



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 12, 2010
AGENDA DATE: August 19, 2010
PROJECT ADDRESS: 2501, 2501, 2507 & 2511 Medcliff Road (MST2008-00366)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *AKD for DYK*
 Kelly Brodison, Assistant Planner *KAB*

I. PROJECT DESCRIPTION

The proposal consists of the subdivision of two parcels to create four (4) legal lots. New lots would range in size from 20,374 square feet to 50,491 square feet. Three of the new parcels will contain the four existing single-family residences. The fourth parcel (Parcel D) is not proposed to be developed at this time. The project includes 235 cubic yards of grading to realign and widen the existing private driveway, constructing new driveways for Parcels B and C, constructing a carport on Parcel B, creating a Development Envelope for the future development of Parcel D, proposed infiltration basins, oak tree replacement, undergrounding existing utilities, and a new residential type fire hydrant. The project is subject to recommendations of the City's Pedestrian Master Plan (PMP) calling for a sidewalk and parkway frontage improvements along Medcliff Road. The project site is in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Modifications (two) to allow two of the newly created lots to have no frontage on a public street instead of the required 60 feet (SBMC §28.15.080);
2. A Public Street Frontage Waiver to allow a subdivision creating lots without public street frontage to be served in this case by a private shared driveway, which serves more than two (2) lots (SBMC §22.060.300);
3. A Tentative Subdivision Map (TSM) to allow the division of two (2) parcels into four (4) lots (SBMC Title 27.07);
4. A Coastal Development Permit (CDP2008-00013) to allow the proposed development in the appealable jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
5. A Performance Standard Permit to allow an additional dwelling unit on Parcel B (SBMC §28.93).

III. RECOMMENDATION

With approval of the requested modifications, the proposed project conforms to the City’s Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



2501, 2505, 2511 Medcliff Road

APPLICATION DEEMED COMPLETE:	June 19, 2010
DATE ACTION REQUIRED PER MAP ACT:	August 8, 2010
APPLICANT GRANTED 30-DAY EXTENSION:	September 7, 2010

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Sid Goldstien, Civil Engineer	Property Owner: Albert F. Zech, Trustee
Parcel One: 041-330-024 Parcel Two : 041-330-025	Lot Area: Parcel One: 69,907 sq. ft. Parcel Two : 48,401 sq. ft.
General Plan: Residential 5 units/acre	Zoning: E-3/SD-3
Existing Use: Residential	Topography: <20%
Adjacent Land Uses: North – Single Family Residential East – Single Family Residential South – Pacific Ocean West – Single Family Residential	

B. PROJECT STATISTICS

Parcel	Lot Area (Net)	Living Area	Garage	Accessory	Total
A	50,491 sf	2,170 sf 627 sf	402 sf 419 sf	241 sf	3,859 sf
B	20,374 sf	892 sf	450 sf	N/A	1,342 sf
C	24,458 sf	712 sf	259 sf	N/A	971 sf
D	22,663 sf	vacant			

V. ZONING ORDINANCE CONSISTENCY

The project site is zoned E-3, One Family Residential zone, which has a minimum lot size requirement of 7,500 square feet. Slope density requirements are applicable when slopes are greater than 10%. Although the average slope of Parcel A is 17%, slope density requirements do not apply to Parcel A due to its having frontage on the Pacific Ocean (per SBMC §28.15.080). Parcels B, C and D, all have a proposed average slope of less than 10% and are therefore in compliance with slope density requirements.

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior	20' 6'	various	20' >6'
Building Height	30'	various	No Change
Lot Area Required	Lots B, C, D: 7,500 net sq. ft. Lot A: 15,000 net sq. ft. because of the Additional Dwelling Unit	>7,500 sq. ft.	Lots, B, C, D: 20,000 – 24,000 sq. ft. Lot A: >50,000 s.f. (See Project Statistics)
Lot Frontage	60' on a public street		Lot A – no frontage Lot B - > 60' Lot C - > 60' Lot D – no frontage
Open Yard	1,250 sf	> 1,250 sf	> 1,250 sf

The proposed project would meet the requirements of the E-3/SD-3 Zone, with the exception of the lot frontage modifications for lots A and D, which do not front on a public street.

Parking

No permit was found for the carport and shed serving the residence at Parcel A, (2507 Medcliff). A plan showing the property dated 1952 shows the residence, but not the carport. The applicant is proposing to apply for “as-built” permits for this structure.

The applicant is also proposing a new two-car carport for Parcel B to meet its parking requirements as there is no existing covered parking on the site.

Parcel C has a one-car carport and the applicant is proposing to provide one uncovered parking space as part of this project. Per §SBMC 28.90.100.G, two covered parking spaces shall be provided within a garage or carport located on the lot. However, any lot developed with less than 85% of the maximum net floor area for the lot may provide the required parking in one covered space and one uncovered space as proposed on Parcel C. On Parcel D, in addition to the parking spaces required by the Zoning Ordinance, staff is recommending that a condition be included to require at least one uncovered guest parking space when future development occurs.

