



**City of Santa Barbara
Community Development**

Memorandum

DATE: June 30, 2016
TO: **Planning Commission**
FROM: Allison De Busk, Project Planner *AD*
SUBJECT: 133 W. Mountain Drive – Substantial Conformance Determination Request

On July 12, 2001, the Planning Commission approved a 4-lot subdivision of 121 W. Mountain Drive. The subject property (133 W. Mountain Drive) was Lot 4 of that subdivision and is 3.07 acres. One of the conditions of approval applied to the subdivision by the Planning Commission was a limitation on the height and size of future development on this lot, as follows:

Max. Building	All Other Structures	Total	Height Limit
4,500 SF	1,000 SF	5,500 SF	16 feet from natural grade

The applicant is now requesting a substantial conformance determination to allow a portion of the proposed single-family residence to exceed 16 feet in height as measured from natural grade. The proposed residence would be 2,103 square feet with an attached 975 square foot garage/workshop, and received final approval from the Single Family Design Board on November 16, 2015. At that time, it was believed that the residence complied with the height limitation identified in the conditions of approval.

During preparation of construction plans, when the applicant obtained more accurate data regarding existing topography, it was determined that a portion of the proposed residence exceeded the 16-foot height limit established by the Planning Commission. The applicant cannot simply cut into the hillside to lower the height (as measured from natural grade) because of limitations on the slope of the driveway.

The applicant has provided plans that identify how much of the proposed structure exceeds the 16-foot height limitation. The maximum proposed building height is approximately 20 feet and it is primarily the roof structure itself that exceeds the height limit. The garage and workshop contain the most area above this height limit. It should be noted that the garage in particular has a high (10-foot) ceiling height. The applicant has indicated that this was done for architectural interest, to break up the roof line.

The Planning Commission’s Lunch Meeting discussion on this item has been noticed to neighbors within 300 feet of the subject parcel.

BACKGROUND

The original subdivision was reviewed by the Planning Commission on June 14, 2001, where it was continued with comments. At that time, the applicant was proposing to limit future development to 6,000 square feet and 26 feet in height.

On July 12, 2001, the subdivision was considered again by the Planning Commission, and future development was proposed by the applicant to be limited to 5,500 square feet with maximum heights of 21 feet. The Planning Commission approved the subdivision with added and revised conditions, one of which was to limit the height of the future structures to 16 feet to address concerns related to visibility (due to the location on a ridgeline); size, bulk and scale; and compatibility with the rural character of the surrounding neighborhood. The Minutes from that meeting also include Commissioner comments that grading should be limited and alteration of the natural topography should be minimized. It should be noted that the condition to limit the height was not added to mitigate an environmental impact. The Negative Declaration prepared for the subdivision analyzed a residence with a height of 21 feet from natural grade and found that to be a less than significant impact to visual resources.

The Planning Commission's approval was appealed to the City Council by the Mountain Drive Community Association. The City Council heard the appeal on October 2, 2001 and continued the project for additional information regarding fire and water service. The appeal was withdrawn following that hearing because the applicant and appellants came to an agreement.

Houses were built on two of the four lots (125 and 129 W. Mountain) in 2006. A building permit is pending for construction of a new residence on 121 W. Mountain.

SUMMARY

Staff concurs with the applicant that the house size and height are modest and, overall, the project would have less impact than a house developed to the maximum square footage allowances, but under the 16-foot height limit. However, size, bulk and scale were critical issues to neighbors and the Planning Commission throughout the review on the project. Staff believes that the plate heights within the garage and workshop could be reduced to comply with the height limit, but it would affect the building's architecture. Therefore, staff is requesting feedback from the Planning Commission on this request.

As additional background for the discussion, staff has attached the following documents:

- 1) Applicant Request (includes Planning Commission Resolution No. 036-01)
- 2) Proposed Plans
- 3) Planning Commission Minutes, July 12, 2001
- 4) Planning Commission Minutes, June 14, 2001
- 5) Council Agenda Report for October 2, 2001, dated September 28, 2001

The following documents are available upon request:

- 1) Planning Commission Staff Report for July 12, 2001
- 2) Planning Commission Staff Report for June 14, 2001



March 9, 2016

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George Buell, Director
Community Development Department
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Delivered via E-mail and by Hand

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JUN 13 2016

CITY OF SANTA BARBARA
PLANNING DIVISION

**RE: 133 West Mountain Drive (APN 021-061-024) - MST2015-00148
Request For Substantial Conformity Determination**

Dear George:

Vanguard Planning Inc. (hereinafter "VPINC") represents Brad Hasse (the "Owner"), owner of the above referenced property (the "Subject Property"). The purpose of this letter is to request a Substantial Conformity Determination (hereinafter "SCD") with respect to a minor deviation in the height of a proposed structure relative to a height limit specified in the subdivision conditions of approval applicable to the Subject Property.

The Subject Property is Lot 4 of Parcel Map 20,652, which was approved by the City of Santa Barbara (the "City") pursuant to PC Resolution No. 036-01 (the "Resolution") on July 12, 2001. A copy of the approval resolution is included as **ATTACHMENT A**.

Condition 6 on Page 6 of the Resolution limits the size of the main structure on Lot 4 to 4,500 s.f., provides for an additional 1,000 s.f. of accessory structures, and imposes a 16 foot height limit "from natural grade" for all future structures. The Planning Commission did not evaluate any specific structure proposals for the Subject Property during its review and approval of the subdivision, and the language in the Resolution indicates what the Commission believed would be necessary to ensure that an overly large and/or tall structure was not developed on this lot (or the other three lots) resulting in significant visual impacts.

The Owner has received Final Approval from the City's Single Family Design Board (hereinafter "SFDB") for a new 2,103 s.f. single family residence with an attached 975 s.f. garage/workshop and is in the last round of Building Department plan check. A full size copy of the current plans (relevant sheets only) are included with this letter. The SFDB specifically evaluated the mass bulk and scale of the Owner's current proposal and determined that it is aesthetically appropriate for this site. This modest proposal represents substantially less development than what is allowed pursuant to the Resolution (it is only 56% of the allowable structural area) and has far less potential to result in visual and grading impacts than any configuration of development approaching the allowable 5,500 s.f. maximum established for the Subject Property.

During the final design of this project, grading for the driveway and finished floor elevations of the home were determined using current, highly accurate data that was not provided to the Planning Commission during its review of the subdivision in 2001. As a result of existing topography, which drops away from the private access road at slightly more than a 20% slope, and the need to maintain a maximum of a 20% slope on the driveway serving the new residence to comply with City Public Works requirements, tiny portions of the second story, which comprises the garage/shop, extend beyond the 16 foot height limit imposed by the Resolution.

Although a few small portions of the structure's roof extend beyond a fictional line that is 16 feet above natural grade, the entire mass of the structure is within the 16 foot height limit. Furthermore, as discussed above, the current proposed residence represents roughly half of what the Planning Commission authorized to be built on the Subject Property. Therefore, we believe that the proposed structure remains consistent with the purpose and intent of the original conditions set forth in the Resolution, and that an SCD can be made to allow for limits corners of the roof to exceed the fictional line that is 16 feet above the existing grade.

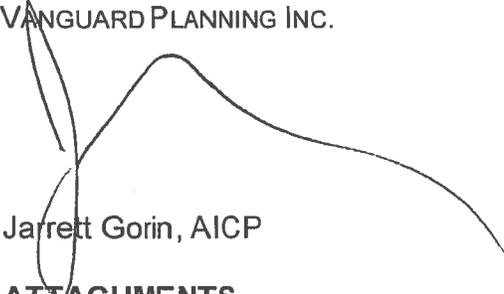
We respectfully request that you determine this project to be in substantial conformance with the existing conditions of approval set forth in the attached Resolution.

Please contact me via E-mail at jarrett.gorin@vanguardplanning.com or at (805) 966-3966 if you have any questions about this request.

Thanks for taking the time to review this.

Sincerely,

VANGUARD PLANNING INC.



