



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 31, 2006
AGENDA DATE: September 7, 2006
PROJECT ADDRESS: 1425 Mission Ridge Road (MST2006-00297)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The project request is to amend the Conditions of Approval, for a prior approval under the Neighborhood Preservation Ordinance, as outlined in Planning Commission Resolution Number 010-06 approved on February 16, 2006 for a prior case (MST2005-00098). Specifically, the applicant is proposing an amendment to Recorded Condition of Approval Number A.5 and the request is to change the wording for that condition as follows:

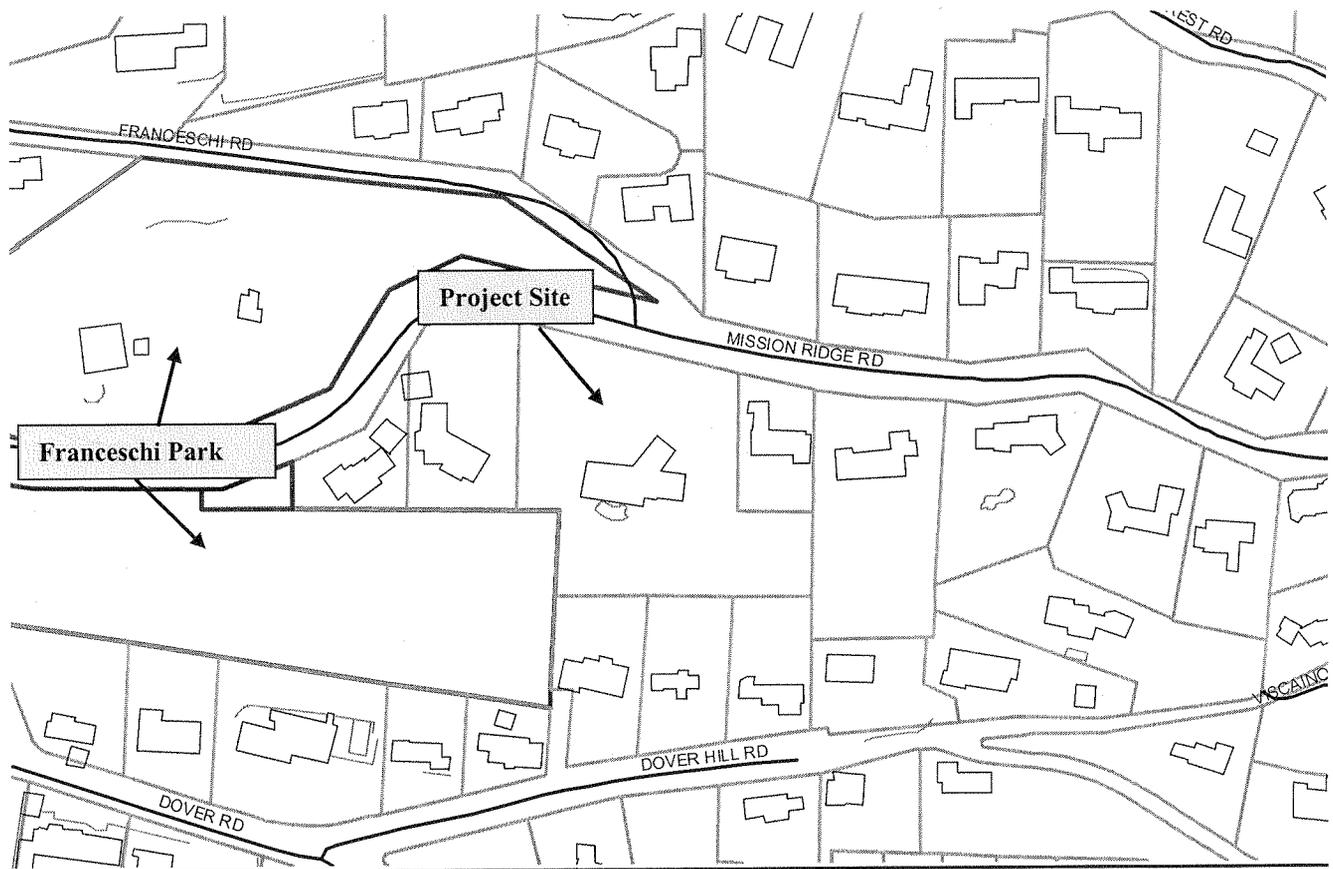
5. **Future House.** Any future house will be in the Mediterranean architectural style, subject to approval by the Architectural Board of Review, and in order to maintain the view from Franceschi Park, any future house shall not block the view corridor from the view sign on Franceschi Road at the intersection of Franceschi Road and Mission Ridge Road to the ocean, as defined by Lenvik and Minor Architects Exhibit "A" and Exhibit "B".

II. REQUIRED APPLICATIONS

The discretionary application required for this project is:

An amendment to the Conditions of Approval for Planning Commission Resolution Number 010-06.

III. VICINITY MAP



APPLICATION DEEMED COMPLETE: July 28, 2006
DATE ACTION REQUIRED: October 26, 2006

IV. BACKGROUND

The prior case (MST2005-00098) was for approval of “as-built” construction of a 229 foot long concrete masonry unit retaining wall (which varied in height) at the front of the property to a maximum height not to exceed 9 feet, “as-built” cumulative grading in excess of 500 cubic yards, “as-built” demolition of an existing swimming pool, a proposal to construct 55 linear feet of retaining walls and iron entry gates to be a maximum height not to exceed eight feet at the driveway, and a landscaping plan to replace landscaping that was removed from the public right-of-way. On February 16, 2006, the Planning Commission approved the project subject to the recommended conditions of approval outlined in the staff report as amended by the following condition added to the recorded agreement for the project:

- 5. **Future House.** Any future house will be a single story house in the Mediterranean architectural style, subject to approval by the Architectural Board of Review, and in order to maintain the view from Franceschi Park any future house shall not block the

view corridor from the stop sign on Franceschi Road at the intersection of Franceschi Road and Mission Ridge Road to the ocean.

V. ISSUES:

The project was reviewed by the Architectural Board of Review (ABR) at three separate hearings. The ABR had concerns about the project in regards to the removal of the landscaping from the public right-of-way and the street frontage, as it had altered the original character of the area. Therefore, the ABR directed the applicant to address the concerns through their landscape plan in order to re-establish the original character of the right-of-way and street frontage by replanting the heavy landscaping along the property frontage.

However, when the project was reviewed by the Planning Commission, the Commission was concerned about maintaining the view corridor that was created when the applicant removed the landscaping from the public right-of-way and the street frontage and Condition November 5 as outlined above was composed to protect that newly created view corridor. It appears that the approved landscaping for the project, at maturity, will somewhat obstruct part of the new view corridor, as it was the intention of the ABR to restore this area to its original character.

VI. DISCUSSION

The Planning Commission added the new condition to protect the view corridor created by removal of the vegetation along Mission Ridge Road as part of the previously unpermitted grading and construction completed by the property owner. Various options for view protection were discussed at the February hearing, primarily focused on setting a maximum elevation for the ridgeline of any future house or addition. Ultimately, the Planning Commission chose to limit the height of future buildings on the property to no more than one-story. The owner did not appeal the decision to City Council, but has since determined that this condition is unacceptable as written. The owner has noted that many other houses in the neighborhood are two stories and there is a substantial amount of vegetation along the southerly side of Mission Ridge Road, all of which block views to the Downtown and Waterfront areas of the City and to the ocean.

The applicant has suggested a compromise that would protect the view at the intersection of Franceschi and Mission Ridge Roads, but would allow for construction that meets the Zoning Ordinance requirements elsewhere on-site. Staff has concerns regarding this approach because part of the island view is outside the proposed view corridor.