Street Frontage Modification

The required street frontage for an E-3 zoned lot is 60 feet. The existing Parcels One and Two have a combined total of about 320 feet of street frontage. It would be possible to configure the lot split such that each of the proposed four lots would have the required 60 feet of street frontage. However, the existing pattern of development (four houses served by a private driveway) is such that meeting this standard would result in a series of flag lots with irregular property lines. Proposed Parcels B and C each have at least the required 60 feet of public street frontage on Medcliff Road. Proposed Parcels A and D are configured such that they would be accessed from an existing private driveway with a 20-foot wide access easement through

Parcels B and C. The driveway will be realigned and improved with new paving as part of this proposal. The applicant has requested a modification for Parcels A and D to provide less than the required 60 feet of lot frontage. This proposed configuration is consistent with other bluff top properties in the neighborhood, and approval of this type of Modification is fairly standard for long, narrow lots, such as the existing lots.

Performance Standard Permit

An Additional Dwelling Unit normally requires approval by the Staff Hearing Officer (SHO). In order to approve a Performance Standard Permit (PSP), the decision making body must determine that the request complies with the requirements outlined in SBMC 28.93.030, E; namely, that the lot size is at least double the minimum required lot size, that there are adequate provisions for ingress and egress, and that the location of the additional dwelling complies with all applicable ordinances. Because the Planning Commission has discretion over the subdivision, approval of the PSP is also within the Commission's purview in this case. The Additional Dwelling Unit is consistent with the city's requirements and, therefore, staff supports this aspect of the project.

Inclusionary Housing Ordinance

Residential lot subdivisions of less than ten parcels are subject to the Inclusionary Housing Ordinance Fee of \$15,500.00 per unit (SBMC §28.43.030.D). The resultant project will be four individual lots for individual ownership which requires a prorated in-lieu fee of 4 x \$15,500.00 per SBMC §28.43.030.2. However, SBMC §28.43.030.C provides a limit on the number of units to be counted when there are existing dwelling units to be retained. Therefore one new lot proposed for future development and one lot with an existing unit would be used to calculate the in-lieu for this project. Therefore the in-lie fee required for this project is \$31,000.00 and is required to be paid prior to recordation of the Final Subdivision Map.

VI. HISTORY

A. DEVELOPMENT APPLICATION REVIEW TEAM (DART)

This proposal was reviewed through the City's PRT and DART processes. There are currently four (4) legal lots with six (6) homes being served by the existing unimproved driveway. This includes two lots (2417 and 2503 Medcliff Road) which are not a part of this subdivision. The original proposal was for the existing driveway to remain and serve the four newly proposed lots and the two existing lots to the southeast (2417 and 2503 Medcliff Road). Per SBMC §28.04.255, a driveway is defined as providing access for up to four lots (access to a greater number of lots requires a private driveway). Because the driveway was proposed to serve six lots, it was not supported by Staff. A private street would have been the appropriate access way to serve six lots.

The applicants returned with a new proposal consisting of two of the newly created parcels (B and C) taking direct access from Medcliff Road and the two remaining parcels (A and D) along with the two neighboring parcels directly to the east (2417 and 2503 Medcliff Road) taking

access from the newly improved 20' wide private driveway. The maximum number of parcels (lots) taking access from the new private driveway will be four, which conforms to the definition of a driveway per SBMC Section §28.04.255. This configuration also conforms to the Fire Department requirement, which states that a private driveway serving four houses must be a minimum of twenty feet 20' wide.

Staff is in support of a private driveway but with the stipulation that there be setbacks from the private driveway to any residential development. This is what would have been required if a private road was constructed because setbacks are required from roads, but are not required from driveways. This is consistent with the direction given by the Single Family Design Board.

VII. ISSUES

A. DESIGN REVIEW

This project was reviewed by Single Family Design Board (SFDB) on two occasions (meeting minutes are attached as Exhibit E). At the first meeting on April 26, 2010, the SFDB supported the overall project, and asked that the applicant study the alternative of having a private street instead of a driveway, which would in turn, require greater setbacks and reduce the developable areas on the new lots. The Board was not supportive of cars backing out onto Medcliff Road, preferring that turnaround areas be provided on both Parcels B and C. The Board also requested that the applicant reduce the development envelope of Parcel D to provide a greater setback to the shared private driveway. One Board member preferred to see an alternative, more organic, material used for the proposed sidewalk on Medcliff, rather than concrete, considering the project's close proximity to the Douglas Family Preserve. The Board was not supportive of a tandem parking design on Parcel C and requested that the applicant return with a landscape plan addressing oak tree replacement and street trees.

