



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 031-07

2067 EUCALYPTUS HILL ROAD

TENTATIVE SUBDIVISION MAP, MODIFICATION, STREET FRONTAGE WAIVER

AUGUST 16, 2007

**APPLICATION OF JIM STAPLES, AGENT FOR HAMMETT FAMILY PARTNERSHIP,  
2067 EUCALYPTUS HILL ROAD, 013-240-001 AND -003, A-2 SINGLE FAMILY  
RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 2 UNITS/ACRE  
(MST2007-00288)**

The project consists of the subdivision of an existing 11.51-acre lot located in large part (9.33 acres) within the County of Santa Barbara's Jurisdiction with the remainder portion (2.18 acres) falling under the City's Jurisdiction. The subdivision will result in two newly created parcels with Parcel 1 resulting in a 5.01-acre lot and Parcel 2, a 6.50-acre lot. Each of the lots will have portions of the lot crossing the jurisdictional boundaries into the City at the southerly end. The proposal outlines development envelopes, located entirely within the County, for the existing and the proposed development for each parcel. Parcel 1 is proposed with two development envelopes and Parcel 2 with one development envelope where the existing house will remain. There is an existing shed, on proposed Parcel 1, which is proposed to be demolished. The City portions of each lot are to remain undeveloped with the exception of the existing driveway. The Montecito Planning Commission reviewed this subdivision and granted its approval contingent on the City of Santa Barbara's review and approval.

The discretionary applications required for this project are:

1. A Modification to allow the creation of a lot without the required 100' feet of street frontage. (SBMC §28.15.080 and §28.92.110.A);
2. A Public Road Waiver (SBMC §22.60.300) to allow the creation of a new lot to be accessed via a private driveway serving more than two lots. (SBMC § 27.08); and
3. A Tentative Subdivision Map to allow the division of one parcel(s) into two parcels (SBMC 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15315.

**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, August 9, 2007
2. Site Plans

3. Correspondence received with concern about neighborhood drainage:
  - a. Frank Randall , Santa Barbara

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

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

**A. Lot 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. Public Road Waiver (SBMC §22.60.300)**

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

1. The proposed roadway, lane, drive or driveway will provide adequate access to the subject property and other properties using said roadway, lane, drive or driveway.
2. The proposed roadway, lane, drive or driveway and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed private road, lane, drive or driveway by either of the following:
  - a. There is a recorded agreement that provides for adequate maintenance of said road, lane, drive or driveway, or
  - b. The owner of the subject property has agreed to adequately maintain said private road, lane, drive or driveway and said agreement has been or will be recorded prior to recordation of the final or parcel map.
4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development.

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

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

II. Said approval is subject to the County Conditions of Approval listed in the County Planning Action Letter dated March 30, 2007:

- A. This Tentative Parcel Map is based upon and limited to compliance with the project description, the Montecito Planning Commission hearing exhibits marked A-D, dated March 29, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Planning & Development Department for conformity with this approval. Deviations may require modification to the map and/or further environmental review. Deviations without the above described approval will constitute a violation of approval.

The project description is as follows:

The request is for a Tentative Parcel Map (TPM 14,674) to divide one legal lot of 11.51 gross acres into two lots of 5.01 acres (Proposed Parcel 1) and 6.50 acres (Proposed Parcel 2.) Proposed Parcel 1 is currently undeveloped and no new development is proposed as part of the lot split request. Development envelopes have been designated on both proposed parcels to confine site preparation activities (grading for utilities, access, future structures, etc.). Existing and future structural development would also be restricted to the area within the building envelopes depicted on the map. Proposed Parcel 1 would have two development envelopes and Proposed Parcel 2 would have one envelope. The southerly building envelope on Proposed Parcel 1 would be limited to unplumbed structures.

The proposed lot line would run north-south. The majority of the project site would be located within the jurisdiction of Santa Barbara County. However, the southern portion of the existing lot and portions of both proposed parcels would be located within the City of Santa Barbara's jurisdiction.