Jarrett Gorin, AICP

ATTACHMENTS

A. Resolution No. 036-01 dated July 12, 2001

cc: **Beatriz Gularte (via E-mail only)**
Brad Hasse (via E-mail only)

ATTACHMENT A

Resolution No. 036-01 dated July 12, 2001



City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 036-01
121 W. MOUNTAIN DRIVE
JULY 12, 2001

APPLICATION OF ROBERT AND JENNIFER CONROW, PROPERTY OWNERS, 121 W. MOUNTAIN DRIVE, APN 021-061-019; A-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST99-00526)

The project involves the subdivision of a 22.23-acre parcel into four (4) single-family parcels of 7.01, 6.16, 6.0, and 3.07 acres with associated site improvements. The existing parcel is zoned A-1, Single-Family Residential Zone and has an average slope of 51%. The northern property line of the existing lot is also the City of Santa Barbara Boundary Line. Coyote Creek runs north to south on the westerly portion of the property. The site is accessed by way of a private road off Mountain Drive, through a parcel outside of the City Limits. The existing site as well as the newly created lots will not have public street frontage. Existing development located on the northeasterly portion of the site includes a one-story wood frame single-family residence with a two-car garage and an accessory building. The discretionary applications required for this project are:

1. A Tentative Subdivision Map to subdivide an 22.23 gross acre lot into four (4) residential lots (SBMC §27.07);
2. Four Modifications of the required 100-foot street frontage for four (4) newly created parcels located in an A-1 Zone (SBMC §28.15.080);
3. Neighborhood Preservation Ordinance Compliance is required to allow grading in excess of 500 cubic yards (SBMC §22.68.070). The project site is located within the Hillside Design District; and
4. A Public Street Frontage Waiver to allow a subdivision creating lots without public street frontage to be served by a private road or driveway which serves more than two (2) lots (SBMC §22.60.300).

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074. (MGS)

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

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

1. Staff Report with Attachments, July 12, 2001

2. Site Plan
3. Letter were received in support from the following:
 - a. Karen Skaggs, Santa Barbara
 - b. A petition signed by 22 individuals
4. Letters were received in opposition from the following:
 - a. A petition signed by 50 individuals.
 - b. M. Barry Selmer, Santa Barbara Investment Company, Santa Barbara

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

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

The proposed project is appropriate in this area and is compatible with the surrounding neighborhood. The project is not expected to cause a detrimental impact to adjacent properties. Therefore, Staff recommends that the Planning Commission make the following findings, adopt the Final Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Plan, and approve the project subject to the Revised Conditions of Approval.

A. *Environmental Findings:*

1. The Planning Commission considered the Initial Study and Mitigated Negative Declaration MST99-00526 and comments received during the public review. In the Planning Commission's independent judgment, there is no substantial evidence in the whole record that the project would result in significant environmental impacts. Mitigation measures have been incorporated as proposed conditions of approval. The Planning Commission hereby adopts the Final Mitigated Negative Declaration MST99-00526.
2. A Mitigation Monitoring and Reporting Plan is included in the Final Mitigated Negative Declaration and has been incorporated into project conditions of approval.
3. The location and custodian of documents which constitute the record of proceedings for the adoption of Mitigated Negative Declaration MST99-00526 is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
4. Based on the Initial Study and Mitigated Negative Declaration analysis and incorporation of mitigation measures as conditions of approval, the proposed project would not result in significant adverse effects on wildlife resources or habitat as defined in section 711.2 of the Fish and Game Code.

B. *Findings for the Tentative Subdivision Map (SBMC §27.07)*

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 be of low density, provide designated portions of the steeper hillsides as major open space consistent with the residential development requirements of the General Land Use Designation of Major Hillside. The proposal would meet the A-1 zone requirements pertaining to public street frontage with approval of the frontage modification. A review of the surrounding neighborhood shows that the proposed subdivision would be consistent with the surrounding neighborhood, both in size and in the pattern of development. Soils and geology reports were submitted, which found the site to be appropriate for the type and amount of development proposed. With the incorporated conditions of approval, the proposed subdivision would not result in significant adverse effects on wildlife resources or habitat, or serious public health problems. Additionally, the project would conform with all existing easements on the property and proposed as part of this development.

Findings for Denial of the Tentative Subdivision Map

Approval or recommendation thereof shall be denied to any map by the Planning Commission and, in the event of an appeal or complaint, by the City Council, if said body finds:

1. The proposed map is not consistent with applicable General and specific plans;
2. The design or improvement of the proposed development is not consistent with applicable General and specific plans;
3. The site is not physically suitable for the type of development;
4. The site is not physically suitable for the proposed density of development;
5. The design of the development or the proposed improvements are likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the development or the type of improvement is likely to cause serious public health problems; and
7. The design of the development or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

C. *Findings For the Modification pursuant to SBMC §28.15.080*

The requested modification for relief of the required frontage results in a project which is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement because it will result in a subdivision that is consistent with existing residential development in the neighborhood. This promotes

uniformity of improvement and is in keeping the character of the neighborhood. In addition, guest parking will be provided on-site to minimize any impacts to the on-street parking demand in the neighborhood.

D. *Findings For the Neighborhood Preservation Ordinance Compliance pursuant to SBMC §22.68.070*

1. The public health, safety and welfare will be protected. The grading has been designed with appropriate drainage and erosion control 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 due to the minimized grading and site development. Additionally, the building pads will not be graded prior to the approval of the residences.
3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches (4") measured four feet from the base of the trunk. Although no oak trees are proposed to be removed, conditions have been included that extend to three years after the completion of construction to ensure proper replacement in the event that trees near the proposed development are adversely impacted. Additionally, the proposed landscape palette for the future residences includes a range of native vegetation and trees that will be used as screening of the future development.
4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood due to the high quality of landscaping proposed. The proposal includes a landscape palette of native vegetation and trees which is compatible with the riparian corridor and woodland areas on the site.
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood. The proposed grading is the minimum necessary to create access, and the path will be used by the property owner in a manner consistent with residential lots of this size. Additionally, height and size restrictions are proposed to ensure the proper development of the proposed lots.



6. The development will preserve significant public scenic views of and from the hillside. The project will not impact any public views, as the proposed development would not be out of character with the surrounding development and its distance from the downtown and area is approximately three miles. The future development will include visual studies to ensure that effective screening is proposed.

E. Findings For the Waiver pursuant to SBMC §22.60.300

A waiver to allow a new lot without public street frontage to be served by a private alley which serves more than two (2) lots, is acceptable since it would not increase the intensity of use of the existing alley. It would be maintained by the affected parcels as required in executed agreements of maintenance. The waiver will allow for development, which is consistent with the surrounding neighborhood.

1. The proposed street will provide adequate access to the subject property and other properties using said street.
2. The proposed roadway 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 roadway by either of the following:
 - a. There is a recorded agreement that provides for adequate maintenance of said road, or
 - b. The owner of the subject property has agreed to adequately maintain said private road and said agreement will be recorded prior to the recordation of the 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. Guest parking will be provided on each proposed lot.

II. Said approval is subject to the following conditions:

- A. Prior to the issuance of any 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 recorded by the Owner with the Final Map on an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director:
 1. The owner shall provide for the uninterrupted flow of water through the Real Property including swales, natural watercourses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof.

2. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney.
3. The development of the Real Property approved by the Planning Commission on July 12, 2001 is limited to four lots and the improvements shown on the Tentative Subdivision Map signed by the Chair of the Planning Commission on said date and on file at the City of Santa Barbara.
4. Owner shall not make any use of the restricted portion of the Real Property as designated on the approved Tentative Subdivision Map in order that those portions of the Real Property remain in their natural state. These restrictions include, but are not limited to the right to develop the restricted portions with any grading, irrigation, buildings, or structures. The restricted areas shall be shown on the Final Map. The Owner shall continue to be responsible for (i) maintenance of the restricted area and (ii) compliance with orders of the Fire Department.
5. 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 and shall comply with the Fire Department's fire vegetation management requirement for initial and annual maintenance. Additionally, no irrigation systems shall be installed within the drip line of any oak tree.
6. Future development of each lot will be limited to:

<u>Lot No.</u>	<u>Main Building Sq. Ft.</u>	<u>All Other Structures Sq. Ft.*</u>	<u>Total Sq. Ft.</u>	<u>Height Limit (Ft. From Natural Grade)</u>
1	4,900	1,250	6,150	16
2	4,500	1,000	5,500	16
3	4,500	1,000	5,500	16
4	4,500	1,000	5,500	16

**NOTE: All other structures consist of detached accessory structures, including garages, storage structures, hobby rooms, artist studios, pool houses, cabanas, stables and barns and the like. (Aes-1, 2, and 10)*

7. In addition to any required ABR review of future development as outlined in SBMC §22.68, the exterior color for all structures on the site shall be subject to review and approval of the Architectural Board of Review. (Aes-3).