The project returned to the SFDB for a second review on May 10, 2010. At that meeting, the Board supported the private driveway serving 4 lots, with Lots B and C being served with individual driveways with turnarounds, so that cars would exit facing forward. The Board's focus was that the proposed subdivision may cause future neighborhood compatibility house sizes problems because the size of the proposed lots are much larger than those in the surrounding neighborhood. The Board asked the Planning Commission to further study the building envelopes of the proposed lots for the purpose of making the finding of compatibility with the existing neighborhood. Their concern is that the larger lot sizes could allow the future development of houses to be much larger than those in the surrounding neighborhood. The applicant was asked to consider a condition that would restrict development within 20' of the private driveway easement, as a way to regulate future house sizes on the new lots. The Board again stated that the introduction of new sidewalks would not be consistent with the rural character of the street leading to the Douglas Family Preserve. The project was forwarded to the Planning Commission with these subdivision design configuration and lot size concerns.

B. PUBLIC STREET FRONTAGE WAIVER

Santa Barbara Municipal Code Section 22.60.300 requires that each lot created by a new subdivision front upon a public street or private driveway serving no more than two lots, unless this requirement is waived by the Planning Commission. Staff generally supports public street frontage waivers when no more than four lots would be served by the private road/driveway. Currently, four parcels take access off this driveway. Following the proposed subdivision, the configuration would change; however, four parcels would continue to take access off the private driveway.

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

1. The proposed driveway would provide adequate access to the subject sites, including access for fire suppression vehicles.
2. There is adequate provision for maintenance of the proposed private driveway through a recorded agreement.
3. The waiver is in the best interest of the City and will improve the quality and reduce the impacts of the proposed development.

The applicant has agreed to provide a Declaration of Covenants, Conditions and Restrictions for Maintenance of a Private Shared Driveway. Staff will review this document and believes that adequate provision to ensure the maintenance required on the utilities, roads and fire equipment can be incorporated into the agreement. This will include maintenance of the private fire hydrants and associated water mains, valves, equipment and lines; driveway pavement; drainage facilities and landscaping; with specific requirements for funding, enforcement and provisions for the City to enforce the requirements if necessary or appropriate. Findings to support the Waiver are included in Section VIII below.

C. COMPLIANCE WITH THE GENERAL PLAN

General Plan

Before a Tentative Subdivision Map can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision is consistent with the plans and policies of the City of Santa Barbara.

The subject property is located in the West Mesa neighborhood as identified in the Land Use Element of the General Plan. The General Plan and Coastal Plan designation for the property is residential, 5 units per acre and the proposed four-lot subdivision would have a density of approximately 1.5 units per acre, consistent with its land use designation. The proposed subdivision is consistent with the predominantly single-family development that makes up this neighborhood. The minimum lot size in this area is 7,500 square feet and the proposed lots would all exceed this minimum requirement. Any future development on the proposed parcels would be subject to the provisions of the E-3 single family residential zone.

At the west end of the mesa there is a large parcel of land known as the Douglas Family Preserve, which has a density classification of three dwelling units to the acre. However, because of the natural seclusion afforded this site by its topography and its location relative to the ocean and to Arroyo Burro Beach, an opportunity exists to develop this unique site in a manner different from, yet compatible with, the single-family development found in the balance of the area.

Public Improvements

The Pedestrian Master Plan (PMP) calls for public improvements to be implemented as part of development projects, including subdivisions. The project sits at the west end of the Mesa in close proximity to the Douglas Family Preserve and is identified in the PMP as a portion of Medcliff Road where sidewalk is “missing”. There is an existing sidewalk and parkway across the street, to the east on Medcliff, and also to the west of Medcliff just past La Jolla Drive; however, there is no sidewalk or parkway on the project frontage. Based on the right of way width on Medcliff Road, a 6” frontage zone, 6’ sidewalk, 4’ parkway, and 6” curb is recommended. The applicant is proposing to meet these recommendations.

Housing Element: The Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The proposed project would result in one future additional housing unit. Therefore, the proposed project is potentially consistent with this goal of the Housing Element.

Housing Element Policy 3.3 “New development in or adjacent to existing residential neighborhood must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood.”

The neighborhood surrounding the project site is comprised of single-family residential development. The size and design of a future residence would be subject to review and approval by the City’s Single-Family Design Board (SFDB). Therefore, the proposed development would be potentially consistent with this policy of the Housing Element.

D. COMPLIANCE WITH THE LOCAL COASTAL PLAN

City of Santa Barbara Local Coastal Plan

The proposed subdivision and associated improvements also require a Coastal Development Permit. The project is located in Component Two of the Local Coastal Land Use Plan (LCP), which is situated south of Cliff Drive between Arroyo Burro Creek and City College. Major coastal issues in this area include shoreline access, maintenance of existing public views of the coast and open space, water resources, and visitor-serving commercial possibilities. The proposed project creates no changes in the residential land use allowed for the site and due to its location and minimal development proposed, the project raises no substantial issues with respect to the Coastal Act or Local Coastal program policies.