Staff has checked the archived plans on file for the house and has noted that the existing ridge line of the highest roof level is 676 feet above sea level. Staff recommends allowing a ridge height of up to 680 feet above sea level to maintain the view corridor outlined in condition number 5 and revising the landscape plan to use plants and shrubs that would typically grow to no more than the allowed height. This would allow the applicant to build a second story underneath the existing building, which would not be allowed under the wording of the approved condition. Additionally, ocean and island views would be somewhat protected.

VII. RECOMMENDATION

Staff requests that Planning Commission review the applicant and staff options for the condition language and approve whichever approach the Commission believes meets the findings for the Neighborhood Preservation Ordinance, subject to the findings outlined in Section IV and subject to the revised conditions of approval. The options are as follows:

Approved Condition:

5. **Future House.** Any future house will be a single story house in the Mediterranean architectural style, subject to approval by the Architectural Board of Review, and in order to maintain the view from Franceschi Park any future house shall not block the view corridor from the stop sign on Franceschi Road at the intersection of Franceschi Road and Mission Ridge Road to the ocean.

Applicant Proposal:

5. **Future House.** Any future house will be in the Mediterranean architectural style, subject to approval by the Architectural Board of Review, and in order to maintain the view from Franceschi Park, any future house shall not block the view corridor from the stop sign on Franceschi Road at the intersection of Franceschi Road and Mission Ridge Road to the ocean, as defined by Lenvik and Minor Architects Exhibit "A" and Exhibit "B".

Staff Proposal:

5. **Future House.** Any future house shall be constructed in the Mediterranean architectural style. Any future structure or addition to the existing structure and new landscaping at maturity shall allow a partial view of the ocean and a full view of Anacapa and Santa Cruz Islands at five and one-half feet (5½') above grade at the stop sign at the intersection of Mission Ridge and Franceschi Roads. Any future house shall be subject to approval by the Architectural Board of Review, in order to maintain the view corridor established above.

VIII. FINDINGS

The Planning Commission finds the following:

NEIGHBORHOOD PRESERVATION ORDINANCE (SBMC §22.68.060)

The project's mass, bulk, and scale must be found compatible with the neighborhood, the project's grading must be found to be appropriate, and the project must protect, to the extent possible, mature or native trees and public views. Therefore, the project can be found consistent with the following NPO Findings:

1. The public health, safety and welfare will be protected because the project will be designed structurally and with appropriate erosion control measures as required by the Building and Safety Division.

2. The grading and development will be 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. The area of grading for the rear wall that has been approved was on the south side of the site behind the dwelling and the area of grading for the demolition of the swimming pool is on the south side of the site behind the dwelling. To reduce the wall and visibility from below additional landscaping is required. The grading for the front wall is on the north side of the property abutting Mission Ridge Road. Landscaping is proposed to replace the landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood and to help screen the wall from view. Option B also proposes grading to somewhat re-create the original condition of the topography on the street frontage side of the property
3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees within a minimum trunk diameter of four inches measured four feet from the base of the trunk. No trees on the property are proposed to be removed as part of the project and oak tree and tree protection measures will be implemented as a condition of approval for the project. Landscaping that has already been removed from the public right-of-way is to be replaced as shown on the proposed landscape plan for the project.
4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The wall is of a high quality and the proposed landscaping will replace landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood. Additionally, landscaping will be required below the rear wall.
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.
6. The development will preserve significant public scenic views of, and from, the hillside. The project will not have an adverse impact on any public views as the wall height from the Mission Ridge Road side is minimal and the property slopes downward away from the street.

Exhibits:

- A. Conditions of Approval
- B. Site Plan, Landscape Plan and Photographic Simulations
- C. Applicant's letter, dated July 17, 2006
- D. 1425 Mission Ridge Road (MST2005-00098) Staff Report
- E. 1425 Mission Ridge Road (MST2005-00098) Planning Commission Resolution No. 010-06

PLANNING COMMISSION CONDITIONS OF APPROVAL

1425 MISSION RIDGE ROAD
MODIFICATION AND NEIGHBORHOOD PRESERVATION ORDINANCE
SEPTEMBER 7, 2006

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the 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 a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director, executed by Owner and recorded in the Office of the County Recorder by the City:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 3. **Allowed Development.** The development of the Real Property approved by the Planning Commission on _____ is limited to the improvements shown on the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 4. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
 5. **Future House.** Any future house will be a single story house in the Mediterranean architectural style, subject to approval by the Architectural Board of Review, and in order to maintain the view from Franceschi Park any future house shall not block the view corridor from the stop sign on Franceschi Road at the intersection of Franceschi Road and Mission Ridge Road to the ocean.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on a one-for-one basis with a minimum (24-inch box sized) (15 gal. size) tree of an appropriate species or like species.
 2. **Tree Protection Measures.** The landscape and grading plans shall include the following tree protection measures:

EXHIBIT A

- a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - c. **Grading Plan Notes.** Notes on the plans that specify the following:
 - (1) No irrigation systems shall be installed under the driplines of trees.
 - (2) No grading shall occur under the driplines of the existing trees.
 - (3) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (4) All excavation within the dripline of the trees shall be done with hand tools.
 - (5) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (6) The trees shall be thinned as needed in accordance with recommendations of a qualified Arborist.
 - (7) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - (8) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 5. **Arborist Report.** The recommendations outlined in the arborist report prepared by Robert Muraoka, M.S., B.S. and dated October 31, 2005 shall be implemented.
 6. **Oak Tree Protection Measures.** The following provisions shall apply to oak trees on site:
 - a. Oak trees not indicated for removal on the site plan shall be preserved protected, and maintained.
 - b. During construction, fencing or protective barriers shall be placed around the driplines of all oak trees with driplines within 25 feet of development.
 - c. No grading shall occur under any oak tree dripline except as indicated on the drainage and grading plan for construction of the wall**. Grading within the dripline during construction of this area shall be minimized and

shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- d. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - e. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - f. Landscaping provided under the oak trees shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
 - g. Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a (three to one (3:1)) (five to one (5:1)) (ten to one (10:1)) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 - h. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
7. **Additional Landscaping Below Rear Wall.** Substantial additional landscaping shall be planted below the rear wall to reduce its visibility, including fast-growing shrubs and cascading vines.

C. **Public Works Submittal Prior to Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the project:

1. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.
2. **Public Improvement Plans:** Owner shall submit building plan for construction of repair of public improvements along the subject property road frontage on Mission Ridge Road. As determined by the Public Works Department, the improvements

shall include new, and/or remove and replace to City standards portions of damaged curb along property frontage.

D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:

1. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions and Conditions of Approval.
2. **Best Management Practices:** The Owner shall apply storm water quality control guidelines to the project per the Public works Department Construction Project Best Management Practices.
3. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

4. **Soils Report.** A soils report shall be submitted to the Building Division.
5. **Engineered Drainage and Grading Plan.** An engineered drainage and grading plan shall be submitted to the Building Division.

6. **Geology Report.** A geology report prepared by a licensed engineer, geologist or equal and all recommendations incorporated into the construction plans.
7. **Structural Engineer Report.** A report prepared by a structural engineer as required by the Building Official for the wall.
8. **Construction-Related Truck Trips.** Construction-related truck trips 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.) to help reduce truck traffic on adjacent streets and roadways.
9. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Operations Manager.
10. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
11. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

*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 at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night 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.

12. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:

- a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. Storage of construction materials within the public right-of-way is prohibited.
13. **Water Sprinkling During Grading.** 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 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 in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
14. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
15. **Disturbed Soil Stabilization.** After clearing, grading, earth moving and/or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. 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; or
 - d. Other methods approved in advance by the Air Pollution Control District.
16. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
17. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
18. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.

19. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
20. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above 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.