The property is currently developed with an existing 2,352 square foot single-family residence (located on Proposed Parcel 2) with an attached 789 square foot garage and a 216 square foot shed. An existing gardener's shed located on Proposed Parcel 1 would be removed as part of the project.

Access to the proposed parcels would be taken via an existing, improved 15 foot-wide private driveway from Eucalyptus Hill Road. The existing residence (to be located on Proposed Parcel 2) is currently served by the City of Santa Barbara Water District, the Montecito Fire District and the Montecito Sanitary District. All future development on Proposed Parcel 1 would be served by the Montecito Sanitary District, the Montecito Water District and the Montecito Fire Department. Proposed Parcel 1 has an existing Montecito Water District meter and an existing connection to the Montecito Sanitary District sewer main is stubbed out for future service. A private lift station for the sewer system would be required in order to serve future development on Proposed Parcel 1.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above

and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**B. County Rules And Regulations.** Compliance with Departmental letters required as follows:

1. Air Pollution Control District dated July 12, 2005
2. Environmental Health Services dated February 27, 2007
3. Parks Department dated February 1, 2007
4. County Surveyor dated July 8, 2005
5. Public Works Department dated January 24, 2007

**C. Project Specific Conditions.**

1. **Montecito Board of Architectural Review:** The design, scale and character of future residences and accessory residential structures shall be compatible with vicinity development. Natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures.

**Plan Requirement and Timing:** Materials shall be denoted on building plans. The applicant shall submit architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to approval of Land Use Permit. Grading plans, if required, shall be submitted to County P&D concurrent with or prior to Montecito Board of Architectural Review plan filing.

2. **Night Lighting:** Any exterior night lighting installed, as part of future residences or accessory residential structures shall be of low intensity, low glare design, and shall be fully hooded to direct light downward. **Plan Requirements/Timing:** Future plans submitted to the Building & Safety Division shall include the locations of all exterior lighting fixtures, catalogue cut sheets of the fixtures showing the method for shielding the light source and reducing glare, information on the illumination levels, and provisions for automatic shut-off after 10 pm. **Monitoring:** County P&D shall ensure that the final architectural building plans, the final landscape plans, and the final lighting plans are included in the plan set accompanying the building and electrical permits.
3. **Construction Hours:** All future site development and/or noise generating construction and construction equipment maintenance shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday-Friday only and shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-noise generating

construction activities, such as interior painting, are not subject to these restrictions.

4. **Wash-Out Area:** During future construction, the washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs.

**Plan Requirements/Timing:** A washout area, acceptable to County P&D, shall be shown on all grading and building plans prior to issuance of a Building Permit. This condition shall be printed on all grading and building plans.

**Monitoring:** The washout area(s) shall be in place and maintained throughout construction. County P&D staff shall site inspect throughout the construction period to ensure proper use, location, and maintenance of the washout area(s).

5. **Erosion Control:** Prior to issuance of the Land Use Permit, a grading and erosion control plan shall be prepared to minimize erosion from any grading and construction activities during all phases of development on the site. The plan shall include the best available erosion and sediment control measures to prevent erosion and siltation into drainage courses and environmentally sensitive habitat areas. Mechanisms such as temporary berms, silt fencing, straw bales, sediment basins, and spot grading shall be used in combination with one another during all grading and site construction activities.

Graded areas not to be covered with structures or landscaping shall be re-vegetated within four weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established. If the site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation: seeding and watering to re-vegetate graded areas and/or spreading of soil binders. Mulch and weed control should also be used to protect soils and minimize weed establishment. Erosion and sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures, or landscaping. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.

**Plan Requirements:** This condition shall be printed on all grading plans.

**Timing:** The plan shall be implemented prior to the commencement of grading/construction.

**Monitoring:** County P&D staff shall perform site inspections throughout the construction phase to ensure compliance with the approved plan.

6. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion.