California Coastal Act

Section 30213 ...New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

The proposed subdivision is located within a developed residential neighborhood and new construction consists of a carport on Parcel B, construction of driveways off of Medcliff Road for Parcels B and C, and realigning and widening the existing shared private driveway. A Development Envelope is proposed for the future development of Parcel D, and any future residential development will be reviewed by the Single Family Design Board. This area can accommodate the development with the existing public safety services, utility infrastructure, and traffic capacity. Therefore, the project is consistent with this policy.

LCP Policy 5.3

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

The only construction proposed as part of this project is the realignment of the existing driveway and a new carport, therefore the proposed project is compatible with the surrounding neighborhood. In addition, any future development on the proposed lots is required to comply with the E-3 zone requirements and will be reviewed by the Single Family Design Board.

C. ENVIRONMENTAL REVIEW

The project is determined to be Categorical Exempt from further environmental review per California Environmental Quality Act (CEQA) Guidelines, Section 15315 [Minor Land Divisions], because the proposed subdivision will result in four parcels; the average slope is less than 20 percent; the site is zoned for residential use; services and access are available; and the parcel has not been involved in a subdivision within the last two years.

VIII. FINDINGS

The Planning Commission finds the following:

A. LOT FRONTAGE MODIFICATIONS (SBMC §28.15.080)

The modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements, because the configuration of the lots is such that a project that does not require this Modification would result in an irregular pattern of development, as described in Section V of this staff report.

B. THE TENTATIVE MAP (SBMC §27.07.100)

With the approval of the lot frontage modifications, the Tentative Subdivision Map, Exhibit B, is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Section VII.C and V, respectively, of the staff report. The

site is physically suitable for the proposed subdivision because it complies with the minimum lots size required in the E-3 Zone and will continue to be developed with residential uses, and the project is consistent with the variable density provisions of the Municipal Code and the General Plan as identified in Section V of the staff report. The proposed use is consistent with the vision for this residential Mesa neighborhood of the General Plan which is described in Section VII of the staff report. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems.

C. PUBLIC STREET WAIVER (SBMC §22.60.300)

1. The existing private driveway will provide adequate access to the proposed parcels. The proposed driveway is acceptable to the Fire Department and Public Works Department.
2. The proposed private driveway and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed road as outlined in the draft Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Access and Formation of Private Road Owners' Association (which requires the owners of the proposed lots to adequately maintain the private driveway. This Declaration will be recorded prior to or concurrent with recordation of the Parcel Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development of a public road to serve the proposed lots will not improve the quality of the development, and would require additional paving and road width to allow for parking areas. The proposed improvements to the existing private driveway will result in better access and circulation than currently exists. In addition, fire turnaround areas and fire hydrants will be provided as required by applicable fire regulations.

D. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act as described in Section VII.D. of the staff report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. As shown in Section VI.B of the Staff Report, the proposed project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and, with the requested parking modification, all applicable provisions of the of the Municipal Code.

E. PERFORMANCE STANDARD PERMIT (SBMC 28.93.030)

The Additional Dwelling Unit has adequate ingress and egress, complies with all ordinance standards including height and setbacks, and is located on a lot of adequate size for an Additional Dwelling Unit in the E-3 zone district, as described in Section V of the staff report.

Exhibits:

- A. Conditions of Approval
- B. Tentative Subdivision Map
- C. Applicant's letter, dated May 20, 2010
- D. Property Owner's letter dated May 17, 2010
- E. SFDB Minutes



PLANNING COMMISSION CONDITIONS OF APPROVAL

2501 - 2511 MEDCLIFF ROAD

*STREET FRONTAGE MODIFICATIONS, PUBLIC STREET FRONTAGE WAIVER, COASTAL DEVELOPMENT PERMIT,
PERFORMANCE STANDARD PERMIT AND TENTATIVE SUBDIVISION MAP*

AUGUST 19, 2010

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals for public and private improvements related to the subdivision. If design review approvals for the future development of Parcel D is not obtained at this time, such approval shall be required prior to any building permit for future development on Parcel D. Refer to Section D "Design Review."
 2. Pay Land Development Team Recovery Fee. Refer to Section G. "General Conditions."
 3. Obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Parcel Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Refer to Section E. "Construction Implementation Requirements."
 4. Obtain Public Works and Building Permits (PBW and BLD) for the following private improvements, which must be completed prior to approval of the Map. Refer to Sections E. "Requirements Prior to Permit Issuance," and F. "Construction Implementation Requirements."
 - a. **Construct Private Water Line and Private Storm Drain System.** A private water line, a new private fire hydrant, and a private on-site storm drain system including required water treatment facilities on each proposed Parcel shall be constructed prior to constructing the finish course of the new shared on-site driveway access.
 - b. **Construct New Private Sewer Lateral.** Install one new sewer wye and lateral to the existing sewer main to serve proposed Parcel D, and replace any existing private sewer laterals that are damaged and/or require replacement.
 - c. **Construct New Shared On-Site Driveway Access.** The new shared on-site access driveway shall be constructed with a hard surface material to meet minimum Fire Department access requirements of 60,000 pounds. Plans shall include cross sections for driveway construction and specifications using standardized construction methods to meet this condition.