- E. **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 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 shall be pruned under the direction of a qualified Arborist.
 2. **New Street Trees.** Provide street trees as shown on the approved landscape plan.
- F. **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 the City Council denial of the appeal and approval of 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 APPROVAL TIME LIMITS:

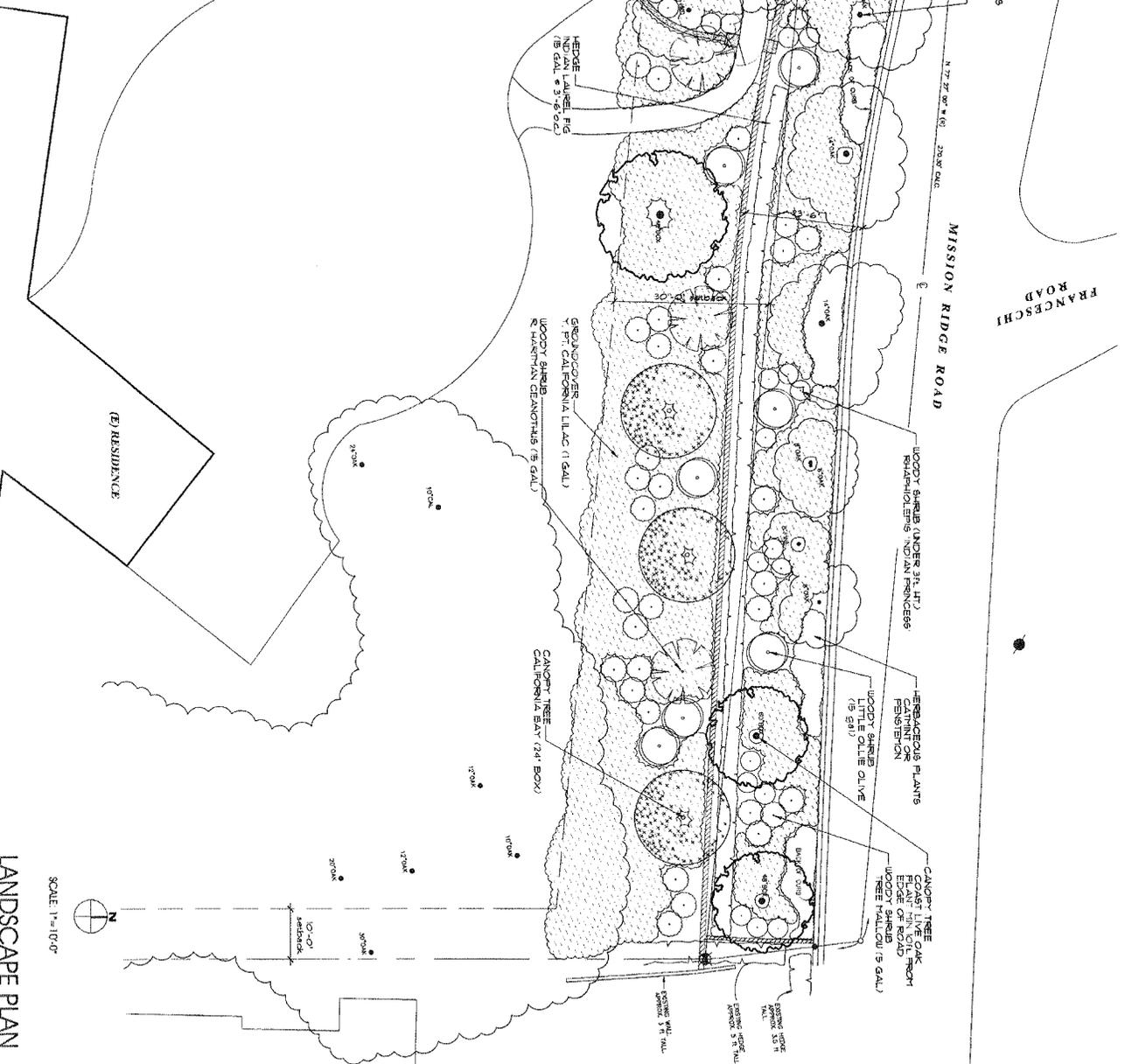
The Planning Commission's action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) year from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. A Building permit for the use authorized by the approval is issued within twenty-four (24) months of granting the approval. An extension may be granted by the Community Development Director, if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.
3. The project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail.

PLANT PALETTE	
	GROUNDCOVER
	YANKEE PK CALIFORNIA LILAC
	WOODY SHRUB
	LITTLE OLIVE OLIVE
	QUERCUS
	TREE MALLOW
	R. HARTMAN CEANOTHUS
	HERBACEOUS PLANTS
	CANTINI
	PENSTEMON
	HEDGE
	NOLAN LAUREL PK
	TREES
	CALIFORNIA LIVE OAK
	CALIFORNIA BAY

PLANTING NOTES:
 -INSTALL (45) ROYAL HENRIUS O
 -RESERVE 1 GAL ALONG TOP
 OF REAR WALL.

IRRIGATION NOTES:
 -INSTALL DRIPE IRRIGATION
 TO ALL NEW PLANTING
 -INSTALL VALVES @ 10' AND
 20' INTERVALS ALONG
 OF ROAD RIGHT OF WAY.
 -OWNER SHALL BE
 RESPONSIBLE FOR ALL
 IRRIGATION DEVICES
 WITHIN THE ROAD RIGHT OF
 WAY.



LANDSCAPE PLAN

SCALE 1"=10'-0"

DATE: 4-6-05
 5-2-05 ABR
 5-16-05 ABR
 6-15-05 PC
 9-13-05 PC
 11-29-05 PC

Escalera Residence
 1425 Mission Ridge Road
 Santa Barbara, California

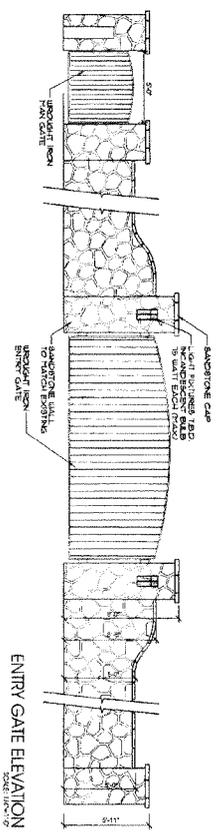
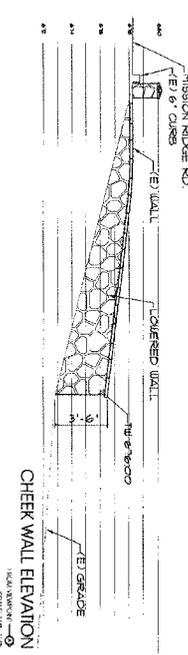
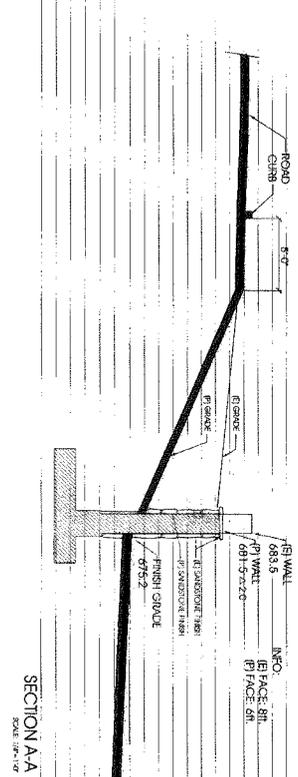
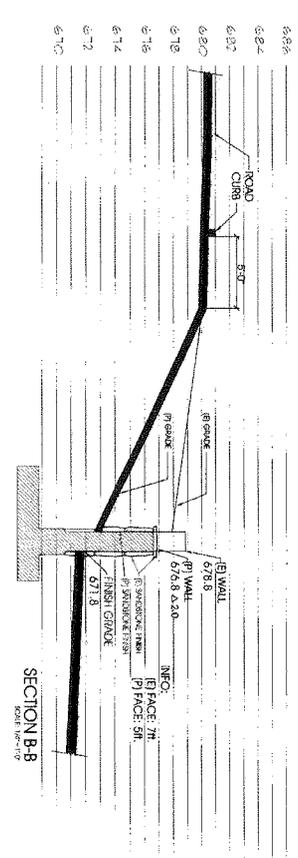
DATE: 4-6-05
 5-2-05 ABR
 5-16-05 ABR
 6-15-05 PC
 9-13-05 PC
 11-29-05 PC

