Code Section 28.33.045.2 (minimum street frontage).
- The street frontage modification is consistent with the spirit and intent of this Chapter.
- E. Conditional Use Permit.
1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements and objectives of the Comprehensive General Plan;
 2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;
 3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided;

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development of such facilities are adequately met without altering the character of the public streets in the area at any time;
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area;
6. The proposal is in compliance with any additional specific requirements for a Conditional Use Permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.

F. Tentative Map

The tentative subdivision map is consistent with the General Plan and Zoning Ordinance of the City of Santa Barbara.

II. Said approval is subject to the following conditions:

- A. The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded with the final Map on an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form and content by the City Attorney:
 1. Owner waives the right to protest the formation of any and all street, street lighting, traffic, underground utility and other public improvement districts which include any portion of the Real Property.
 2. Owner shall provide for the flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

3. Future residential buildings shall be oriented with the longside facing within 45 degrees of true south or shall utilize double glazed, insulating glass in all glazed openings in the building envelope.
4. There shall be no further subdivision of the Real Property.
5. No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
6. The (Cooperative) Homeowners Association is responsible for the maintenance of all common areas, including, but not limited to yard areas, slopes, drainage systems and buildings.
7. Owner shall comply with the landscape plan as approved by the Architectural Board of Review. Such plan shall not be modified unless written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. Owner shall be advised that the trees located in the front yard (ten feet (10') from front property line) are considered street trees and are subject to review and approval of the Parks Department.
8. The owners shall dedicate a ten foot (10') wide Public Pedestrian Access easement from the new Primavera Road cul-de-sac to the school property. This easement should be located between Lots 13 and 14 or between Lots 15 and 16.
9. No building shall be constructed or maintained on Lots 1-24 of the Real Property, except as approved by City's Architectural Board of Review.
10. Owner shall create a Homeowner's Association which shall maintain (i) all common areas, (ii) the pedestrian easement to La Colina Jr. High School, (iii) the drainage facilities on the Real Property, and (iv) the pedestrian and utility easement to Calle Cita.
11. The maximum square footage of all buildings on any residential parcel may not exceed 2,300 square feet, including a two-car garage.

12. Development rights for those portions of the Real Property designated as Open Space on the approved Tentative Subdivision Map shall be deeded to the City of Santa Barbara in order that those portions of the Real Property remain in a natural state. Development rights shall include but not be limited to the right to develop the Real Property with any grading, irrigation, buildings, structures or utility service lines. The owner shall continue to be responsible for (i) maintenance of the area for which development rights have been granted to the City and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment. Such areas shall be shown on the Final Parcel Map.
13. Development of the Real Property is limited to twenty-six (26) lots and the improvements shown on the Tentative Map which was approved by the Planning Commission on July 2, 1987. Lot 26 shall be retained as contiguous open space of 92,550 sq. ft., and Lot 25 shall be used as contiguous common area and is to be not less than 51,700 sq. ft. for recreation, and each of the twenty-four (24) remaining lots may only be used for one single family dwelling. There shall be eight (8) parking spaces adjacent to the tennis courts.
14. Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. Tennis courts will not have lighting which will allow night playing.
15. The existing trees shown on the Tentative Subdivision Map shall be preserved, protected and maintained. During construction, protection measures shall be provided including but not limited to fencing at the dripline of the area surrounding any tree affected by construction.
16. No irrigation systems shall be installed within the dripline of any oak tree.
17. The use of herbicides and fertilizer shall be prohibited within the dripline of any oak tree.
18. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. This assignment shall be effective for Lots 25 and 26 when the City issues any building permit for any twelve (12) lots on the Real Property, and it shall be effective for each

of the other lots as soon as the City issues a building permit for the particular lot. Said assignment and any related agreements shall be subject to review and approval by the City Attorney and Community Development Director.

19. No grading permit may be issued for the Real Property until the building permits for all twenty-four (24) residential lots are issued. The grading and building permits may be issued concurrently.
 20. Any modifications of the zoning requirements for residential lots on the Real Property may only be granted by the Planning Commission.
 21. If the Conditions of the project are not followed, the Conditional Use Permit is null and void.
- B. The following is subject to the review and approval of the Architectural Board of Review:
1. The landscape and grading plans shall include the following tree protection measures:
 - a. Fencing or protective barriers around any tree at the dripline affected by construction.
 - b. Landscaping under any tree shall be compatible with the preservation of the tree.
 - c. Notes on the plans that specify the following:
 - (1) No irrigation systems shall be installed under any tree. The irrigation system to be installed shall be equipment of the best available technology for water conservation.
 - (2) No grading shall occur under any existing tree's dripline.
 - (3) A qualified arborist shall be present during any excavation adjacent to or beneath the dripline of any oak tree which requires protection.
 - (4) All excavation within the dripline of any oak tree shall be done with hand tools.
 - (5) Any oak tree roots encountered shall be cleanly cut and sealed with a tree seal compound.