- d. **Construct Required Hammerhead.** A hammerhead shall be constructed on proposed Parcel D in conjunction with construction for new shared access driveway.
 - e. **Covered Parking on Parcels A & B.** Applicant shall provide for covered parking on Parcel A (2507 Medcliff) & Parcel B (2511 Medcliff) as required by SBMC.
5. Obtain a Public Works Permit (PBW), and complete the construction of the following required public improvements:
- a. **Medcliff Road Public Improvements.** All public improvements as identified in section D.7 of these Conditions of Approval, shall be either constructed prior to approval of the Parcel Map, or securities and a Land Development Agreement shall be submitted prior to issuance of permits.
- Alternatively, these improvements can be permitted and completed following approval of the Map if a Land Development Agreement and appropriate securities are provided. Refer to Condition C.8 “Land Development Agreement.” Refer also to Sections E. “Requirements Prior to Permit Issuance,” and F. “Construction Implementation Requirements.”
6. Obtain City Council approval of the Parcel Map and Agreement(s) and record said documents. Refer to Section C. “Public Works Submittal for Parcel Map Approval.”

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 19, 2010, is limited to the subdivision of two parcels to create four legal lots and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning commission on said date and on file at the City of Santa Barbara and subject to any revisions made by the Planning Commission approval.
 2. **Guest Parking.** At least one uncovered guest parking space shall be provided on Parcel D in addition to any parking spaces required by the Zoning Ordinance. Its size and location shall be determined by the Transportation Manager and approved by the Community Development Department.
 3. **Future Development.** No structures shall be constructed within 20- feet of the edge of the private shared access driveway on any of the parcels. The Development Envelope on Parcel D shall be reduced so that no structures shall be constructed within 20' of the private driveway easement or within 20' of the easterly property line.
 4. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 5. **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 Single Family Design Board (SFDB).
 6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
 7. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Map and the Preliminary Grading Plan other than the two designated for removal, shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 3, 2010.
 8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in accordance with the approved Storm Water Management Plan. Should any of the

project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit / Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

9. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Private Covenants Conditions & Restrictions (CC&R's).** A private driveway maintenance and utility agreement shall be recorded in the Office of the County Clerk Recorder as a separate instrument in the form of Private CC&R's for all affected properties, and shall include language for maintenance of the private driveway, private water main, private fire hydrant, private storm drain system, and all other shared private facilities. The Official Record instrument number shall be referenced on the Parcel Map.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
10. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards.

The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

C. **Public Works Submittal For Parcel Map Approval.** The Owner shall submit the following, or proof of completion of the following, to the Public Works Department for review and approval:

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance and shall comply with the Tentative Subdivision Map signed by the chairman of the Planning commission on said date and on file at the City of Santa Barbara and subject to any revisions made by the Planning Commission approval..
2. **Dedications.** Dedication of Easements as shown on the approved Tentative Subdivision Map and described as follows, are subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division. The public easement dedications shall be offered on the Parcel Map (Map), the private easement documents shall be recorded as separate instruments prior to recordation of the Map, and the Recorded Instrument Numbers of the private easements shall be referenced on the title sheet of the Map:
 - a. **Public and Private Access and Utility Easement.** A Variable Width, no less than 22-foot wide access easement for the purposes of ingress and egress for vehicles and pedestrians, utilities for Gas, Edison, Internet, Telecom and trash services, private waterline, water meter reading, and maintenance of water meters by the City of Santa Barbara, and provision for a hammerhead located on proposed Parcel D as identified in Condition A above.
 - b. **Right of Way easement.** A one-foot wide easement shall be dedicated to the City of Santa Barbara for +/- 320 linear feet fronting Medcliff Drive to accommodate new public sidewalk.
 - c. **Public Sewer Easement.** A public sewer easement shall be dedicated to the City of Santa Barbara for a 20-foot wide strip of Parcel A, extending from the existing 10-foot wide sewer easement at the most easterly property boundary of proposed Parcel D, to the most westerly property boundary of proposed Parcel A, encompassing the existing sewer main.

3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
4. **Recorded Conditions and Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
5. **Hydrology Report.** The Owner shall submit a final hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Stormwater Management Plan (treatment, rate and volume). The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building & Safety Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
7. **Medcliff Road Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Medcliff Road. As determined by the Public Works Department, the improvements shall include the following to City standards: *6-foot wide sidewalk, 4-foot wide parkway, supply and install new "Fern Pine" street trees (podocarpus gracillior) with number of trees, spacing and minimum box size determined by the City Arborist, construct two new driveway aprons modified to meet Title 24 requirements, remove existing curb cut no longer in use replaced with +/-12 linear foot curb and gutter, crack seal to the centerline of the street along entire subject property frontage, and slurry seal a minimum of 20 feet beyond the limits of all trenching including connection of new private watermain to the City system, connection to the City sewer main, public drainage improvements with supporting hydrology report for installation of curb drain outlets (if any), coordinate with Edison and the Public Works Inspector to remove two existing Cobra Head streetlights on metal poles at the intersections of Balboa Drive and Via Sevilla, and supply and install two new City standard residential Dome Style standard street light fixtures on concrete fluted poles, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs during construction per the California MUTCD, and provide adequate positive drainage from site.*