8. No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 9. 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.
 10. The secondary road easement off Coyote Road shall be placed within the development envelope.
 11. The building envelopes shall exclude areas in excess of 30% slope.
 12. Specific to the existing oak trees within the road/utility easement on the property known as APN 021-061-006, 981 Coyote Road, the developer shall hire a qualified arborist to supervise any excavation work required. This arborist shall be mutually approved by the owner of said property and the developer. Where it is necessary to excavate adjacent to existing trees, the Contractor shall use all possible care to avoid injury to these trees and tree roots. Excavation in areas where two inches and larger roots are found shall be done by hand. All roots two inches and larger in diameter shall be tunneled under and wrapped with burlap to prevent scarring and excessive drying.
 13. All modifications shall be considered by the Planning Commission rather than the Modification Hearing Officer. The compatibility of the subdivision of the neighborhood is in part predicated by the limitation of the size of the accessory structure. Particularly the southerly accessory structure shall be limited to 500 square feet.
 14. Reports shall be submitted annually, for a minimum of three years following installation, or as otherwise recommended by a qualified arborist or biologist as part of a tree protection and replacement plan, replacement trees shall be subject to inspection by a licensed arborist or qualified biologist approved by the City. Any Oak tree or protected tree that dies during the monitoring period shall be replaced at a 10 to 1 ratio. Any replacement trees shall be replaced with one tree. (moved from E.2)
- B. The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. The Architectural Board of Review shall consider the following during the design review process:
 - a. Incorporate a "foothill-appropriate / rural-style" architecture on each of these proposed lots. Foothill-appropriate or rural-style is defined as a style which avoids extreme contrasts with the natural environment. (Aes-5)



- (1) Old California, contemporary ranch, or Spanish Hacienda styles are examples of acceptable architectural styles.
 - (2) Use earth tones or other natural colors compatible with the colors of the foothills, both stone and foliage colors.
 - (3) Building materials and color schemes of structures, walls, and roofs shall blend with predominant colors and values of the surrounding natural landscape.
 - (4) The design of new development shall protect, to the extent feasible, unique or special features of the site such as landforms, rock outcroppings, mature trees, unique vegetative groupings, drainage courses, hilltops and ridgelines.
 - (5) The maximum building height shall be limited to sixteen feet.
 - (6) The Single-Family Residential Design Guidelines shall be carefully considered in developing and reviewing the building design and grading.
 - (7) The Montecito Association shall be notified when individual housing units are reviewed and considered by the ABR.
 - (8) The ABR is encouraged to minimize the export of grading materials.
- b. The ABR shall incorporate the use of a rock, cultured stone, stone veneer, a planted Allen Block treatment, or other similar treatments on any retaining walls. (Aes-6)
- c. The Landscape Plan will incorporate many of the "Hillside Housing Landscaping Techniques." These techniques include: (Aes-8)
- (1) Preserving existing vegetation and significant trees as much as possible while acknowledging the fact that the property is in a High Fire Area;
 - (2) Landscaping will blend the type, coloring, size and height of new vegetation into the pre-existing vegetation;
 - (3) Landscaping will be used to enhance the proposed architecture;
 - (4) Avoid using vegetation to correct design, privacy or bulk problem; and
 - (5) Use drought tolerant and fire retardant vegetation.
- d. Study the final location of the access road to determine if there may be any ability to fine tune the alignment of the road considering the balance



between existing slope constraints, the amount of grading and retaining walls necessary to complete the road.

- e. Placement of the accessory structures shall consider the concerns of adjacent neighbors.
2. The landscape and grading plans shall include the following tree protection measures:
- a. Fencing or protective barriers around the tree(s) during construction.
 - b. Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - c. Notes on the plans that specify the following:
 - (1) No irrigation systems shall be installed under the tree(s).
 - (2) No grading shall occur under the existing tree(s) driplines.
 - (3) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which are required to be protected.
 - (4) All excavation within the dripline of the tree(s) shall be done with hand tools.
 - (5) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound as deemed appropriate and under the direction of a qualified Arborist.
 - (6) The tree(s) 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 tree(s).
 - (8) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (9) For any excavation along the easement from Coyote Road to the subject property, the following conditions shall apply: (Bio-3)
 - (i) Prior to excavation, draw a line along the driveway to delineate the trenching site, as far from the oak trunks as possible.
 - (ii) After excavation, irrigate the soil between the trench and the tree along the excavation site (where any roots were cut). Irrigate to wet the soil to the depth of the trench.

- (iii) After installing utilities, backfill the trench with the spoils from the trenching. Irrigate the back fill and the same soil to depth of the trench.
- (iv) Irrigate to depth of the trench (only if roots where cut) monthly until seasonal rains commence.
- (v) Apply the proper pesticide to the lower 12 feet of the oak tree trunks soon after the excavation and backfill has been completed. This is to help the trees resist attacks of oak bark beetles and is recommended on the trees where roots were cut.

3. The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected. The map shall include all trees with a minimum trunk diameter of four inches (4") measured four feet (4') above the base of the trunk whose driplines are within the existing secondary access road off Coyote Road.
4. 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.
5. Future development of each lot will be limited to:

<u>Lot No.</u>	<u>Main Building Sq. Ft.</u>	<u>All Other Structures Sq. Ft.*</u>	<u>Total Sq. Ft.</u>	<u>Height Limit (Ft. From Natural Grade)</u>
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**NOTE: All other structures consist of detached accessory structures, including garages, storage structures, hobby rooms, artist studios, pool houses, cabanas, stables and barns and the like. (Aes-1, 2, and 10)*

6. In addition to any required ABR review of future development as outlined in SBMC §22.68, the exterior color for all structures on the site shall be subject to review and approval of the Architectural Board of Review. (Aes-3)
7. Visual photo studies and landscape plans will be required with the development of the future residences and any additions thereafter, to ensure that the trees are placed appropriately along the perimeter of the building envelopes to screen the future development including accessory structures. The applicant shall provide the Architectural Board of Review with elevations and photographic evidence so



that the ABR can ensure screening from public views, including public areas from Eucalyptus Hill, Barker Pass, North Sierra Vista Road, and the back of the Riviera. (Aes-4)

8. Any changes to the landscape plan will be subject to ABR review. (Aes-7)
 9. The landscape plan shall comply with the Fire Department's fire vegetation management requirement for initial and annual maintenance. (Aes-9)
 10. Future trash locations or trash enclosures shall include an area to accommodate recycling containers. (PS-4)
 11. One guest parking space shall be provided on each proposed lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. Size and location shall be determined by the Transportation Engineer. (Trans-1)
- C. Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$850 for projects with Environmental Impact Reports and \$1250 for projects with negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- D. The Owner shall submit to the Public Works Department 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.
- E. The owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Parcel Map or issuance of the Building permit or Public Works Department permit for the project.
1. Submit an executed Agreement for Maintenance of the proposed private road and drainage subject to the review and approval of the Public Works Director and City Attorney.
- F. The Owner shall covenant or offer to make a dedication for easement as shown on the approved subdivision tentative map, or described below, subject to approval by the Public Works Department and/or the Community Development Department.
1. 20-foot wide equestrian and hiking access for public use.
- G. The following shall be finalized and specified in written form and submitted with the application for a building permit:

1. The owner shall submit to the City's Environmental Analyst a monitoring program for the project's mitigation measures, as stated in the Negative Declaration, MST99-00526. Mitigation monitors responsible for permit compliance monitoring must be hired and paid for by the applicant. The mitigation monitoring program shall include, but not be limited to:
 - a. A list of the project's mitigation measures.
 - b. An indication of the frequency of the monitoring of these mitigation measures.
 - c. A schedule of the monitoring of the mitigation measures.
 - d. A list of reporting procedures.
 - e. A list of the mitigation monitors to be hired.
2. The following information shall be specified on the construction plans submitted for building permits.
 - a. Signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) phone number, work hours, and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions.
 - b. Construction (including the preparation for construction work) is prohibited Monday through Friday between the hours of 5:00 p.m. and 8:00 a.m., Saturdays, Sundays, and holidays observed by the City as legal holidays as shown below: (Noise-1)

New Year's Day	January 1 st
Martin Luther King Jr.'s Birthday	3 rd Monday in January
President's 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 25th

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

- d. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (Noise-2)
 - e. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods.
 - f. Construction parking provided as follows:
 - (1) During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - (2) On-site or off-site storage shall be provided for construction materials and equipment.
 - (3) Storage of construction materials within the public right-of-way is prohibited.
 - (4) Regular water sprinkling shall be scheduled during site grading and the transportation of fill materials, using reclaimed water whenever the Public Works Director determines that it is reasonably available.
 - g. Trucks hauling grading material shall be covered.
 - h. Tree protection measures are established and included in the building plans.
 - i. Schedule for the qualified Arborist's presence during grading and construction activities near the tree(s) which are to be preserved pursuant to applicable conditions contained herein.
- H. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:
- 1. Prior to submittal for Building and Safety plan review, a designed private disposal system requiring approved distribution boxes for utilizing multiple drywells shall be approved by the City, consistent with Santa Barbara County Public Health Department requirements.
 - 2. A drainage and grading plan.
 - a. The final grading plan shall provide appropriate drainage facilities to divert the offsite flow of surface water away from the building pads and structures. (Geo-1)