10 East Lily Street
 Santa Barbara, CA 93101
 Telephone: (805) 857-7455
 Fax: (805) 857-7433

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SUDING DESIGN
 Landscape Architects

Drawn By: RRS
 Sheet: L-4
 OF 5
 Job No: 0504

PROPOSED OPTION B



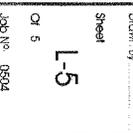
WALL SECTIONS & ENTRY GATE ELEVATION

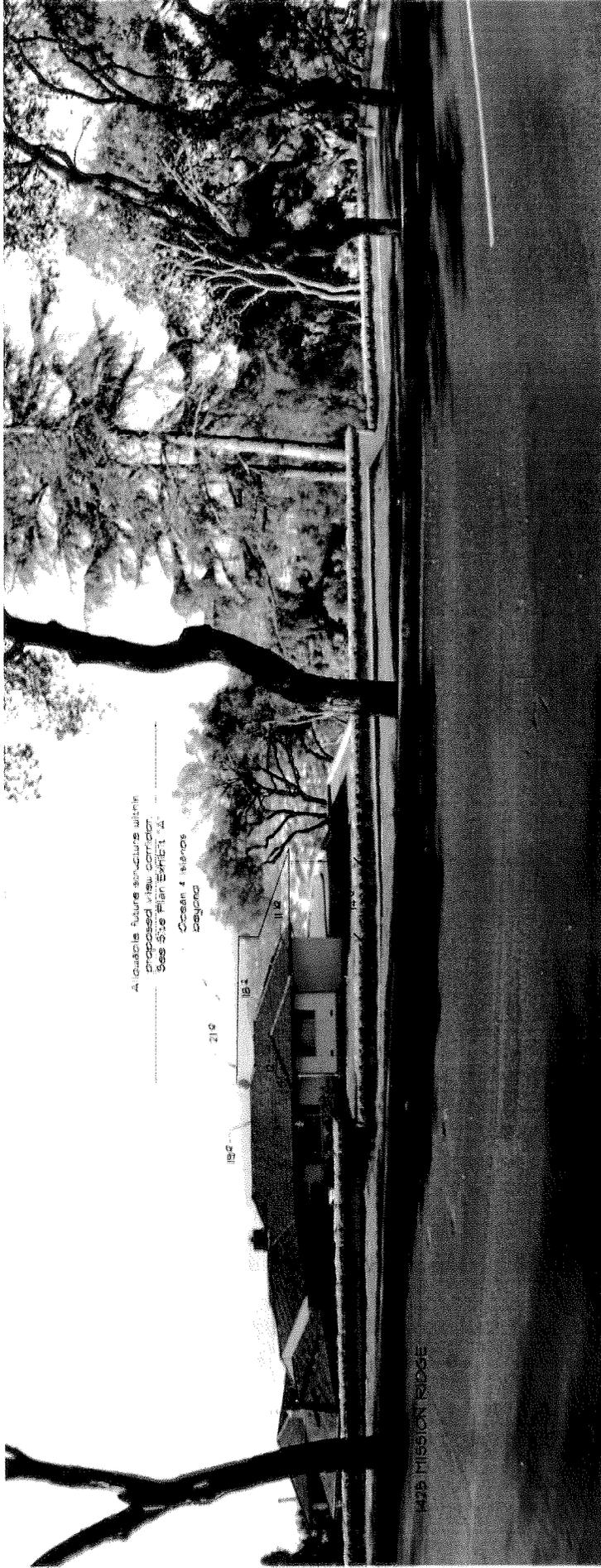
10 East Lily Street
Santa Barbara, CA 93101
Phone: (805) 967-1422
Fax: (805) 967-1422

DATE: 5-2-05 ABR
5-16-05 ABR
6-18-05 PC
7-13-05 PC
3-6-06 ABR
3-9-06 AL

Escalera Residence
1425 Mission Ridge Road
Santa Barbara, California

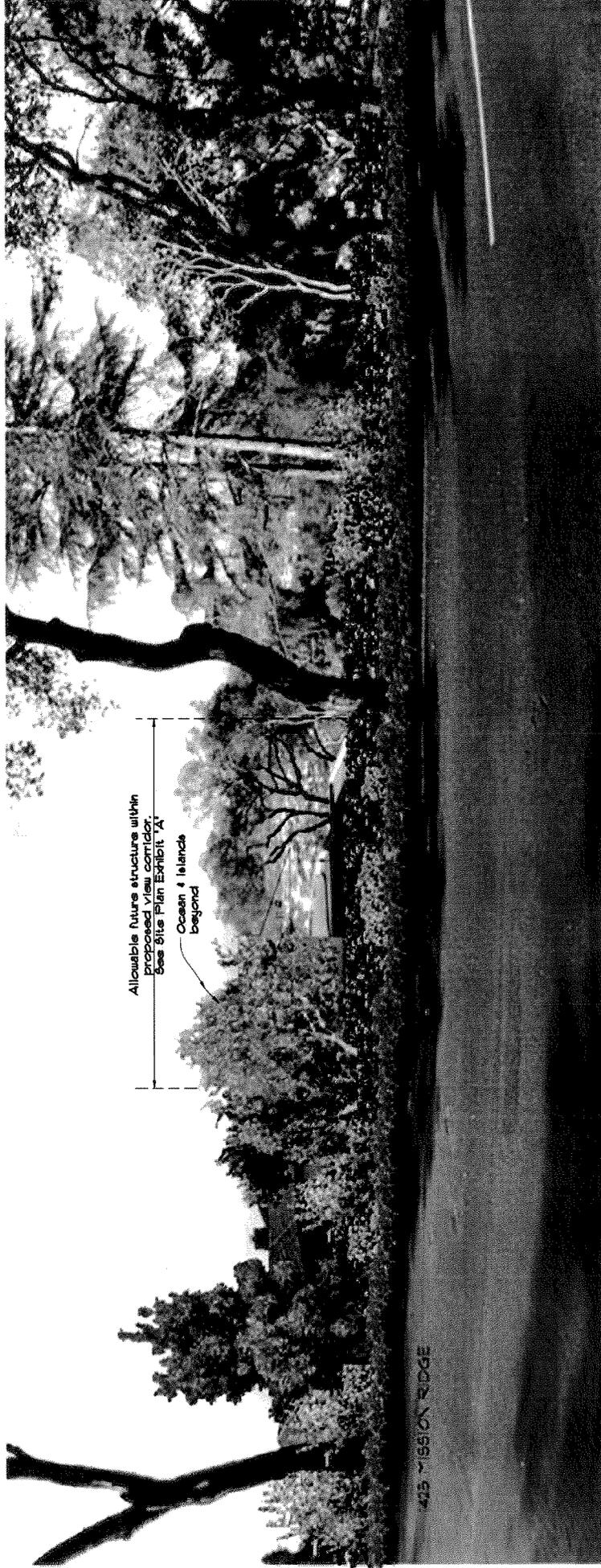
Drawn By: _____
Sheet: _____
L-5
Of 5
Job No. 0504