8. **Land Development Agreement.** The Owner shall submit an Engineer's Estimate, signed, and stamped by a registered civil engineer, securities for construction of improvements, and an executed *Agreement for Land Development Improvements*, prepared by the Engineering if public improvements are not constructed prior to recordation of the Parcel Map.
 9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 10. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
 11. **Repair Damaged Public Improvements.** Repair any construction-related damaged public improvements/property (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090.
 12. **New Address Assignment.** A new address shall be assigned to the newly created Parcel D at the time of recordation of the Parcel Map.
 13. **Complete Improvements.** Public and private improvements listed in Section A.4. above, and as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees shall be completed.
 14. **Fire Hydrant.** Install a new private residential fire hydrant to be within 500' of the rear of the furthest structure accessed by this driveway.
 15. **Manholes.** Raise all sewer and water manholes on easement, if any are affected by construction of private driveway, to final finished grade.
 16. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department that the private CC&Rs required in Section B have been recorded.
- D. **Design Review.** Project grading and landform alteration, structural design, colors, materials, landscaping, lighting, signage and public improvements require preliminary and final review and approval by the Single Family Design Board (SFDB). The SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
1. **Future Development.** No structures shall be constructed within 20- feet of the edge of the private shared access driveway. The Development Envelope on Parcel D shall be reduced so that no construction shall occur within 20' of the private driveway easement or within 20' of the easterly property line.
 2. **Guest Parking.** At least one uncovered guest parking space shall be provided on Parcel D in addition to any parking spaces required by the Zoning Ordinance. Its size and location shall be determined by the Transportation Manager and approved by the Community Development Department.

3. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized tree(s) of an appropriate species or like species.
4. **Oak Tree Mitigation.** Six-(6) fifteen gallon oak trees shall be planted on site where they will not conflict with possible future development of parcel D or any other parcel.
5. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Map and the Preliminary Grading Plan other than the two designated for removal, shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 3, 2010. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s). The following provisions shall apply to any oak trees to remain on the property:
 - a. A pre-construction meeting shall be held with contractors, prior to commencement of work, to discuss tree protections measures.
 - b. Install fencing, as designated on the site plan to establish tree protection zones (TPZ). These TPZs shall be at the outside edge of work areas, around trees. Fences must be maintained in upright positions throughout the duration of the project.
 - c. The TPZs shall be void of all activities, including parking vehicles, operation of equipment, storage of materials and dumping (including temporary spoils from excavation).
 - d. All excavation and grading near protected trees shall be monitored by the project arborist.
 - e. Demolition of the existing asphalt, excavation and grading within the CRZs (critical root zones) of protected trees, but outside of the TPZs shall be done by hand where reasonable. This includes oaks #9, 10, 21, 22, 24, 1n3 25; redwood #23; pine #28. The Brazilian peppers #3, 30; and #31, and Tea tree #27 provide some benefit to the homeowner and warrant similar attention if they are to survive.
 - f. Any roots encountered that are ½" and greater should be cleanly cut.
 - g. Tree pruning, where limbs may conflict with equipment and proposed structures, should be done prior to excavation and grading.
 - h. Pruning shall be performed or supervised by a qualified Certified Arborist. The project arborist shall review the goals with workers prior to commencement of any tree pruning. Tree workers shall be knowledgeable of ISA Best Management Practices for Tree Pruning.

- i. Oak trees that are impacted from root damage (even minimally) should be sprayed in the early spring and late summer with permethrin (Astro) to help resist attack of oak bark beetles. The application of the chemical shall be applied to the lower 6' of trunk. It is recommended that treatments be repeated for at least two years after completion of the project or if drought prevails for longer periods.
 - j. It may be determined by the project arborist that supplemental irrigation is necessary to aid trees that incur root loss and/or during hot and dry periods.
 - k. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - l. The proposed infiltration beds will not be installed within the drip line of the oak trees.
 - m. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
 - n. Landscaping under the tree(s) shall be compatible with the preservation of the tree(s) as determined by the Single Family Design Board (SFDB).
6. **Screened Backflow Device.** A backflow device for the private watermain system shall be provided on private property, as near to the public water main as possible in a location screened from public view or included in the exterior wall of a building, as approved by SFDB.
7. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits pulled pursuant to condition A.4. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. Public Works Department.
 - a. **Public Improvement Plans.**

Public improvement plans shall be incorporated in plans for a building permit, and Public Works permits shall be issued concurrently with a Building Permit.
 - b. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the California MUTCD. Traffic Control Plans are subject to approval by the Transportation Manager, and shall include, at a minimum, the requirements identified below:

2. **Community Development Department.**

- a. **Removal of Two On-Site Utility Poles.** Coordinate with Edison and Building Inspector to remove two on-site utility poles and relocate existing overhead lines under the new shared access driveway.
- b. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section D above, and all requirements shall be implemented on-site.
- d. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- e. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real

Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.7, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

- f. **No Parking Sign.** A "No Parking" sign shall be installed at the entrance to 20' wide shared driveway in order to provide the minimum width required for fire truck access lane which must remain clear at all times.
- g. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Map and the Preliminary Grading Plan other than the two designated for removal, shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Bill Spiewak, dated March 3, 2010.