- b. All runoff water from impervious areas such as roofs, patios, driveways, French drains, etc., shall be captured and directed to an approved filter system prior to the drainage disposal facility. No surface water runoff shall be allowed to pass in an uncontrolled manner over the edge of slopes. All onsite drainage facilities shall be inspected and cleaned on a regular basis. (Geo-2)
- c. Cut and fill slope faces shall be prepared and maintained to control against erosion. Cut and fill slopes shall be planted with deep-rooting, lightweight, low-water-demanding, fire resistant ground cover. The ground cover shall be maintained with proper irrigation practices. (Geo-3)
- d. No water pipes, utilities, septic systems or portions thereof shall be allowed below engineered fills without approval by the soils engineer. Any such structures detected during grading operations shall be completely removed prior to placing engineered fill. (Geo-4)
- e. 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. (AQ-1)
- f. Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-2)
- g. The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. (AQ-3)
- h. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - (1) Seeding and watering until grass cover is grown;
 - (2) Spreading soil binders;

- (3) 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; and
 - (4) Other methods approved in advance by the Air Pollution Control District.
- i. All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall not be graded prior to construction of the residences. (AQ-5)
 - j. Fuel modification for fire protection shall entail a gradual removal of combustible material, outlined in Appendix 3 of Exhibit D.7. Generally, total clearance of native vegetation (except for mature trees which are limbed up to at least 6 feet) is only required for the first 30 feet from homes. Controlled density, irrigated material is specified for the following 30-70 feet from structures. Dead wood removal and tree limbing is required for the remaining 70-150 foot fire protection buffer. This last zone has no height limit and is not irrigated. No more than 50% of native vegetation shall be removed from 70 to 150 feet from structures. Under no circumstance shall vegetation be routinely grubbed and/or disked. All bare ground shall be landscaped following construction of access roads and utility lines. Subsequent maintenance of Zone 3 shall retain the initial mosaic pattern. (Bio-1)
 - k. Implementation of the following precautions shall protect and preserve oak trees on the site and in affected areas along the secondary access road off Coyote Road: (Bio-2)
 - (1) All oak trees within 25 feet of proposed ground disturbances shall be temporarily fenced with minimum 4-foot plastic fence. Such fencing is to be located 6 feet outside the driplines where possible, prior to any ground disturbances, and such fencing is to remain in place throughout grading and construction. Fencing shall be supported by metal T-posts on minimum 8-foot centers. Trees and fencing shall be shown on all grading and building plans and fencing shall remain in place during all grading and construction activities.
 - (2) Except for within approved disturbance areas, construction equipment and vehicles shall not be driven or parked within 6 feet of oak tree driplines as delineated by the fencing specified above.
 - (3) Ground disturbance within tree driplines shall be limited to existing or approved access roadways.

- (4) The Grading Plan shall designate all oak trees that will be removed. Removal of any other native oaks shall be prohibited. All oaks including juvenile trees shall be preserved in their existing locations to the greatest extent possible.
- (5) The final tally of oak tree loss shall be made in the field during roadway construction. Each disturbed tree shall be replaced by 10 coast live oaks of any size. Replanted trees shall be collected from local sources (Santa Barbara, south coast) protected, watered, fertilized, and replaced if necessary during a 3-year period after planting. This replacement measure shall also apply in the event of any accidental damage to, or death of, trees attributed to the development of the site.
- (6) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid water ponding or the accumulation of soil due to grading or erosion above the natural grade. Drainage and landscape irrigation shall not cause water to be directed or distributed within 6 feet of oak tree trunks. Final grading and drainage plans shall be reviewed and approved by the City.
- (7) Prior to grading, all trees that do not have sufficient clearance for proposed grading, or sufficient clearance to meet requirements for Fire Department access, shall be pruned. Pruning of oak trees shall be performed under direction of an arborist.
- (8) All utilities shall be placed within a designated corridor to minimize the impacts to existing trees. Other trenching shall not be allowed within oak tree driplines.
- (9) Excavation adjacent to or beneath the dripline of tree(s) shall be done by hand and under the supervision of a qualified arborist. All roots over 1 inch in diameter shall be cut cleanly and properly treated as deemed appropriate and under the direction of a qualified arborist.
- (10) Oak trees which have ground disturbance the dripline shall receive deep feeding after grading activities are completed. Deep feeding shall be performed by a certified arborist or tree maintenance firm experienced in deep feeding oak trees.
- (11) Permanent tree wells or retaining walls shall be specified on approved plans and shall be installed prior to commencement of grading. An arborist or tree maintenance firm shall oversee such installation.



- (12) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
3. Construction traffic shall access the site from Mountain Drive, not the easement behind the Coyote Road neighbors, except for work required specifically in the easement. (Noise-3)
 4. All new utilities located within the easement behind the Coyote Road neighbors shall be placed underground.
 5. Utilize "Trenchless Technology" for utility placement where feasible.
 6. Driveway access for fire vehicles shall be 16-20 ft. wide, all-weather concrete or asphalt pavement capable of supporting a 40,000 lb. fire truck. Vertical clearance shall be a minimum of 13 feet-6 inches (13' 6").
 7. Provide a cul-de-sac or hammerhead turnaround in accordance with City Standards.
 8. Fire sprinkler system shall be provided for each residence as required by the Fire Department.
 9. A 5,000 gallon fire water supply system shall be provided on each lot as required by the Fire Department. Install at a minimum a 6" private water main extension from Coyote Road as deemed appropriate by the City Fire and Public Works Departments. (PS-1)
 10. Install residential private fire hydrant(s) on the site in a location(s) acceptable to the City Fire Department. (PS-2)
 11. High fire hazard construction requirements shall be complied with.
 12. Recycling and/or re-use of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose. (PS-3)✓
 13. The applicant shall, to the maximum extent feasible, recycle and/or re-use all construction/demolition waste and materials in order to minimize construction-generated waste conveyed to the landfill.
 14. 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. (CR-1)

If such cultural resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be consulted. 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, including but not limited to redirection of grading and/or excavation activities. (CR-2)

If the findings are potentially significant, a Phase III recovery program shall be prepared and accepted by the Environmental Analyst and the Historical Landmarks Commission. That portion of the Phase III program which requires work on-site shall be completed prior to continuing construction in the affected area. (CR-3)

If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbance in the area of the find. (CR-4)

15. 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.

- I. Prior to issuance of the Certificate of Occupancy, the owner of the Real Property shall complete the following:
1. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
 2. Public improvements as shown on the building plans.



3. Place utilities underground from the transmission source and within the Real Property.
 4. Repair any damaged private improvements (paving, utilities) along the secondary access road off Coyote Road.
- J. Prior to commencement of construction for the subdivision, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner and Contractor.
- K. In addition to the recorded conditions, the following shall be imposed on the future residential development.
1. Future development of each lot will be limited to:

Lot No.	Main Building Sq. Ft.	All Other Structures Sq. Ft.*	Total Sq. Ft.	Height Limit (Ft. From Natural Grade)
1	4,900	1,250	6,150	16
2	4,500	1,000	5,500	16
3	4,500	1,000	5,500	16
4	4,500	1,000	5,500	16

**NOTE: All other structures consist of detached accessory structures, including garages, storage structures, hobby rooms, artist studios, pool houses, cabanas, stables and barns and the like. (Aes-1, 2, and 10)*

2. In addition to any required ABR review of future development as outlined in SBMC §22.68, and in Conditions II.B. above, the exterior color for all structures on the site shall be subject to review and approval of the Architectural Board of Review. (Aes-3)
3. Visual photo studies and landscape plans will be required with the development of the future residences and any additions thereafter, to ensure that the trees are placed appropriately along the perimeter of the building envelopes to screen the future development including accessory structures. The applicant shall provide the Architectural Board of Review with elevations and photographic evidence so that the ABR can ensure screening from public views, including public areas from Eucalyptus Hill, Barker Pass, North Sierra Vista Road, and the back of the Riviera. (Aes-4)
4. 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 and shall comply with the Fire Department's fire vegetation management requirement for

initial and annual maintenance. Additionally, no irrigation systems shall be installed within the drip line of any oak tree. (Aes-5,6)

5. No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
6. One guest parking space shall be provided on each proposed lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance. Size and location to be determined by the Transportation Engineer. (Trans-1)
7. Future trash locations or trash enclosures shall include an area to accommodate recycling containers. (PS-4)
8. A soils and geology report and shall be submitted to the City's Building and Safety Division at time of the building permits for any residential construction and subdivision improvements. The report shall address erosion impacts to the adjacent site (963 Coyote Road, APN 021-061-020). All recommendations shall be adhered to. (Geo-5)
9. All conditions related to tree protection, drainage, and construction measures shall be incorporated into the construction requirements for the development of the individual parcels (Conditions B.1, B.2, H).