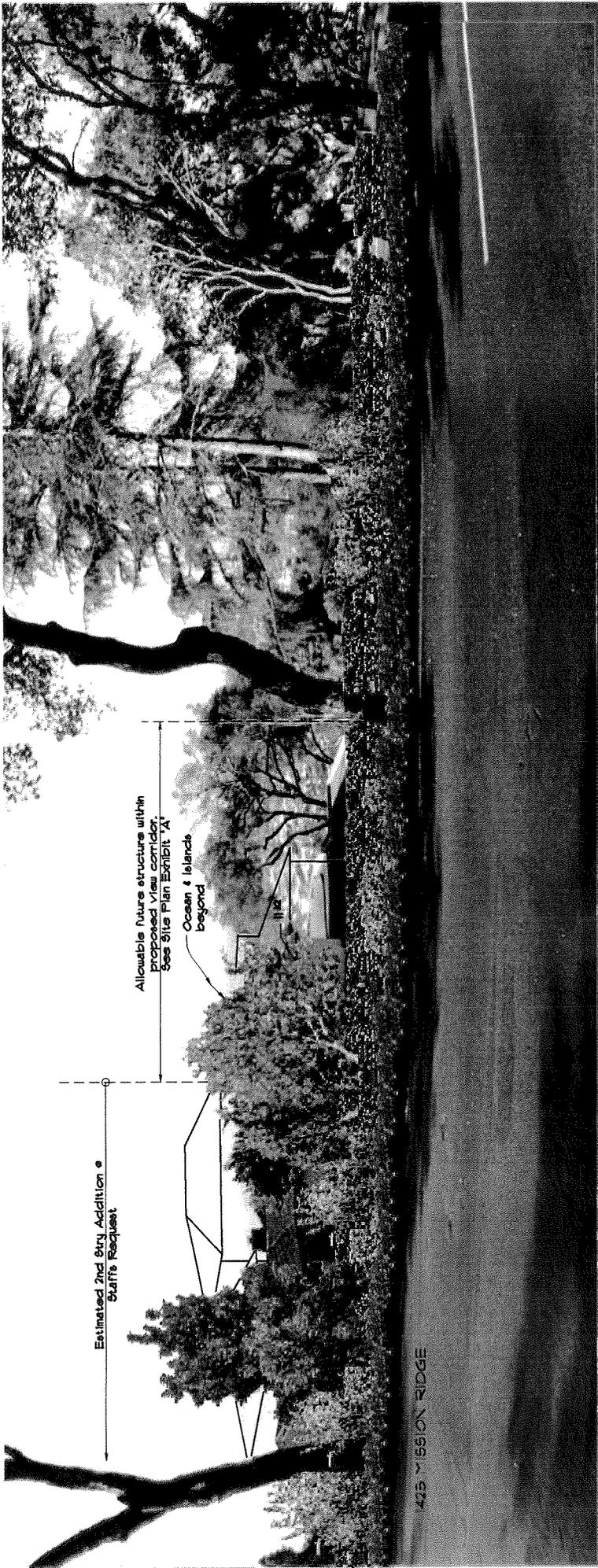
View From Franceschi Road

Exhibit "B"



View From Franceschi Road

Exhibit "B"
With Mature Vegetation



View From Franceschi Road

Exhibit "B.1"
2nd Story @ Staff's Request

LENVIK & MINOR
ARCHITECTS

RECEIVED

AUG 18 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

July 17, 2006 (2nd PC addendum letter)

Chair Jostes and Commissioners
Planning Commission
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93101

Re: 1425 Mission Ridge Rd. - Escalera Residence
APN. 019-103-023
MST. 2004-00112

Planning Commissioners:

This letter is submitted in connection with your conditions of approval relative to the roadside retaining wall of February 16, 2006.

I am requesting an addendum to the "future house restriction" portion of the conditions. I would like to clearly define a view corridor through a portion of the property from the Franceschi stop sign to the ocean, rather than a blanket single story condition.

This I believe, would satisfy the main objective of the commissioners and not be extraordinarily punitive to the entire site.

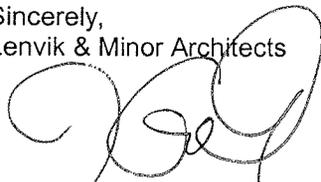
The remainder of the site "not in the proposed view corridor," would be subject to the same City Zoning Ordinance and A.B.R. review as their neighbors.

Attached is page 5 of the CC&R's as written. I propose an addendum to rewrite item #5 "Future House" to read as follows:

Any future house will be in the Mediterranean architectural stile, subject to approval by the Architectural Board of Review, and in order to maintain the view from Franceschi Park, any future house shall not block the view corridor from the stop sign on Franceschi Road at the intersection of Francheschi Road and Mission Ridge Road to the ocean, as defined by Lenvik and Minor Architects Exhibit "A" and Exhibit "B."

The justification for the addendum request is based on our understanding that the planning commissioners intent was not to restrict the property severely beyond what others enjoy, but to preserve a view corridor from the Franceschi stop sign. Lenvik and Minor's layout looks to reasonably define that corridor.

Sincerely,
Lenvik & Minor Architects



Jeffrey A. Gorrell, Principal

EXHIBIT C

P:\040400\04040ff\0404 P.C. Addendum Request #2.wpd

Project Data

Owner:
 Brian & Jan Escalera
 1425 Mission Ridge Road
 Santa Barbara, CA 93105
 (805) 965-1818

Project Address:
 1425 Mission Ridge Road
 Santa Barbara, CA 93105
 APN: 09-029-023

Statisticals:
 Zone: R1
 Site Area: 0.18 Acres
 Statistics: 2.7%
 Landscaping: 68.75%
 82.8%

Scope of Work:
 Prepare site plan for construction of a residence with 7000 sq. ft. of living area, including a detached garage, pool, and landscaping. The site is located on a steep slope and is subject to a 2% grade. The site is also subject to a 2% grade. The site is also subject to a 2% grade.

City Height Limitations:
 20' to 25' (Zone: R1)

Average Slope:
 2.7%

Map Information:
 Map Number: 1425-023
 Number of Sheets: 12
 Distance to Nearest: 500 ft.

Client:
 Brian & Jan Escalera
 1425 Mission Ridge Road
 Santa Barbara, CA 93105

Site Plan Project Data & Vicinity Map (Exhibit "A")

