



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 002-07

612 ALSTON ROAD

STREET FRONTAGE MODIFICATION AND TENTATIVE SUBDIVISION MAP

JANUARY 4, 2007

**APPLICATION OF DIANE NORMAN, 612 ALSTON ROAD, APN 015-171-014, A-2 SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 2 UNITS PER ACRE (MST2005-00184)**

The project involves the subdivision of a 88,205 square foot parcel (net) into two parcels totaling 39,284 net square feet (Parcel A) and 48,921 net square feet (Parcel B) in the A-2 Zone. An existing single-family residence would remain on proposed Parcel A and no new development is currently proposed for Parcel B. A modification would be required for Parcel B to have less than the required 100 feet of frontage on a public street. The proposed project was previously reviewed by the Planning Commission on December 14, 2006, and was continued indefinitely.

The discretionary applications required for this project are:

1. A Modification to allow less than the required street frontage for a newly created lot in the A-2 Zone (SBMC §28.15.080 and §28.92.110.A); and
2. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC §27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (minor land divisions).

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

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

1. Staff Report with Attachments, September 28, 2006
2. Staff Report with Attachments, December 7, 2006
3. Staff Report with Attachments, December 28, 2007
4. Tentative Subdivision Map
5. Correspondence received in opposition to the project:

Ray Seskin, 260 Rametto Road, S.B., CA 93108 and petition with 4 neighbors.

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

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

A. **Street Frontage Modification** (SBMC §28.15.080 and §28.92.110.A)

The modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot. The proposed lot configuration is consistent with the surrounding pattern of development and the location of the existing residence limits the amount of available street frontage for a newly created parcel. There are adjacent parcels in the neighborhood that have less than 100 feet of street frontage or no street frontage at all.

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

With the approval of the street frontage modification, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara since the proposed lots would meet the minimum lot size specified in the A-2 zone and the density requirements of the General Land Use Designation of two units per acre.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 5, 2006 is limited two lots and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
4. **Drainage.** Pre-development runoff rates shall be maintained. On-site detention of calculated increases in runoff for a 25-year storm event associated with new

development on a parcel, and as indicated in the Final Hydrology Report, shall be required.

5. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building permit is required to authorize such work.
  6. **Soils Report.** A soils report shall be submitted to the Building and Safety Department prior to and/ or concurrent with the application for a building permit for a new residence on Parcel B. A soils report shall also be submitted for additions or new structures that are 1,000 square feet or greater on either parcel.
  7. **Tree Protection Plan.** A Tree Protection Plan, prepared by a Certified Arborist, shall be prepared for the construction of the new driveway and residence on Parcel B.
  8. **House Design.** The new house on Parcel B shall be designed to avoid excessive massing near the Eastern property line.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Street Light.** Location and type of new City Standard street light.
  2. **Tree Protection Plan.** Provide a Tree Protection Plan prepared by a Certified Arborist for the construction of the new driveway and residence on Parcel B. The Tree Protection Plan shall be based on the Arborist Report, prepared by Duke McPherson, dated May 21, 2006, and shall consist of a Proposed Tree Retention Plan, and Proposed Tree Removal and Impact Mitigation Plan. Said Plans shall be reviewed and approved by the ABR and shall include the following:
    - a. **Proposed Tree Retention Plan:** The Proposed Tree Retention Plan shall show all proposed development, including structure footings, grading and fill, and utilities, with potential for impacts to existing trees (4 inch diameter or greater). All trees to be removed shall be indicated with an "X" drawn through the tree.  
  
Provide a Plan for the retention of trees including a fencing plan that shows trees to be retained with temporary protective fencing to be installed prior to any on-site ground disturbance shown 5'0" outside of actual dripline of the tree. Other methods to protect trees during

construction including but not limited to, root cutting and pruning techniques, use of hand tools, minimizing disturbance, etc.

- b. **Tree Removal and Impact Mitigation Plan:** Provide a Mitigation Plan for the removal or substantial encroachment of 20 % or more into the dripline of any “healthy” existing surveyed tree (4 inches diameter or greater).
  3. **Driveway location.** The new driveway for Parcel B shall be located on the western portion of Parcel B, in order to avoid impacts to existing oak trees to the extent feasible.
  4. **House Design.** The new house on Parcel B shall be designed to parallel the topographic lines, and avoid excessive massing near the Eastern property line.
- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner’s signature.
  3. **Off-Site Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Alston Road. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: new City standard residential driveway approach, underground service utilities, supply and install one residential standard street light, preserve and/or reset survey monuments, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the future development of Parcel B.
1. **Recordation of Parcel Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
  3. **Hydrology Report.** The Owner shall submit a final hydrology report justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event. The report shall indicate recommendations for the detention of an increase to pre-development runoff levels.
- E. **Community Development Requirements Prior to Building Permit Issuance.** The following shall be finalized prior to, and/or submitted with, the application for a Building permit:
1. **Soils Report.** Submit to the Building and Safety Division a soils report. A soils report shall be submitted for additions or new structures that are 1,000 square feet or greater on either parcel.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for future Building permits for development on Parcel B.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.
  2. **Technical Reports.** All recommendations of the soils report, approved by the Building and Safety Division, shall be incorporated into the construction plans. Recommendations of the final hydrology report, approved by the Public Works Department, shall also be incorporated into the construction plans.
  3. **High Fire Hazard Construction.** High fire hazard construction requirements shall be met.
  4. **Unanticipated Archaeological Resource Discovery Procedures and Mitigation.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction:  
  
Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts.  
  
If during any grading or construction on the site such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, further analysis

and/or other mitigation shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission, and implemented by the project Work in the area may only proceed after the Environmental Analyst grants authorization.

If prehistoric or other Native American remains are encountered, a Native American representative shall be consulted, and the archaeologist and Native American representative shall monitor all further subsurface disturbances in the area of the find.

If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted.

5. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). 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.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 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 1st*
Martin Luther King's Birthday .....	3rd Monday in January
Presidents' Day .....	3rd Monday in February
Memorial Day .....	Last Monday in May
Independence Day .....	July 4th*
Labor Day .....	1st Monday in September
Thanksgiving Day .....	4th Thursday in November
Following Thanksgiving Day .....	Friday following Thanksgiving Day
Christmas Day .....	December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out 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.

3. **Construction Storage.** Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
4. **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.
  - a. 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.
5. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

6. **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, as directed by the Building Inspector.
  7. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
  8. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
  9. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors name, telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
  10. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
  11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any 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. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.
- I. **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 Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. The parcel map is approved and recorded. An extension may be granted by the Community Development Director.
2. 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.

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

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

This motion was passed and adopted on the 4th day of January, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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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.