- (6) Any root pruning and trimming shall be done under the direction of a qualified arborist or the City Arborist.
 - (7) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree.
2. The existing trees shown on the approved Tentative Subdivision Map to be saved shall be preserved, protected and/or fenced at the dripline, during construction.
 3. Landscaping shall be provided to soften the expanse of paving. Retaining walls shall be treated with landscaping and/or stucco.
 4. The ABR shall review the project to ensure that adequate usable open space is provided.
 5. Textured or colored pavement may be used throughout paved areas of the project to minimize the visual effect of the expanse of paving.
 6. The owner shall submit architectural plans to the City's Architectural Board of Review for approval.
 7. Prior to Preliminary ABR approval, the developer shall meet with the City Police Department Crime Analyst to determine how lighting, locking mechanisms, egress and fencing can be designed and installed so as to reduce the potential number of calls for police service from occupants of the Real Property.
 8. Provide street trees in accordance with condition A-7, subject to the requirements of the City Parks Department. Owner shall request in writing that the Park Commission designate a street tree species.
 9. All landscaping shall be drought tolerant.
- C. The Owner shall complete the following prior to the issuance of building permits:
1. A construction conference shall be scheduled by the General Contractor. The conference may be held at a Subdivision Review Committee meeting and shall include representatives from the Public Works Department, Building Division, Transportation

Division, the Applicant and contractor. The following shall be finalized and specified prior to the start of construction:

- a. Construction-related truck trips scheduled during non-peak hours to help reduce truck traffic on adjacent streets and roadways.
 - b. The route of construction-related traffic established to minimize trips through surrounding residential neighborhoods.
 - c. Construction-related truck trips scheduled to avoid peak traffic hours.
 - d. Construction prohibited on Saturday, Sunday, Holidays, and between the hours of 7:00 P.M. and 7:00 A.M.
 - e. Covered trucks hauling grading material.
 - f. Oak tree protection measures are established and included in the building plans.
 - g. Schedule for the arborist's presence during grading and construction activities near the tree(s) which are to be preserved pursuant to applicable conditions contained herein.
 - h. The fire access road between Via Rosa and Primavera shall not be used as access to the site by construction vehicles, nor shall such vehicles or equipment be parked, stored, or otherwise imposed upon Via Rosa.
2. An engineered drainage plan and any additional requirements by City agencies be reviewed by the Environmental Analyst and if considered necessary, the ERC. Drainage plans for proposed houses shall include gutters and downspouts with drainage directed to non-erosive drainage systems.
 3. Fire hydrant(s) shall have one (1) - four inch (4") and one (1)-two and one-half inch (2 1/2") outlet for residential in accordance with City Standards.
 4. A Residential fire hydrant shall be located within 500 feet of the farthest most point on any building within the subdivision. The fire hydrant shall have a fire flow in excess of 750 gallons per minute. The flow rate will be tested by the Fire

Department upon request by the Owner. Fire flow test results shall be submitted to the Public Works Department prior to Final Map recordation.

If the fire flow is insufficient, Owner shall submit to the Public Works prior to the recordation of the Final Map the following:

- a. Improvement plans for construction of improvements to the water main system in order to obtain sufficient fire flow. The improvement plans shall be prepared by a registered Civil Engineer and reviewed and signed by the City Engineer.
5. The project is located in a flood zone. Owner shall comply with Requirement of County Flood Control, if applicable.
 6. Owner shall show proof of clear title and ownership of the property.
- D. The owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Final Map:
1. Preliminary soils report as required by Section 66490 of the California Government Code. All recommendations of the report shall be followed.
 2. Payment of the necessary fees as follows:
 - a. La Cumbre/Las Positas Road Freeway Overpass Improvement Fee based upon the projected ADT level as determined by the City Engineer. The actual amount per ADT shall be established by the applicable resolution of the City Council. Said fees shall be paid prior to the issuance of grading permits if such permits are issued before building permits are issued.
 - b. Prior to the issuance of building permits or January 1, 1988, whichever occurs first, a 1986 Outer State Street Traffic Mitigation Fee must be paid based upon the project's trip generation. This fee shall be in accordance with the provisions of resolution 86-209 adopted by the City Council, or subsequent resolution adopted for the same purpose. This project is contained in table 2 on pages 16 and 17 of the 1986 OSS-EIR. The project's trips shall be established by the City

Transportation Engineer as outlined in the Resolution. Should this condition not be complied with by January 1, 1988, the Development Plan which was approved by the Planning Commission on July 2, 1987 expires.