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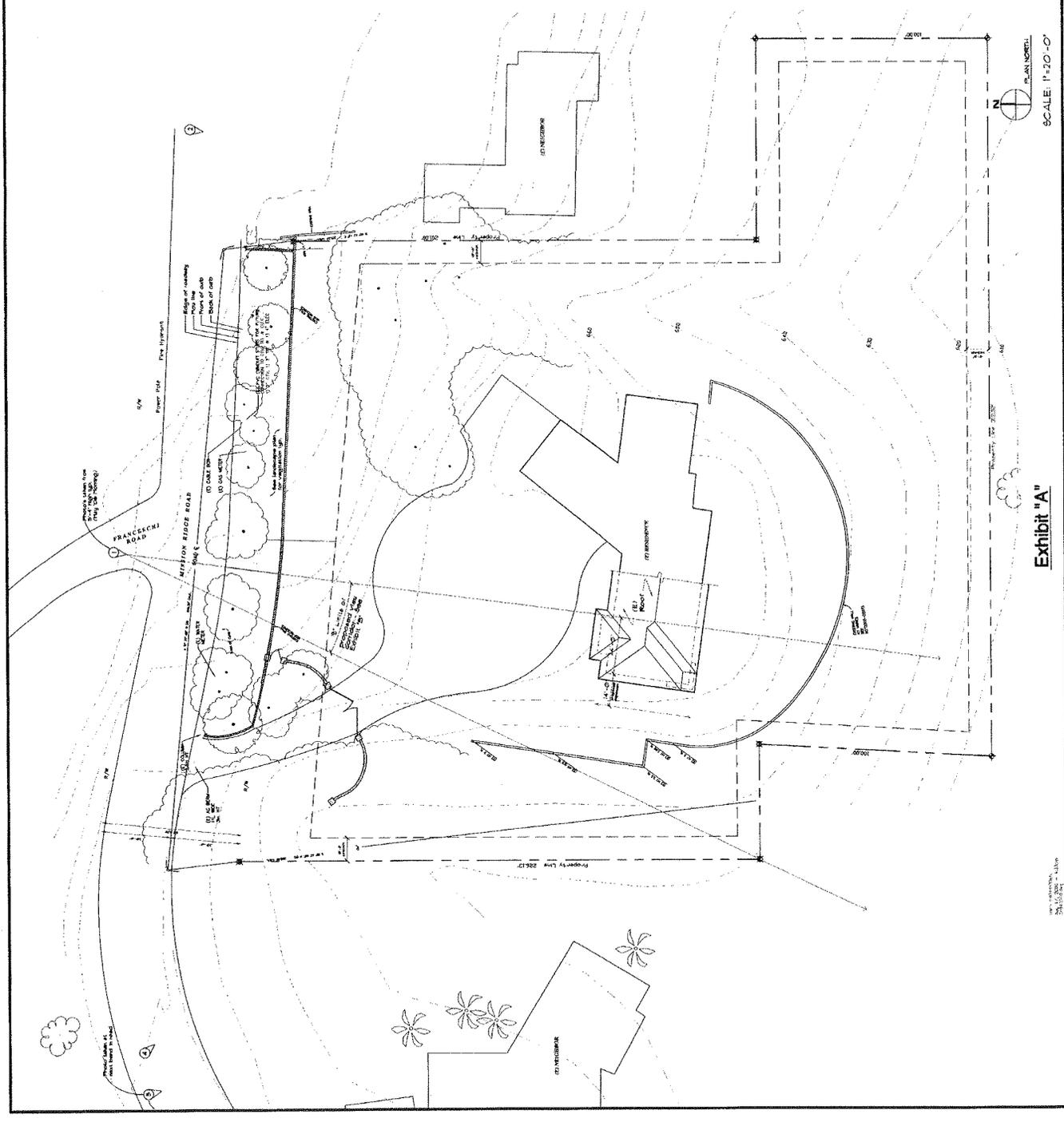
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City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: February 9, 2006
AGENDA DATE: February 16, 2006
PROJECT ADDRESS: 1425 Mission Ridge Road (MST2005-00098)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Jo Anne La Conte, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of “as-built” construction of a 229 foot long concrete masonry unit retaining wall (which varies in height) at the front of the property to a maximum height not to exceed 9 feet, “as-built” cumulative grading in excess of 500 cubic yards, “as-built” demolition of an existing swimming pool, a proposal to construct 55 linear feet of retaining walls and iron entry gates to be a maximum height not to exceed eight feet at the driveway, and a landscaping plan to replace landscaping that was removed from the public right-of-way. Two options are shown on the current proposal. Option A proposes to leave the wall at its current “as built” maximum height not to exceed 9 feet. Option B proposes to reduce the height of the wall to a maximum height not to exceed 7 feet.

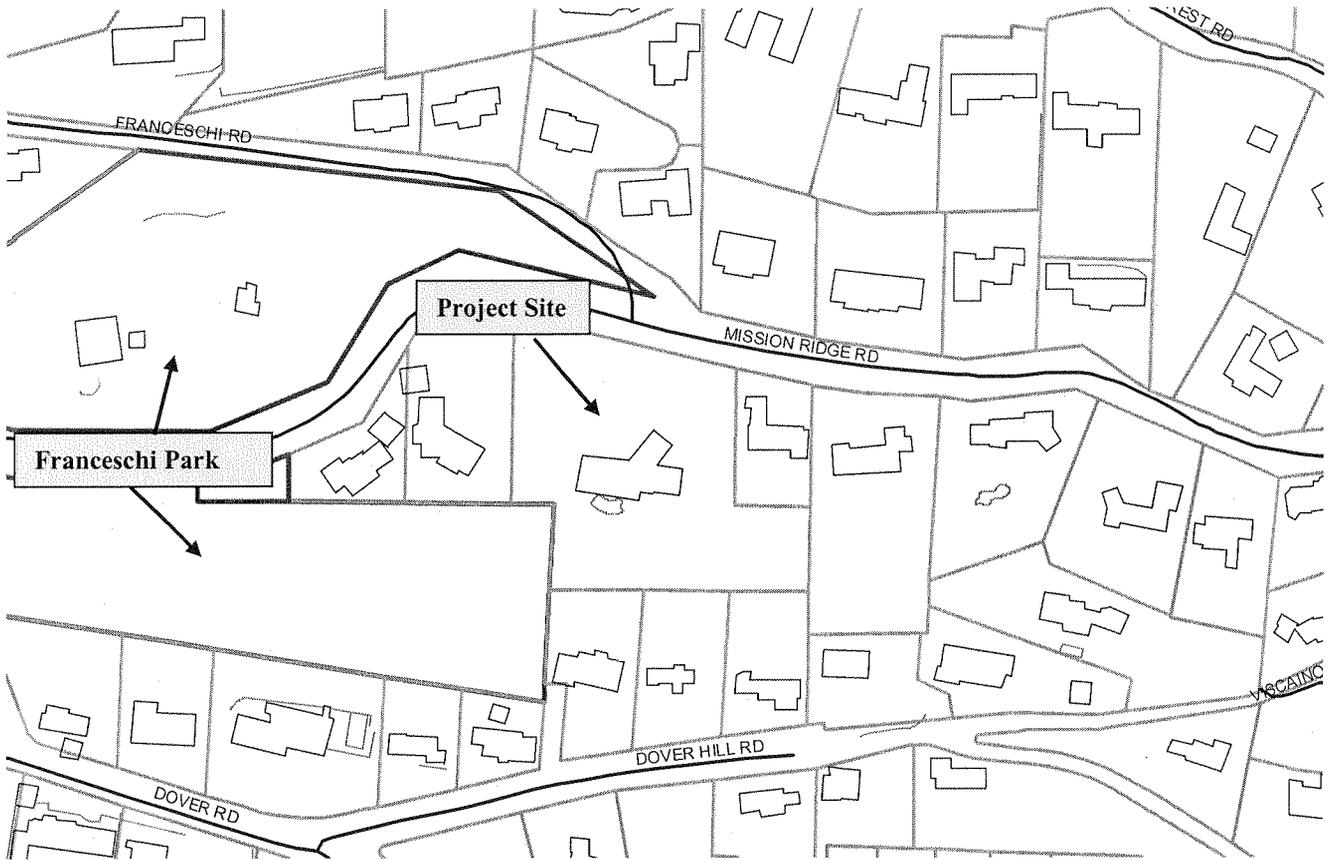
It should be noted that the cumulative grading in excess of 500 cubic yards in two years includes a prior application approved by the City. The prior application was submitted on May 19, 2003 for the construction of retaining walls that ranged in height from two to 11 feet to be located at the rear of lots 019-103-017 & 019-017-005. The proposal included 327 cubic yards of imported fill and the merger of the two lots. The project was finalized by Building and Safety on May 12, 2004.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow a wall that exceeds 3½ feet in height to be located within 10 feet of the front lot line (see SBMC § 28.87.170);
2. Neighborhood Preservation Ordinance Findings for grading in excess of 500 cubic yards outside the building footprint (SBMC § 22.68.060).

III. VICINITY MAP



APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

January 18, 2006
April 18, 2006

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Philip Suding	Property Owner: Escalara Living Trust
Parcel Number: 019-103-023	Lot Area: 1.91 acres or 82,982 square feet
General Plan: Residential, Three Units Per Acre	Zoning: A-2 (Single Family Residential)
Existing Use: Single family dwelling	Topography: Average slope 22% toward the south
Adjacent Land Uses: North – Single Family Residential & Franceschi Park East – Single Family Residential & Franceschi Park South – Single Family Residential & Franceschi Park West – Single Family Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	3,740 square feet	No Change
Garage	528 square feet	No Change
Accessory Space	None	None

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	30'	30'	No Change
-Interior	10'	10'	
-Rear	10'	10'	
Building Height	30'	22'	No Change
Parking	2 (covered)	2 (covered)	No Change
Open Yard	1,250 sq. ft.	>1,250 sq. ft.	N/A
Lot Coverage			
-Building	N/A	4,268 sq.ft. 5.1%	No Change
-Paving/Driveway	N/A	10,000 sq.ft. 12.1%	No Change
-Landscaping	N/A	68,715 sq.ft. 82.8%	No Change

The proposed project would meet the requirements of the A-2 Zone, with the exception of the "as-built" wall located in the public right-of-way and at the front of the property. The applicant is requesting a modification to allow a wall that exceeds 3 ½ feet in height to be located within 10 feet of the front lot line.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) at three separate hearings (Exhibit D). The project was forwarded to the Planning Commission with the following comments: significant steps have been made to re-establish the original character of the right-of-way, provide additional landscaping on the west side of the driveway to create a balance of the landscaping palette, the Board supports the front wall with a maximum of five foot height from the original grade, the Board would support the modification request for the wall with the elimination of the cheek wall at the east side driveway, eliminate the tree well at the twelve inch Oak at the east side of the driveway, the Board supports a flattened slope adjacent to Mission Ridge of two and one-half feet as an alteration to the grading, the Board finds a sandstone faced wall would suit the character of the Riviera neighborhood.