**Plan Requirements:** This requirement shall be noted on all grading and building plans.

**Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

**Monitoring:** County P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

7. **Fugitive Dust:** Dust generated by future development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.
  - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
  - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

**Plan Requirements:** All requirements shall be shown on grading and building plans.

**Timing:** Condition shall be adhered to throughout all grading and construction periods.

8. **Archaeological Resources:** In the event that archaeological resources and/or remains are encountered during grading activities, activities shall be temporarily suspended in the area of the find and the applicant shall retain a County P&D-approved archaeologist and Native American observer to carry out a Phase 1 archaeological investigation pursuant to County Archaeological Guidelines to

evaluate the significance of the find. If resources are found to be significant, the applicant shall fund a Phase 2 or Phase 3 data recovery program pursuant to the County's Archaeological Guidelines. County P&D shall prepare the scope of work for all investigations.

**Plan Requirements:** This condition shall be printed on all building and grading plans.

**Monitoring:** County P&D shall check plans prior to approval of Land Use Permit and shall spot check in the field.

9. Prior to recordation, the applicant shall provide County P&D staff with evidence of approval of this subdivision from the City of Santa Barbara or documentation of their need to not review the project.
10. Prior to recordation, the applicant shall provide evidence that the existing shed located in the northwest corner of the property has been removed.
11. Prior to recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D, to reserve two easements for ingress and egress purposes:
  - a. Over Parcel #2 in favor of Parcel #1 at the time of conveyance of either parcel.
  - b. Over Parcel #1 in favor of Parcel #2 at the time of conveyance of either parcel.

**Timing:** This agreement is to be recorded with the Final Map.

**D. Tentative Parcel Map Conditions**

1. Prior to recordation of the tentative map and subject to County P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Final Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. If Land Use Permits are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued Land Use Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
2. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
3. Three copies of the map to finalize the Tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for

compliance review of County P&D conditions before County P&D will issue Final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.

4. If, prior to the Board action on the map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
  5. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
  6. All new utilities required for future development shall be installed underground.
  7. The Tentative Parcel Map (TPM 14,674) shall expire three years after approval or conditional approval by the final review authority unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
- E. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Parcel Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- F. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

III. Said approval is subject to the City Conditions of Approval as follows:

- A. **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 recordation of Parcel Map*:
1. **Dedication(s).** Road Easement described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
    - a. Identify City Resolution No. 2737 for Eucalyptus Hill Road frontage on the Parcel Map, and clearly identify the offered easement on the Parcel Map with a detail identifying bearings and distances.
    - b. Add a separate City Council Statement, and signature line to the Parcel Map for James L. Armstrong, City Clerk, City of Santa Barbara, for the City to accept the offer, and provide an opportunity for the City of Santa Barbara Real Property staff and Engineering staff to review the Draft Parcel Map, prior to recordation.
    - c. A reciprocal access easement (16 feet in width) for vehicles and pedestrians as described above in County Condition I.C.11.
  - 2.. **Wildland Fire Plan and Site Specific Fuels Management Program.** The owner shall provide a fuels management program to be reviewed and approved by the Montecito Fire Department and the Santa Barbara City Wildland Fire Specialist for both resulting parcels. All fuels abatement to be completed by the owner prior to issuance of building permits for new construction.
- C. **Design Review.** The following items are subject to the review and approval of the City's Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following conditions have been satisfied.
- Single Family Design Board (SFDB) Review.** The portion of the site that is located within the City jurisdiction would be subject to the review such as alterations to the design and/or materials for the existing drainage, existing private driveway or that involve grading, tree or vegetation removal other than required by the Fire Department must be reviewed and approved by the SFDB.
- D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
- Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
- E. **City 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.

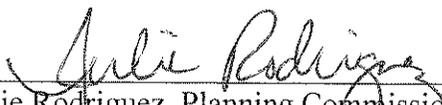
**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

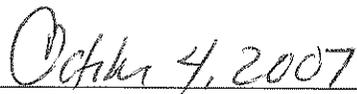
The Planning Commission's action approving the Tentative Map shall expire three years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 16th day of August, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Bartlett)

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.