**NOTICE OF APPROVAL
TIME LIMITS:**

The Planning Commission's action approving the CUP - MOD or VAR 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.

**NOTICE OF TENTATIVE SUBDIVISIONS MAPS
TIME LIMITS:**

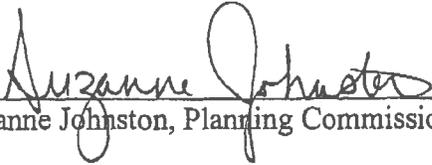
The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval, per SBMC Section 28.07.110.a & .b, unless the subdivider requests an extension of time, not to exceed two (2) years beyond the expiration of the original two (2) years expiration date or per the allowances provided in the Subdivision Map Act.

PLANNING COMMISSION RESOLUTION No. 036-01
121 W. MOUNTAIN DRIVE
JULY 12, 2001
PAGE 21

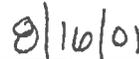
This motion was passed and adopted on the 12th day of July, 2001 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NAYS: 1 (White) ABSTAIN: 0 ABSENT: 0

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.



Suzanne Johnston, 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.



City of Santa Barbara California

Exhibit B: The project plans for 133 W. Mountain Drive have been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

V. CONTINUED ITEMS:

ACTUAL TIME: 3:32 P.M.

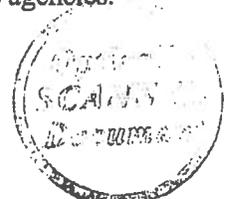
APPLICATION OF ROBERT AND JENNIFER CONROW, PROPERTY OWNERS, 121 W. MOUNTAIN DRIVE, APN 021-061-019; A-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST99-00526)

The project involves the subdivision of a 22.23-acre parcel into four (4) single-family parcels of 7.01, 6.16, 6.0, and 3.07 acres with associated site improvements. The existing parcel is zoned A-1, Single-Family Residential Zone and has an average slope of 51%. The northern property line of the existing lot is also the City of Santa Barbara Boundary Line. Coyote Creek runs north to south on the westerly portion of the property. The site is accessed by way of a private road off Mountain Drive, through a parcel outside of the City Limits. The existing site as well as the newly created lots will not have public street frontage. Existing development located on the northeasterly portion of the site includes a one-story wood frame single-family residence with a two-car garage and an accessory building. The discretionary applications required for this project are:

1. A Tentative Subdivision Map to subdivide an 22.23 gross acre lot into four (4) residential lots (SBMC §27.07);
2. Four Modifications of the required 100-foot street frontage for four (4) newly created parcels located in an A-1 Zone (SBMC §28.15.080);
3. Neighborhood Preservation Ordinance Compliance is required to allow grading in excess of 500 cubic yards (SBMC §22.68.070). The project site is located within the Hillside Design District; and
4. A Public Street Frontage Waiver to allow a subdivision creating lots without public street frontage to be served by a private road or driveway which serves more than two (2) lots (SBMC §22.60.300).

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074. (MGS)

Marisela Salinas, Associate Planner, gave a presentation of the revisions to the project. Staff recommended that Condition E.2 be moved to Condition A.14. Since the last review the building envelopes have been adjusted to omit areas in excess of 30% slope. Development restrictions have been revised to include a maximum building height of 21 feet; a 5,500 square foot limitation (4,500 for the main building) for Lots 2, 3, and 4; and a limitation of 4,900 sq. ft. for the main building on Lot 1. Staff has recommended that Lot 1 be limited to a maximum of 1,250 square feet for accessory structures. The proposed development restrictions would not preclude the present or future owners from requesting a change to the development standards, but would require Planning Commission approval of such changes. Additional information has been obtained through recent flow and pressure measurements and discussions with other departments and outside agencies.



Fire Marshall Janaki Wilkinson stated that the Fire Department is requiring a minimum the extension of a six inch private water main from Coyote Road to serve an on-site fire hydrant and a 5,000 gallon water tank on each site for fire suppression purposes.

Commissioners Lowenthal returned to the dais at 3:41 p.m.

McGuire returned to the dais at 3:37 p.m.

The public hearing opened at 4:33 p.m.

Jeff Shelton, speaking for the president of the Mountain Drive Community Association, 801 Cold Spring Road, spoke in opposition to the project.

Claire Gottsdanker, 290 W. Mountain Drive, Mountain Drive Association, spoke in opposition to the creation of the lots with the average slope exceeding twenty percent, and the mansionization of Mountain Drive.

Anders Johnson, 320 E. Mountain Drive, spoke in opposition to the amount of square footage proposed on each lot.

Juliana Hydanus, 261 E. Mountain Drive, spoke in opposition to the subdivision as it would create a density and square footage which would be out of character with the rural neighborhood.

Peter Burgess, 1421 W. Mountain Drive, spoke in opposition to the project due to the inadequate water flow for fire fighting purposes. He stated that the subdivision should be obligated to provide an extension of the water main for fire hydrants as a condition of approval.

Adam Gottsdanker, 290 W. Mountain Drive, spoke in opposition to the size and style of the project and presented a petition signed by fifty residents.

Rick Schillinger, 119 W. Mountain Drive, spoke in support of the project and the further development of the public utilities.

Rosemary Pelli, 225 W. Mountain Drive, adjacent neighbor, spoke in support of the project.

William A. Huijer, 128 Orizaba Road, spoke in support of the project.

John Coie, 1510 Franceschi Road, spoke in support of the project. He stated that he drove around the neighborhood to identify the site's visibility. He only found a few areas where the site would be visible.

Barry Semler, 121 W. Mountain Street, commented on the need for providing adequate fire safety and the inconsistency of requirements for providing water lines.

The public hearing was closed at 5:18 p.m.

Robert Conrow, owner, stated that he and his wife have carefully gathered information regarding the average square footage of new homes and additions in the area.

Jennifer Conrow, owner, presented the data she has obtained through the County Assessor's Office regarding building square footage.

The Commission made the following comments:

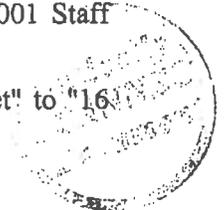
- The neighbors were encouraged to make another attempt to upgrade the water main in order to provide an adequate resource for fire suppression in the area.
- The neighbors should consider the formation of an assessment district, to allow the cost to be divided among those who would directly benefit from the water main.
- The amount of grading should be limited and include the amount of cut that will be required to place a house on each parcel. Minimize the alteration of natural topography and reduce the grading.
- The retaining wall that is approximately 150 feet long and a maximum of eight feet high should be constructed of Santa Barbara sandstone.
- The County's height requirements should not be incorporated into the project but the development shall be restricted to a maximum height of 16 feet.
- Architectural style, color, and materials need to be consistent with the neighborhood and maintain the rural nature of Mountain Drive.
- The massing of the building is of greater concern than the total square footage.
- The Commission strongly supports the Fire Departments effort to provide fire suppression improvements in this neighborhood.
- Include language from the Montecito Guidelines to address the building materials, color schemes, and designing the development to protect unique or special features.
- Provide notification to the Montecito Association for future review of each lot by the Architectural Board of Review.
- The accessory buildings should be place in manner which considers the neighbors' concerns.
- Requests for further modifications to the accessory structures shall be reviewed by the Planning Commission, not the Modification Hearing Officer.

MOTION: Barnwell/Lowenthal

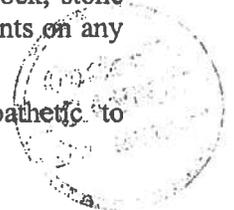
Resolution No. 035-01

Adopt the Final Negative Declaration, approve the Tentative Subdivision Map, Public Street Frontage Waiver, and Modifications making the findings as stated in the July 12, 2001 Staff Report, with the amended conditions as follows:

- In Conditions A.6, B.5, and K.1, revise the building height limit from "21 feet" to "16 feet" from natural grade for all lots.