The applicant has addressed some of the Architectural Board of Review's concerns in both Options A and B of the proposal. Specifically, Options A and B address the landscaping plan concerns regarding re-establishing the original character of the right-of-way street frontage and provide some additional landscaping along the West side of the driveway, eliminate the tree well on the east side of the driveway, and propose a sandstone faced wall.

Option B also reduces the height of the wall to a range of 3.5 to 6.42 feet in height, but not to the recommended maximum of 5 feet in height, proposes to lower the cheek wall but not to eliminate it and reduces the flattened slope.

B. CORRESPONDENCE TO THE PLANNING COMMISSION:

A letter to the Planning Commission dated October 25, 2005 from Raymond F. Sawyer (Exhibit E), questions the volume of fill used for the lower wall, the possible encroachment of the lower wall onto another property, the piecemeal approach to the application for permits, and safety concerns with the lower wall.

Staff has received the following information from the property owners: a calculation from M. L. Grant, Civil Engineer, confirming 327 cubic yards of fill for the grading associated with the rear retaining wall and a copy of a survey prepared by L. P. Cook & Company, Inc. indicating that the wall has been constructed on the property owner's property. In addition, structural information and a soils report were submitted to the Building Division prior to the construction of the rear wall. Upon the Planning Commission's finding of neighborhood compatibility, this application will address the cumulative grading in excess of 500 cubic yards of cut and fill on the property.

C. NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE/HILLSIDE

The Neighborhood Preservation Ordinance findings address public safety, minimizing grading, protection of trees, neighborhood compatibility and public views. The proposal

as submitted requires Planning Commission approval as the grading for the project exceeds 500 cubic yards of cut and fill within two years (327 cubic yards under prior case and this proposal of 509 cubic yards for a cumulative total of 836 cubic yards of cut and fill) and a modification for an over height wall located within ten feet of the front lot line and in the public right-of-way.

There is an existing single family residence with a two-car garage at the property. The grading for the rear wall has already taken place with permits and the grading for the demolition of the swimming pool and the construction of the front wall have already taken place without the benefit of permits. The "as-built" project does not comply with all of the techniques outlined in the Single Family Guidelines for Hillside grading. Techniques not considered include: minimizing the wall heights, breaking walls into low segments, stepping up or down the hill, minimizing the length of solid walls on hillsides, using open rather than solid fence design to reduce visual and structural bulk, integrating vegetation and landscaping with the wall design, preserving the natural vegetation and mature trees, minimizing the grading outside of the building footprint and minimizing the visibility of driveway cuts from off the property.

The ABR has tried to mitigate the problems by directing the applicant to make changes to the project to be more in keeping with the Hillside guidelines. Two options are proposed for consideration. It is staff's opinion that Option B is more consistent with the City's guidelines for Hillside Development, in that it takes into consideration some of the concerns raised by the Architectural Board of Review and is consistent with the Conservation Element of the General plan as the front wall does not interfere with the view, the wall height is minimal as viewed from the street and the property slopes downward.

The construction of the prior project for the rear wall received various complaints after construction due to its high visibility and the height of the wall as viewed from the City. The amount of landscaping cover to help screen out the rear wall appears to be inadequate at this time to screen the view of the wall and a condition of approval has been added to increase landscaping below the rear wall.

D. ENVIRONMENTAL REVIEW

The Guidelines of the California Environmental Quality Act (CEQA) include a number of types of projects that are generally exempt from environmental review. Staff has determined that the project qualifies for an exemption per Section 15301 (Existing Facilities) for the project. The project would not result in significant impacts on traffic, noise, air quality, water quality, biological resources or any other environmental resources or hazards.

VII. RECOMMENDATIONS/FINDINGS

In general, the size and massing of the project as proposed in Option B are consistent with the surrounding neighborhood, the project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission

approve the project as outlined in Option B subject to the conditions of approval included in Exhibit A and make the following findings:

A. MODIFICATION TO ALLOW A WALL THAT EXCEEDS 3½ FEET IN HEIGHT TO BE LOCATED WITHIN 10 FEET OF THE FRONT LOT LINE (SBMC §28.87.170)

In order to approve the requested Modification, the Planning Commission must be able to find that it meets the intent and purpose of the Ordinance and is necessary to: 1) secure an appropriate improvement to the lot; 2) prevent unreasonable hardship, or; 3) promote uniformity of improvement on the site. The required findings to allow a wall that exceeds 3½ feet in height to be constructed within 10 feet of the front lot line can be made because, the width of Mission Ridge Road is approximately 30 feet, there is landscaped right-of-way between the road and the property of approximately 30 feet, the visibility of the wall from Mission Ridge Road is minor as the property slopes downward from the road and the wall does not obstruct visibility of vehicular traffic.

B. NEIGHBORHOOD PRESERVATION ORDINANCE (SBMC §22.68.060)

The project's mass, bulk, and scale must be found compatible with the neighborhood, the project's grading must be found to be appropriate, and the project must protect, to the extent possible, mature or native trees and public views. Therefore, the project outlined in Option B can be found consistent with the following NPO Findings:

1. The public health, safety and welfare will be protected because the project will be designed structurally and with appropriate erosion control measures as required by the Building and Safety Division.
2. The grading and development will be 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. The area of grading for the rear wall that has been approved was on the south side of the site behind the dwelling and the area of grading for the demolition of the swimming pool is on the south side of the site behind the dwelling. To reduce the wall and visibility from below additional landscaping is required. The grading for the front wall is on the north side of the property abutting Mission Ridge Road. Landscaping is proposed to replace the landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood and to help screen the wall from view. Option B also proposes grading to somewhat re-create the original condition of the topography on the street frontage side of the property
3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees within a minimum trunk diameter of four inches measured four feet from the base of the trunk. No trees on the property are proposed to be removed as part of the project and oak tree and tree protection measures will be implemented as a condition of approval for the project. Landscaping that has

already been removed from the public right-of-way is to be replaced as shown on the proposed landscape plan for the project.

4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The wall is of a high quality and the proposed landscaping will replace landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood. Additionally, landscaping will be required below the rear wall.
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.
6. The development will preserve significant public scenic views of, and from, the hillside. The project will not have an adverse impact on any public views as the wall height from the Mission Ridge Road side is minimal and the property slopes downward away from the street.

