



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-06 3983-4010 PRIMAVERA ROAD AMENDMENT TO CONDITIONS OF APPROVAL FEBRUARY 9, 2006

APPLICATION OF DIANNE JOHNSON, PRESIDENT OF LA COLINA OAKS OWNERS ASSOCIATION, 3983-4010 PRIMAVERA RD, APN 057-420-001 - 057-420-026, E-3/SD-2 ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL AND RESIDENTIAL, 12 UNITS/ACRE (MST2005-00768)

The project consists of a proposal to amend a Planning Commission condition of approval for a Tentative Subdivision Map, which limited the total square footage of all buildings on residential parcels within the La Colina Oaks subdivision to a maximum of 2,300 square feet, including a two-car garage. The discretionary applications required for this project are:

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

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

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

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

1. Staff Report with Attachments, February 2, 2006
2. Site Plans

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

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

A. Amendment to the Conditions of Approval for a Tentative Map (SBMC §27.07)

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

II. Said approval is subject to the following conditions:

- A. Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for any project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director, and recorded in the Office of the County Recorder:
1. **Waive the Right to Protest.** Owner waives the right to protest the formation of any and all street, street lighting, traffic, underground utility and other public improvement districts which include any portion of the Real Property.
 2. **Uninterrupted Water Flow.** Owner shall provide for the flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 4. **Common Area Maintenance.** The (Cooperative) Homeowners Association is responsible for the maintenance of all common areas, including, but not limited to yard areas, slopes, drainage systems and buildings, and pedestrian easements.
 5. **Landscape Plan Compliance.** Owner shall comply with the landscape plan as approved by the ABR. Such plan shall not be modified unless written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. Owner shall be advised that the trees located in the front yard (ten feet from front property line) are considered street trees and area subject to review and approval of the Parks Department.
 6. **Design Review Compliance.** Building additions and new construction shall be consistent with SBMC Chapter 22.68.
 7. **Development Rights Restrictions.** Development rights for those portions of the Real Property designated as Open Space on the approved Tentative Subdivision map shall be deeded to the City of Santa Barbara in order that those portions of the Real Property remain in a natural state. Development rights shall include but not be limited to the right to develop the Real Property with any grading, irrigation, buildings, structures or utility service lines. The owner shall continue to be responsible for (i) maintenance of the area for which development

rights have been granted to the City and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment. Such areas shall be shown on the Final Parcel Map.

8. **Allowed Development.** Development of the Real Property is limited to twenty-six (26) lots and the improvements shown on the Tentative Map which was approved by the Planning Commission on July 2, 1987. Lot 26 shall be retained as contiguous open space of 92,550 sq. ft., and Lot 25 shall be used as a contiguous common area and is to be not less than 51,700 sq. ft. for recreation, and each of the twenty-four (24) remaining lots may only be used for one single-family dwelling. There shall be eight (8) parking spaces adjacent to the tennis courts.
9. **Lighting.** Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. Tennis courts will not have lighting which will allow night playing.
10. **Tree Protection.** The existing trees shown on the Tentative Subdivision Map shall be preserved, protected and maintained.
11. **Oak Tree Protection.** The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within the drip line of any oak tree.
 - b. The use of herbicides and fertilizer shall be prohibited within the drip line of any oak tree.
12. **Conditional Use Permit.** If the Conditions of the project are not followed, the Conditional Use Permit is null and void.

This motion was passed and adopted on the 9th day of February, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Larson)

PLANNING COMMISSION RESOLUTION NO. 007-06
3983-4010 PRIMAVERA ROAD
FEBRUARY 9, 2006
PAGE 4

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

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.