3. Improvement plans for construction of improvements on and adjacent to the extension of Primavera Road. As determined by the Public Works Department, the improvements shall include but not be limited to curbs, gutters, sidewalks, asphalt/concrete pavement on aggregate base, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, sewer system, water system, and adequate positive drainage. The improvement plans shall be prepared by a registered Civil Engineer and reviewed and signed by the City Engineer.
 4. Executed Agreement for Land Development Improvements and improvement security for construction of improvements.
 5. Dedicate or offer to make a dedication for:
 - a. All street purposes along the extension of Primavera Road in order to establish a fifty foot (50') wide public right-of-way.
 - b. Easements as shown on the approved Tentative Subdivision Map.
 - c. Pedestrian easement from Calle Cita to the extension of Primavera Road as shown on the approved Tentative Subdivision Map.
 6. Owner shall cause the abandonment of the public road easements as shown on the approved Tentative Subdivision Map.
 7. The City Council shall have accepted the 50.39 foot wide reservation for road easement as shown on the approved Tentative Subdivision Map.
 8. Prior to recordation of the Final Map, the owner shall pay the La Colina Lift Station fee at \$292.40 per unit.
- E. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Land Use Controls with applications for building permits. All of these construction

requirements must be completed prior to the issuance of a Certificate of Occupancy:

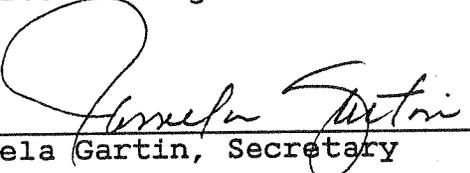
1. A soils report prepared by a licensed soils engineer. All recommendations shall be followed.
 2. A geology report prepared by a licensed engineer, geologist or equal.
 3. Driveway slope shall not exceed a 16% grade.
 4. Provide a cul-de-sac or hammerhead turnaround in accordance with City Standards.
 5. Smoke detectors shall be provided.
 6. Arborist's report. All recommendations shall be listed on the plans and followed.
 7. During grading and construction:
 - a. An arborist shall be present during all grading and construction which occurs within the dripline of any oak tree.
 - b. The site shall be watered to minimize dust.
 - c. All exposed soils shall be protected from both wind and water erosion both during and after construction and shall be revegetated as soon as possible such that on-site and off-site erosion and sedimentation are completely avoided.
- F. Prior to issuance of the Certificate of Occupancy, the owner of the Real Property shall complete the following:
1. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of a qualified Arborist.
 2. Public improvements as shown on the improvement plans.
 3. Provide individual water meters of the appropriate size for each dwelling unit at curbside subject to review and approval by the Public Works Department. Installation shall conform to Public Works Department Construction Standard Details.

4. Individual sewer lateral of the appropriate size shall be provided for each dwelling unit. Installation shall conform to Public Works Department Construction Standard Details.
5. Plumbing fixtures shall be water-conserving devices in new construction, pursuant to Chapter 14 of the Municipal Code (Section 14.20.020 - Water Saving Devices), subject to approval by the Water Resources Management Staff.
6. Place utilities underground from the transmission source and within the Real Property.
7. Security devices shall be installed, including secondary locks on doors and windows and solid-core exterior doors. Louvered windows on the first floor shall be prohibited. Said devices shall be in compliance with the Uniform Building Code and Fire Department Codes and shall be subject to the approval of the Chief of Building and Zoning.

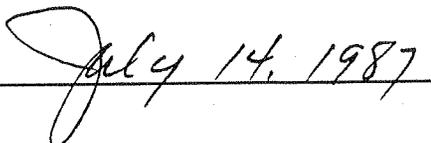
Passed and adopted on the 2nd day of July, 1987 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

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



Pamela Gartin, 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.