Exhibits:

- A. Conditions of Approval
- B. Site Plan, Oak Protection, Drainage & Wall Plan, Walls Sections & Elevations
- C. Applicant's letter, dated September 13, 2005
- D. ABR Minutes
- E. Letter to the PC dated October 23, 2005 from Raymond F. Sawyer



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-06

1425 MISSION RIDGE ROAD

MODIFICATION AND NEIGHBORHOOD PRESERVATION ORDINANCE

FEBRUARY 16, 2006

APPLICATION OF PHILIP SUDING, AGENT FOR ESCALARA LIVING TRUST, PROPERTY OWNERS, 1425 MISSION RIDGE ROAD, APN 019-103-023, A-2, SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, THREE UNITS PER ACRE (MST2005-00098)

The project consists of "as-built" construction of a 229 foot long concrete masonry unit retaining wall (which varies in height) at the front of the property to a maximum height not to exceed 9 feet, "as-built" cumulative grading in excess of 500 cubic yards, "as-built" demolition of an existing swimming pool, a proposal to construct 55 linear feet of retaining walls and iron entry gates to be a maximum height not to exceed eight feet at the driveway, and a landscaping plan to replace landscaping that was removed from the public right-of-way. Two options are shown on the current proposal. Option A proposes to leave the wall at its current "as built" maximum height not to exceed 9 feet. Option B proposes to reduce the height of the wall to a maximum height not to exceed 7 feet.

The following discretionary applications are required for the project:

1. A Modification to allow a wall that exceeds 3 ½ feet in height to be located within 10 feet of the front lot line (see SBMC § 28.87.170).
2. Neighborhood Preservation Ordinance Findings for grading in excess of 500 cubic yards outside the building footprint (SBMC § 22.68.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

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 1 person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 9, 2006
2. Site Plans
3. Correspondence received in support of the project:
 - a. Kilburn & Shirley Roby, 1521 Hillcrest Road, SB, CA 93103
4. Correspondence received in opposition to the project:
 - a. Susette & Winford Naylor

EXHIBIT E

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

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

A. **Modification To Allow A Wall That Exceeds 3½ Feet In Height To Be Located Within 10 Feet Of The Front Lot Line (SBMC §28.87.170)**

In order to approve the requested Modification, the Planning Commission must be able to find that it meets the intent and purpose of the Ordinance and is necessary to: 1) secure an appropriate improvement to the lot; 2) prevent unreasonable hardship, or; 3) promote uniformity of improvement on the site. The required findings to allow a wall that exceeds 3½ feet in height to be constructed within 10 feet of the front lot line can be made because, the width of Mission Ridge Road is approximately 30 feet, there is landscaped right-of-way between the road and the property of approximately 30 feet, the visibility of the wall from Mission Ridge Road is minor as the property slopes downward from the road and the wall does not obstruct visibility of vehicular traffic.

B. **Neighborhood Preservation Ordinance (SBMC §22.68.060)**

The project's mass, bulk, and scale must be found compatible with the neighborhood, the project's grading must be found to be appropriate, and the project must protect, to the extent possible, mature or native trees and public views. Therefore, the project outlined in Option B can be found consistent with the following NPO Findings:

1. The public health, safety and welfare will be protected because the project will be designed structurally and with appropriate erosion control measures as required by the Building and Safety Division.
2. The grading and development will be 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. The area of grading for the rear wall that has been approved was on the south side of the site behind the dwelling and the area of grading for the demolition of the swimming pool is on the south side of the site behind the dwelling. To reduce the wall and visibility of the wall from below; additional landscaping is required. The grading for the front wall is on the north side of the property abutting Mission Ridge Road. Landscaping is proposed to replace the landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood and to help screen the wall from view. Option B also proposes grading to somewhat re-create the original condition of the topography on the street frontage side of the property
3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees within a minimum trunk diameter of four inches measured four feet from the base of the trunk. No trees on the property are proposed to be removed as part of the project and oak tree and tree protection measures will be implemented as a condition of approval for the project. Landscaping that has

already been removed from the public right-of-way is to be replaced as shown on the proposed landscape plan for the project.

4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The wall is of a high quality and the proposed landscaping will replace landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood. Additionally, landscaping will be required below the rear wall.
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.
6. The development will preserve significant public scenic views of, and from, the hillside. The project will not have an adverse impact on any public views as the wall height from the Mission Ridge Road side is minimal and the property slopes downward away from the street.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director, executed by Owner and recorded in the Office of the County Recorder by the City:
 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 3. **Allowed Development.** The development of the Real Property approved by the Planning Commission on February 16, 2006 is limited to the improvements shown on the Development Plan for Option B, including the cheek wall, signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 4. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.

5. **Future House.** Any future house will be a single story house in the Mediterranean architectural style, subject to approval by the Architectural Board of Review, and maintain the view corridor from Franceschi Park.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on a one-for-one basis with a minimum (24-inch box sized) (15 gal. size) tree of an appropriate species or like species.
 2. **Tree Protection Measures.** The landscape and grading plans shall include the following tree protection measures:
 - a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - c. **Grading Plan Notes.** Notes on the plans that specify the following:
 - (1) No irrigation systems shall be installed under the driplines of trees.
 - (2) No grading shall occur under the driplines of the existing trees.
 - (3) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (4) All excavation within the dripline of the trees shall be done with hand tools.
 - (5) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (6) The trees shall be thinned as needed in accordance with recommendations of a qualified Arborist.
 - (7) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - (8) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.

5. **Arborist Report.** The recommendations outlined in the arborist report prepared by Robert Muraoka, M.S., B.S. and dated October 31, 2005 shall be implemented.
6. **Oak Tree Protection Measures.** The following provisions shall apply to oak trees on site:
 - a. Oak trees not indicated for removal on the site plan shall be preserved protected, and maintained.
 - b. During construction, fencing or protective barriers shall be placed around the driplines of all oak trees with driplines within 25 feet of development.
 - c. No grading shall occur under any oak tree dripline except as indicated on the drainage and grading plan for construction of the wall**. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - d. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - e. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - f. Landscaping provided under the oak trees shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
 - g. Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a (three to one (3:1)) (five to one (5:1)) (ten to one (10:1)) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 - h. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

7. **Additional Landscaping Below Rear Wall.** Substantial additional landscaping shall be planted below the rear wall to reduce its visibility, including fast-growing shrubs and cascading vines.
 8. **Option B Approved.** Final wall design shall be consistent with Option B, presented to the Planning Commission and shall be faced with sandstone on both sides to grade to match, including cheek wall height reduction.
- C. **Public Works Submittal Prior to Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the project:
1. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.
 2. **Public Improvement Plans:** Owner shall submit building plan for construction of repair of public improvements along the subject property road frontage on Mission Ridge Road. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards portions of damaged curb along property frontage.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions and Conditions of Approval.
 2. **Best Management Practices:** The Owner shall apply storm water quality control guidelines to the project per the Public works Department Construction Project Best Management Practices.
 3. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant.

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.

4. **Soils Report.** A soils report shall be submitted to the Building Division.
5. **Engineered Drainage and Grading Plan.** An engineered drainage and grading plan shall be submitted to the Building Division.
6. **Geology Report.** A geology report prepared by a licensed engineer, geologist or equal and all recommendations incorporated into the construction plans.
7. **Structural Engineer Report.** A report prepared by a structural engineer as required by the Building Official for the wall.
8. **Construction-Related Truck Trips.** Construction-related truck trips 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.) to help reduce truck traffic on adjacent streets and roadways.
9. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Operations Manager.
10. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
11. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

*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 at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night 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.

12. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. Storage of construction materials within the public right-of-way is prohibited.

13. **Water Sprinkling During Grading.** 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 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 in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

14. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
15. **Disturbed Soil Stabilization.** After clearing, grading, earth moving and/or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. 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; or
 - d. Other methods approved in advance by the Air Pollution Control District.
16. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
17. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
18. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.
19. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
20. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above 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.

E. **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 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 shall be pruned under the direction of a qualified Arborist.
2. **New Street Trees.** Provide street trees as shown on the approved landscape plan.

F. **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 the City Council denial of the appeal and approval of 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 APPROVAL TIME LIMITS:

The Planning Commission's action approving the Conditional Use Permit, Modification or Variance shall terminate one (1) year from the date of the approval, per SBMC 28.87.360, unless:

1. A building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.
3. The project also includes Neighborhood Preservation Ordinance, in which case the longer approval period shall prevail.

This motion was passed and adopted on the 16th day of February, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (Jostes) ABSTAIN: 0 ABSENT: 1 (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.