- Add Condition A.13, "All modifications shall be considered by the Planning Commission rather than the Modification Hearing Officer. The compatibility of the subdivision of the neighborhood is in part predicated by the limitation of the size of the accessory structure. Particularly the accessory structure, in the accessory building envelope on Lot 4, shall be limited to 500 square feet."
- Move and revise Condition E.2 to Condition A.14, "Reports shall be submitted annually for a minimum of three years following installation or as otherwise recommended by a qualified arborist or biologist as part of a tree protection and replacement plan, replacement trees shall be subject to inspection by a licensed arborist or qualified biologist approved by the City. Any Oak tree or protected tree that dies during the monitoring period shall be replaced at a 10 to 1 ratio. Any replacement trees shall be replaced with one tree."
- Condition B.1.a. should be revised as follows: "Incorporate a "foothill-appropriate / rural-style" architecture on each of these proposed lots. Foothill-appropriate or rural-style ~~would be~~ is defined as a style which avoids extreme contrasts with the natural environment. ~~Examples of styles to avoid are those which robustly articulate their presence such as many of the larger white homes with bright red tile roofs which have been recently developed in the Mountain Drive area (frequently referred to as "Italian-Villa" or "Mediterranean" style).~~ (Aes-5)"
- Add Condition B.1.a.(1), "Old California, contemporary ranch, or Spanish Hacienda styles are examples of acceptable architectural styles."
- Add Condition B.1.a.(2), "Use earth tones or other natural colors compatible with the colors of the foothills, both stone and foliage colors."
- Add Condition B.1.a.(3), "Building materials and color schemes of structures, walls, and roofs shall blend with the predominant colors and values of the surrounding natural landscape."
- Add Condition B.1.a.(4), "The design of new development shall protect, to the extent feasible, unique or special features of the site such as landforms, rock outcroppings, mature trees, unique vegetative groupings, drainage courses, hilltops and ridgelines."
- Add Condition B.1.a.(5), "The maximum building height shall be limited to sixteen feet."
- Add Condition B.1.a.(6), "The Single-Family Residential Design Guidelines shall be carefully considered in developing and reviewing the building design and grading."
- Add Condition B.1.a.(7), "The Montecito Association shall be notified when individual housing units are reviewed and considered by the ABR."
- Add Condition B.1.a.(8), "The ABR is encouraged to minimize the export of grading materials."
- Revised Condition B.1.b. to read, "The ABR shall incorporate the use of a rock, stone veneer, cultured stone, planted Allen Block treatment, or other similar treatments on any retaining walls. (AES-6)"
- Add Condition B.1.e, "Placement of accessory structures shall be sympathetic to



concerns of adjacent neighbors.”

- In Condition H.4, insert the word “new” after the word “all”.
- Condition H.9 should read, “A 5,000 gallon fire water supply system shall be provided on each lot as required by the Fire Department. Install at a minimum a 6” private water main extension from Coyote Road as deemed appropriate by the City Fire and Public Works Departments. (PS-1)”

The motion carried by the following vote:

Ayes: 6 Noes: 1 (White) Abstains: 0 Absent: 0

Chair House announced the ten-calendar day appeal period.



V. NEW ITEM:

APPROXIMATE TIME: 3:43 P.M.

APPLICATION OF ROBERT AND JENNIFER CONROW, PROPERTY OWNERS, 121 W. MOUNTAIN DRIVE, APN 021-061-019; A-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST99-00526)

The project involves the subdivision of a 22.23-acre parcel into four (4) single-family parcels of 7.01, 6.16, 6.0, and 3.07 acres with associated site improvements. The existing parcel is zoned A-1, Single-Family Residential Zone and has an average slope of 51%. The northern property line of the existing lot is also the City of Santa Barbara Boundary Line. Coyote Creek runs north to south on the westerly portion of the property. The site is accessed by way of a private road off Mountain Drive, through a parcel outside of the City Limits. The existing site as well as the newly created lots will not have public street frontage. Existing development located on the northeasterly portion of the site includes a one-story wood frame single-family residence with a two-car garage and an accessory building. The discretionary applications required for this project are:

1. A Tentative Subdivision Map to subdivide an 22.23 gross acre lot into four (4) residential lots (SBMC §27.07);
2. Four Modifications of the required 100-foot street frontage for four (4) newly created parcels located in an A-1 Zone (SBMC §28.15.080);
3. Neighborhood Preservation Ordinance Compliance is required to allow grading in excess of 500 cubic yards (SBMC §22.68.070). The project site is located within the Hillside Design District; and
4. A Public Street Frontage Waiver to allow a subdivision creating lots without public street frontage to be served by a private road or driveway which serves more than two (2) lots (SBMC §22.60.300).

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074. (MGS)

Marisela Salinas, Associate Planner, gave a brief presentation on the environmental review for the project. A Draft Mitigated Negative Declaration was prepared and released for public review, which ended May 21, 2001. The ABR requested that the Planning Commission give specific direction on build-out potential of the lots, square footage limitations, and height limitations. Copies of a slope analysis and revised conditions of approval were distributed to the Commission.

Mark Lloyd, agent, gave a slide presentation of the project. The slides included an aerial photo, proposed site improvements, proposed building envelopes, and topographical information. He also provided information regarding the neighborhood building sizes in the area based on information from the County Assessor's Office.

The public hearing was opened at 4:39 p.m.

Gary A. Jensen, 981 Coyote Road, spoke in support of the project. He was concerned regarding issues related to the size, bulk, and scale of the buildings, the protection of Oak trees on his property on and adjacent to the private road, and construction-related traffic.

Bill Tracy, 955 Coyote Road, was concerned with the maintenance and accessibility of the private road during construction, the water pressure for firefighting, erosion from runoff, utility lines across other private properties, and the use of the secondary access road by construction vehicles without permission.

The public hearing was closed at 5:00 p.m.

The Commission made the following comments:

- Concerned about the size of the development and clustering such that, from a distance, the individual housing looks like a single large building.
- Consider reducing the total square footage.
- Provide information regarding retaining wall locations and sizes.
- Reduce the height of the combined walls and the amount of grading.
- The height of the development on the ridgeline was discussed. It was noted that the County restricts ridgeline development to 16 feet in height. This restriction would work for this project.
- The architecture and landscaping should have a rural feeling. The landscaping plan is too formal. Architecture should relate to the area instead of using a formal Mediterranean style.
- The maximum square footage should be inclusive of and break down the square footage for the garage, accessory buildings, and the house. A consensus on a specific maximum square footage number was not reached. The same rules should apply to all four parcels, including Parcel No. 1.
- Design restrictions should be recorded for each parcel to restrict the building height, architectural style, size, bulk, and scale.
- Paving, retaining wall, and building materials should reflect the style of the neighborhood.
- A condition should be added which reads "There shall be no construction traffic on the secondary access road with the exception of the necessary equipment for installation and maintenance of the water lines and cable utilities."
- Concern was expressed that the buried 6,000-gallon water storage tanks may not be adequate for fire protection measures.

- Further study of water mains and lines should be conducted to assure the provision of adequate water flow for residential and fire prevention uses.
- Establish a Fuels Management Plan for each parcel and the entire property.
- Oak tree preservation language should be incorporated into the conditions of approval to specifically address large trees along the secondary access road during the installation and maintenance of the water mains and utilities.
- A secondary access for 963 Coyote Road through the proposed development was discussed.
- Concerned about the steep slope of Lot 2.

Pete Wessel, Project Engineer II, responded to the Commission's question regarding the water lines in this location. He stated that this is an overlap area. The portions that are within the City limits are owned by the City, but the system was built by the Montecito Water District.

Janaki Wilkinson, Fire Marshal, responded to the Commission's question regarding landscaping and defensible space.

Steve Wiley, Assistant City Attorney, asked that the Fire and Public Works Departments clearly state that the proposal has adequate water service and fire protection measures regardless of financial cost.

Mr. Wessel indicated that there is adequate water pressure to provide for normal water use.

Ms. Wilkinson stated that the project meets the minimum requirements, but requested that the Commission continue the discussion to allow her to meet with the Fire Protection Operations Staff, Public Works Staff and possibly the Montecito Water District.

Chair House asked if the applicant would agree to a continuance to July 12, 2001

Mr. Lloyd agreed to a continuance.

MOTION: Barnwell/White

To continue the project to the July 12, 2001 hearing.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

VI. ADMINISTRATIVE AGENDA:

A. Committee and Liaison Reports.

No reports were given.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

REPORT DATE: September 28, 2001
TO: Mayor and Councilmembers
FROM: Peter K. Wilson, Acting City Administrator
SUBJECT: APPEAL OF THE PLANNING COMMISSION APPROVAL OF THE SUBDIVISION AT 121 W. MOUNTAIN DRIVE

RECOMMENDATION: That Council:

- A. Hold a public hearing on the appeal of the Mountain Drive Community Association; and
B. Deny the appeal, making the findings contained in the Council Agenda Report, and uphold the Planning Commission's approval of the Negative Declaration and the project.

DISCUSSION: See Attached Page

NOTE: Copies of the Negative Declaration and plans are on file at the Mayor and Council, City Clerk and Planning Division offices.

ATTACHMENTS: Listed on Page 2

PREPARED BY: Planning Division/BH/JH/MGS
APPROVED BY: David D. Davis, Community Development Director

REVIEWED BY: Finance Attorney

STAFF USE ONLY

TO:
FROM: City Administrator
ACTION TAKEN:

DIRECTIONS:

Meeting Date October 2, 2001
Agenda Item No. 23
640.07

ATTACHMENTS:

1. Appeal letter from the Mountain Drive Community Association, July 23, 2001
2. Site Plan
3. Planning Commission Staff Report, June 14, 2001
4. Planning Commission Staff Report, July 12, 2001
5. Planning Commission Minutes, July 12, 2001
6. Letters Received for the July 12, 2001 Meeting
7. Planning Commission Resolution 036-01
8. Fire Zone II Requirements
9. Survey of Surrounding Development
10. Letter from the Applicant, September 14, 2001

DISCUSSION:

Project Description

The project involves the subdivision of a 22.23 acre parcel into four (4) single-family parcels: Lot 1 - 7.01 ac., Lot 2 - 6.16 ac., Lot 3 - 6.0 ac., and Lot 4 - 3.07 acres. The property is adjacent to Parma Park (Attachment 2). The existing parcel is zoned A-1, Single-Family Residential Zone, and has an average slope of 51%. The northern property line of the existing lot is also the City Limits Line. Coyote Creek runs north to south on the westerly portion of the property. The site is accessed by way of a private road off Mountain Drive, through a parcel outside of the City Limits. The existing site as well as the newly created lots will not have public street frontage.

Existing development located on the northeasterly portion of the site includes a one-story wood frame single-family residence with a two-car garage and an accessory building. The existing residence is located on the northwest portion of the lot. The residence is served by public utilities; however, it is also served by on-site septic/drywell systems. The water service is provided by the Montecito Water District. The site drainage is controlled primarily by topography, with sheet flow runoff across the eastern, western, and south facing slopes. There is a gas vault located near proposed Lot No. 2 that serves a 22" gas main owned by the Southern California Gas Company and which crosses the property in an east/west direction within a 16-foot wide easement. Along the eastern portion of the lot, there is also a 16-foot wide access and utility easement off Coyote Road, which provides the primary access to adjacent parcel 021-061-020.

Please refer to the applicant's letters in Attachment 3, Exhibit C, and Attachment 4, Exhibit D, for further information.

Planning Commission Action

On June 14, 2001, the Planning Commission reviewed a request to subdivide the property (Attachment 3 and Attachment 4, Exhibit B). Neighbors present raised issues about size, bulk, and scale, the use of the secondary access road, protection of oak trees adjacent to the secondary access road, and water pressure in the area for fire-fighting purposes. Commissioners raised similar concerns and asked that further restrictions be placed on the future development of all of the lots. The Commission also wanted to ensure that the future development would be architecturally compatible with the rural nature of the surrounding neighborhood. There was also some concern about the retaining walls proposed along the primary access road and the belief that terracing of the walls would be required and would give a visual appearance of much higher walls. The Commission continued the item and asked that development standards be restricted further and that the City Fire Department and City Public Works Department verify that the proposed fire protection measures and water service would not only meet the minimum standards, but would also be adequate for the project.

On July 12, 2001, the Planning Commission reviewed the current proposal (Attachments 4 and 5). Seven members of the public spoke in opposition to the project and four members of the public spoke in support of the proposal. Please refer to Attachment 6 for copies of additional letters and a petition received at the hearing. Neighbors present reiterated similar concerns about the mass, bulk, and scale of the future development as those expressed at the previous meeting. Some believed that the density proposed was excessive. Neighbors were also concerned about whether adequate fire protection measures and water service were being required.

The Commission discussed the changes to the project from the previous proposal and the concerns raised by the public. City Fire and Public Works Department Staff addressed issues related to fire protection and water service in the area. The conditions were revised to reflect the City Fire Department's additional recommendation for a 6" water main from Coyote Road and 5,000-gallon water tanks for each site. In terms of visual issues, Commissioners added numerous conditions that would be applied to the future development of the lots, including additional height and size restrictions for all future buildings.

On a vote of 6-1-0 (White opposed), the Planning Commission approved the subdivision, subject to amended Conditions of Approval. The Commission found the proposed density to be appropriate. Given the surrounding rural character of the

neighborhood and the fact that the lots were proposed on a ridgeline, the Commission revised the conditions to minimize the visual impacts. The Commission believed that the future structures could blend in with the surrounding neighborhood if they were properly designed. Commissioner White opposed the project because he felt that either the number of lots or the square footage of new residences on each lot should be decreased. The Planning Commission's findings and Conditions of Approval are provided in Planning Commission Resolution 036-01 (Attachment 7). The approval included numerous conditions on the future development of the lots which address the architectural style, materials, building height, and total square footage.

Appellant's Position

On July 23, 2001, the City Clerk received a letter from the Mountain Drive Community Association, appealing the decision of the Planning Commission for a four-lot subdivision at 121 W. Mountain Drive (Attachment 1). The appellants state that they are appealing the Planning Commission approval based on water issues affecting the property which seriously impact fire and safety of the community and the visual sensitivity of the project as it pertains to neighborhood compatibility. Given this, the appellant believes that the necessary findings cannot be made for approval of the four-lot subdivision. The appellants state in their letter that they would be more specific on the grounds for their appeal. However, no additional information was received from the appellant at the time this report was written.

Issues

The issues can be grouped into the two areas where the Mountain Drive Community Association is in disagreement with the Planning Commission: water supply and visual issues.

Water Supply Issues

The Association believes that there are water issues affecting the property which seriously impact fire and safety of the community. They believe that the lack of public water mains for fire-fighting and water supply in the surrounding area where future development of properties is to occur is inconsistent with the policies of both the City of Santa Barbara and the County of Santa Barbara.

These concerns were initially raised at the June 2001 Planning Commission hearing. After the hearing, City Fire and Public Works Department Staff met with Montecito Water and Fire District Staff to discuss this project. Extending the water line along Mountain Drive to serve this property was discussed. The necessary

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121 W. MOUNTAIN DRIVE
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extension would be approximately 1,000 feet in length. The project at 121 W. Mountain Drive is not contiguous with Mountain Drive and is in the City of Santa Barbara while the section of Mountain Drive under discussion is in the Montecito Water District service area. In order to extend the water main, Montecito Water District Staff would need to obtain approval from their Board, negotiate an overlap agreement with the City to serve a City of Santa Barbara customer, and obtain approval from LAFCO. Past overlap agreements have been approved in situations where City water was unavailable by any means. The process could take a considerable amount of time and during discussions there was uncertainty as to whether the necessary approvals could be obtained.

City staff recently took flow and pressure measurements from the water main along Coyote Road and shared that information with the applicant. Based on results of the calculations performed by the applicant's engineer and consultation with the City Fire Chief, the Fire Department required at a minimum the extension of a 6" private water main from Coyote Road to serve an on-site fire hydrant. This requirement is in addition to four 5,000 gallon water tanks (one tank per lot) dedicated solely for fire-protection purposes. In combination with defensible space brush clearance and fire resistant landscaping, fire resistant construction requirements, automatic fire sprinkler systems, as well as improved access, the City Fire Department believes that this permanent water supply will provide better fire protection for the project and for the area. The 6" main would replace the four 2" domestic water lines that were previously proposed. The proposal would not only meet the Fire Zone 2 requirements (Attachment 8) but also exceed them. Please note that, prior to issuance of a building permit, the City Fire Department Staff along with Water Resources Staff will review the final design calculations for sizing and construction purposes.

It should be noted that some of the issues raised during the Planning Commission hearing regarding water were related to regional issues and not directly to the proposal. Some members of the public stated that there had been a previous effort to upgrade the water mains in the area that apparently had failed due to the City's lack of involvement in the endeavor during a drought period. The Commission encouraged the neighbors present to approach the Montecito Water District and the City again. Since this Mountain Drive area is surrounded by the Montecito Water District, City Staff noted that improving the City water mains would not result in increased water pressure in the area. The Montecito Water District would also need to upgrade their water mains.

Visual Issues

The Mountain Drive Community Association is concerned about the visual sensitivity of the project as it pertains to neighborhood compatibility, including but not limited to the number of lots, the clustering of the future proposed structures, and the maximum size of the structures allowed on the lots. They believe that all of these affect the visual quality of the project and its compatibility with the rural quality of the existing neighborhood.

The City's Master Environmental Assessment maps identify the parcel as located in an area of visual sensitivity and major hillside with slopes in excess of 30%. As a part of application completeness, the applicant was required to submit a photographic study in order to determine the site's visibility from public areas. Although the future and existing residences are proposed to be situated along the ridgeline, given the surrounding topography and vegetation, their visibility is primarily limited to surrounding private properties and looking down at the development from the easterly ridgeline along Parma Park, which abuts the property. The site is also visible along portions of Coyote Road and Mountain Drive. The proposed project is anticipated to have less than significant impacts with the incorporation of mitigation measures (height restrictions, size limitations, and landscape screening) to be imposed on the future development.

Future development of each lot will be limited to:

<u>Lot No.</u>	<u>Main Building Sq. Ft.</u>	<u>All Other Structures Sq. Ft.*</u>	<u>Total Sq. Ft.</u>	<u>Height Limit (Ft. From Natural Grade)</u>
1	4,900	1,250	6,150	16
2	4,500	1,000	5,500	16
3	4,500	1,000	5,500	16
4	4,500	1,000	5,500	16

*NOTE: All other structures consist of detached accessory structures, including garages, storage structures, hobby rooms, artist studios, pool houses, cabanas, stables and barns and the like.

A large part of the discussion at both Planning Commission hearings dealt with the visual concerns expressed by both the public and the Commissioners. Some neighbors spoke of the development restrictions placed on projects outside of the City's boundaries stating that the County's requirements for residential development in the Montecito Community Plan area are more restrictive than the City's requirements. However, it is

difficult to compare the requirements because City and County definitions of height, natural grade, accessory structures and other terms are quite different. The applicant submitted information that they obtained from the County Assessor's Office showing the gradual change in house sizes in the area from the 1950s to the present (Attachment 9). The average home size in the West Mountain Drive/Coyote Road area grew from 2,068 square feet in the 1950s to 5,898 square feet within the last five years. Also submitted was an agenda from the Montecito Association showing the size of development currently being approved and the Montecito Hillside Guidelines and Development Standards. This information showed that the development restrictions proposed by the Planning Commission were not out of character with recent approvals or existing development in the area.

Overall, the Commission believed that properly designed structures could be deemed appropriate on the site with additional development standards. The designs would need to be sensitive to the surrounding natural environment. The Commission amended the conditions to include some language from the Montecito Guidelines. The maximum building height for all future development was reduced to 16 feet in height.

All future development on Lot Nos. 2, 3, and 4 will be limited to 5,500 square feet. Lot No. 1 will be limited to 6,150 square feet. The majority of the site is proposed to remain in its natural state and as open space. A rural architectural style will be required for the future homes. Numerous conditions which address building materials and color are also included.

The surrounding area is currently developed with existing single-family homes to the north, east, and south. To the west and further south is Parma Park, which is approximately 198+ acres in size. The majority of the residential parcels in the immediately surrounding vicinity, range from 0.68 acres to 18.15 acres and are developed with single-family residences. There are a few parcels that are larger; however, the overall residential development in the area has parcels that average less than 5 acres in lot size.

While this project would be visible from surrounding properties, the future single-family residences are not expected to cause significant visual impacts or to substantially change current views from the City given the surrounding topography and vegetation. The proposal would be consistent with the surrounding residential development in terms of density. Additionally, trees for screening will be required along the perimeter of the development envelope to limit the visibility of the future development. The applicant is proposing a mosaic style of landscaping that would be in compliance with the Fire Department's

standards. The conceptual landscape plan also includes a landscape palette for future development that takes into consideration the fire clearance requirements for this High Fire Hazard Area.

Environmental Assessment

An Initial Study/Draft Mitigated Negative Declaration was prepared by Staff to analyze the potential environmental impacts of the project. Based on comments received from both the Planning Commission and the public, and revisions to the project description by the applicant, the Aesthetics, Biological Resources, Geophysical, Public Services, Hazards, and Noise Sections in the proposed Final Initial Study/Mitigated ND have been revised as shown under separate cover. The Final Mitigated Negative Declaration has identified no significant and unavoidable impacts relating to the proposed project with application of identified mitigation measures agreed to by the applicant and included as conditions. All potentially significant effects would be reduced to less than significant levels. Pursuant to CEQA and prior to approving the project, the Planning Commission considered and adopted the Final Mitigated Negative Declaration.

RECOMMENDATION:

Staff and the Planning Commission found that the proposed project is appropriate in this area and is compatible with the surrounding neighborhood. The project is not expected to cause a detrimental impact to adjacent properties. Please also refer to the applicant's letter to the City Council in Attachment 10. City Staff, the Planning Commission, and the applicant have worked to address the concerns raised related to the future development of the lots, fire and water issues. Therefore, Staff recommends that the City Council hold a public hearing, deny the appeal, and uphold the Planning Commission's approval of the project at 121 W. Mountain Drive, making the following findings, adopt the Final Mitigated Negative Declaration, and adopt the Mitigation Monitoring and Reporting Plan, subject to the conditions contained in Planning Commission Resolution 036-01.

Environmental Findings:

1. The City Council considered the Initial Study and Mitigated Negative Declaration MST99-00526 and comments received during the public review. In the City Council's independent judgment, there is no substantial evidence in the whole record that the project would result in significant environmental impacts. Mitigation measures have been incorporated as proposed conditions of approval. The City

Council hereby adopts the Final Mitigated Negative Declaration MST99-00526.

2. A Mitigation Monitoring and Reporting Plan is included in the Final Mitigated Negative Declaration and has been incorporated into project conditions of approval.
3. The location and custodian of documents which constitute the record of proceedings for the adoption of Mitigated Negative Declaration MST99-00526 is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
4. Based on the Initial Study and Mitigated Negative Declaration analysis and incorporation of mitigation measures as conditions of approval, the proposed project would not result in significant adverse effects on wildlife resources or habitat as defined in section 711.2 of the Fish and Game Code.

Findings for the Tentative Subdivision Map (SBMC §27.07)

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 be of low density, provide designated portions of the steeper hillsides as major open space consistent with the residential development requirements of the General Land Use Designation of Major Hillside. The proposal would meet the A-1 zone requirements pertaining to public street frontage with approval of the frontage modification. A review of the surrounding neighborhood shows that the proposed subdivision would be consistent with the surrounding neighborhood, both in size and in the pattern of development. Soils and geology reports were submitted, which found the site to be appropriate for the type and amount of development proposed. With the incorporated conditions of approval, the proposed subdivision would not result in significant adverse effects on wildlife resources or habitat, or serious public health problems. Additionally, the project would conform to all existing easements on the property and proposed as part of this development.

Consideration of Findings for Denial of the Tentative Subdivision Map

The City Council has considered the required findings (as follows) and determined that they do not apply to the project:

1. The proposed map is not consistent with applicable General and specific plans;
2. The design or improvement of the proposed development is not consistent with applicable General and specific plans;
3. The site is not physically suitable for the type of development;
4. The site is not physically suitable for the proposed density of development;
5. The design of the development or the proposed improvements are likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the development or the type of improvement is likely to cause serious public health problems; and
7. The design of the development or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

Findings For the Modification pursuant to SBMC §28.15.080

The requested modification for relief of the required frontage results in a project which is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement because it will result in a subdivision that is consistent with existing residential development in the neighborhood. This promotes uniformity of improvement and is in keeping the character of the neighborhood. In addition, guest parking will be provided on-site to minimize any impacts to the on-street parking demand in the neighborhood.

Findings For the Neighborhood Preservation Ordinance Compliance pursuant to SBMC §22.68.070

1. The public health, safety and welfare will be protected. The grading has been designed with appropriate drainage and erosion control 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 due to the minimized grading and site development. Additionally, the building pads will not be graded prior to the approval of the residences.
3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches (4") measured four feet from the base of the trunk. Although no oak trees are proposed to be removed, conditions have been included that extend to three years after the completion of construction to ensure proper replacement in the event that trees near the proposed development are adversely impacted. Additionally, the proposed landscape palette for the future residences includes a range of native vegetation and trees that will be used as screening of the future development.
 4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood due to the high quality of landscaping proposed. The proposal includes a landscape palette of native vegetation and trees which is compatible with the riparian corridor and woodland areas on the site.
 5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood. The proposed grading is the minimum necessary to create access, and the path will be used by the property owner in a manner consistent with residential lots of this size. Additionally, height and size restrictions are proposed to ensure the proper development of the proposed lots.
 6. The development will preserve significant public scenic views of and from the hillside. The project will not impact any public views, as the proposed development would not be out of character with the surrounding development and its distance from the downtown and area is approximately three miles. The future development will include visual studies to ensure that effective screening is proposed.

Findings For the Waiver pursuant to SBMC §22.60.300

A waiver to allow a new lot without public street frontage to be served by a private alley which serves more than two (2) lots, is acceptable since it would not increase the intensity of use of the existing alley. It would be maintained by the affected parcels as required in executed agreements of maintenance. The waiver will

allow for development, which is consistent with the surrounding neighborhood.

1. The proposed street will provide adequate access to the subject property and other properties using said street.
2. The proposed roadway 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 roadway by either of the following:
 - a. There is a recorded agreement that provides for adequate maintenance of said road, or
 - b. The owner of the subject property has agreed to adequately maintain said private road and said agreement will be recorded prior to the recordation of the 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. Guest parking will be provided on each proposed lot.