During construction, protection measures shall be provided as identified in Condition D.5.

2. **Construction Traffic.** Construction traffic shall comply with the approved Traffic Control Plan, which requires a separate Public Works permit.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 st *
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. **Construction Parking/Storage/Staging.** Construction parking and vehicle/equipment/materials storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction vehicles/equipment/materials shall be provided on-site or off-site in a location subject to the approval of the Transportation Operations Manager. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

- c. Storage or staging of construction vehicles, equipment or materials within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
5. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site 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.
6. **Construction Dust Control - Surfacing.** All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. **Construction Dust Control - Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by a rock berm or row of stakes or a pipe-grid track out control device shall be installed at all access points to the project site to reduce mud/dirt track out from unpaved truck exit routes.
8. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches.
9. **Street Sweeping.** The property frontage, adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
10. **Construction Contact Sign.** Immediately after Building Permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on

a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

11. **Construction Equipment Maintenance/Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of final City permits.

G. General Conditions.

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the attached exhibits.
 - c. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

NOTICE OF TENTATIVE SUBDIVISION MAP AND COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110. The Coastal Development Permit shall expire two years from the date of final action upon the application, per Santa Barbara Municipal Code Section 28.44.230, plus any extensions granted for the Tentative Map.

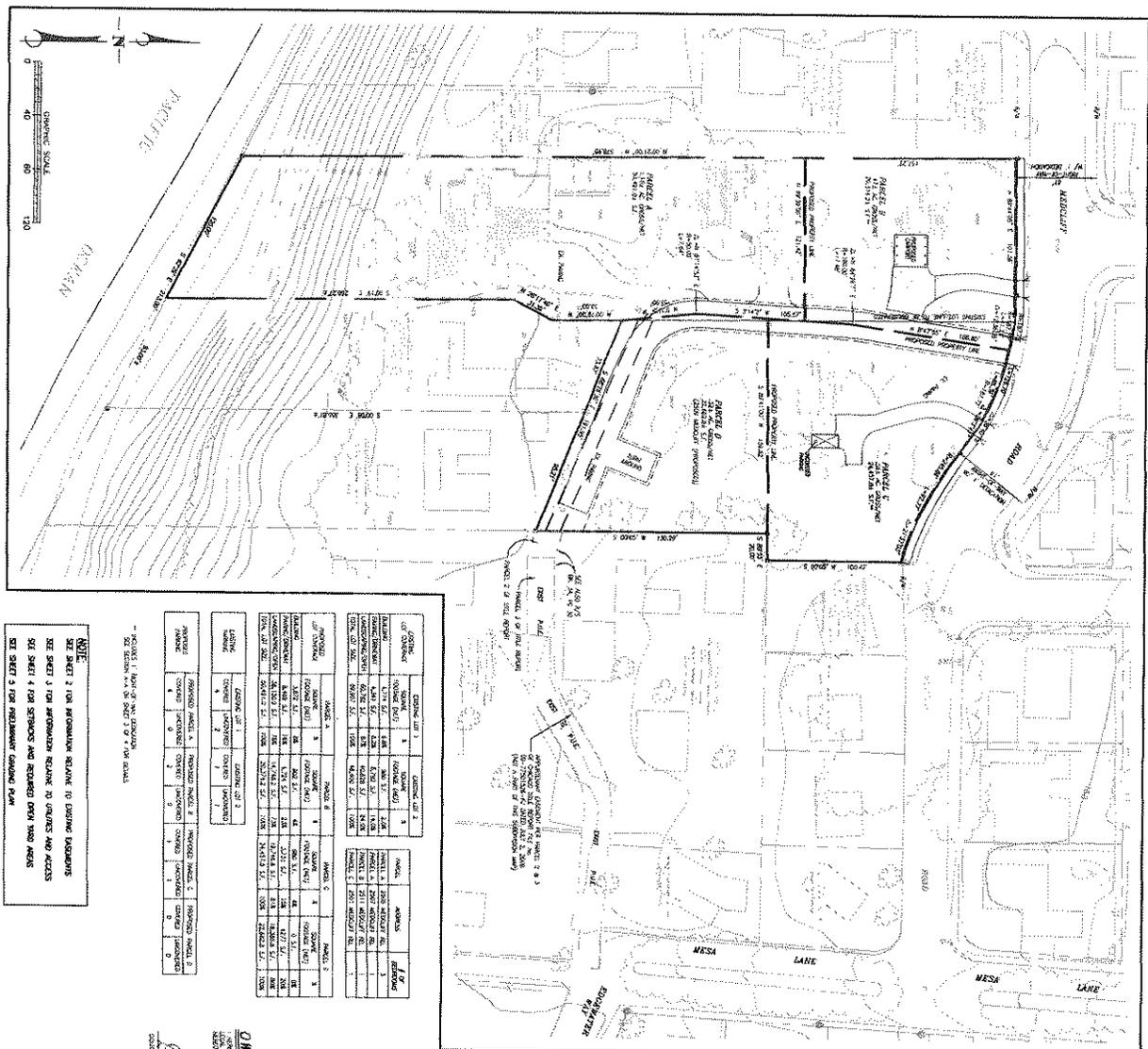
RECEIVED
AUG 03 2010

**CITY OF SANTA BARBARA
PLANNING DIVISION**

NOTIFICATION
The City of Santa Barbara Planning Division is hereby notified that the following project is being submitted for review and approval. The project is located at the intersection of [Address] and [Address]. The project consists of [Project Description]. The project is being submitted for review and approval on [Date]. The project is being submitted for review and approval by [Name].

GENERAL INFORMATION

PROJECT NAME: [Project Name]
PROJECT ADDRESS: [Project Address]
PROJECT OWNER: [Project Owner]
PROJECT CONTACT: [Project Contact]
PROJECT PHONE: [Project Phone]
PROJECT FAX: [Project Fax]
PROJECT EMAIL: [Project Email]
PROJECT WEBSITE: [Project Website]



LOT	AREA (SQ. FT.)				
LOT 1	1,234.56	1,234.56	1,234.56	1,234.56	1,234.56
LOT 2	2,345.67	2,345.67	2,345.67	2,345.67	2,345.67
LOT 3	3,456.78	3,456.78	3,456.78	3,456.78	3,456.78
LOT 4	4,567.89	4,567.89	4,567.89	4,567.89	4,567.89
LOT 5	5,678.90	5,678.90	5,678.90	5,678.90	5,678.90

NOTE:
SEE SHEET 2 FOR INFORMATION RELATIVE TO EXISTING EASEMENTS
SEE SHEET 3 FOR INFORMATION RELATIVE TO EASEMENTS AND ACCESS
SEE SHEET 4 FOR STREETS AND REQUIRED DRIVE PAVS ACCESS
SEE SHEET 5 FOR PRELIMINARY GRADING PLAN

OWNER'S CERTIFICATE
I, the undersigned, being the owner of the above described property, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

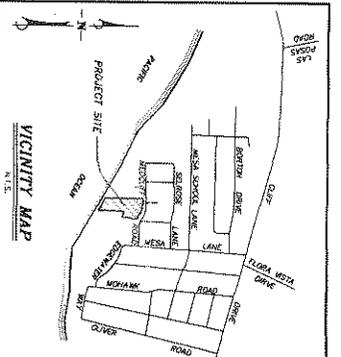
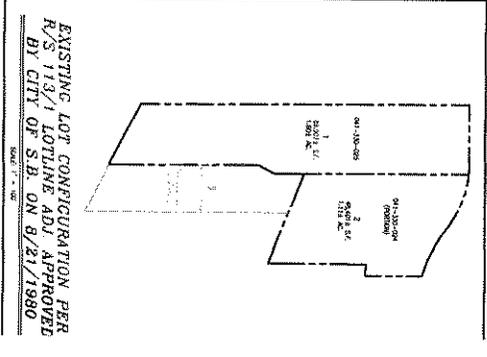
[Signature]
DATE: 9/16/09

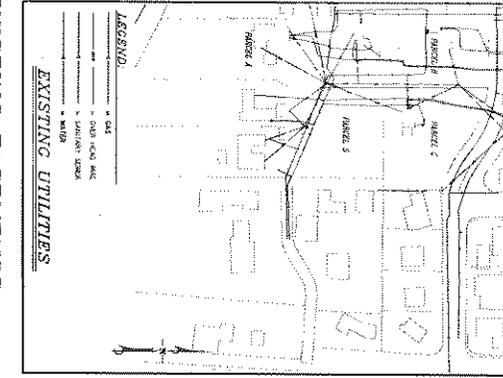
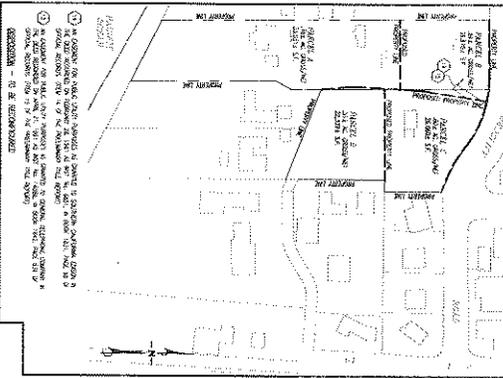
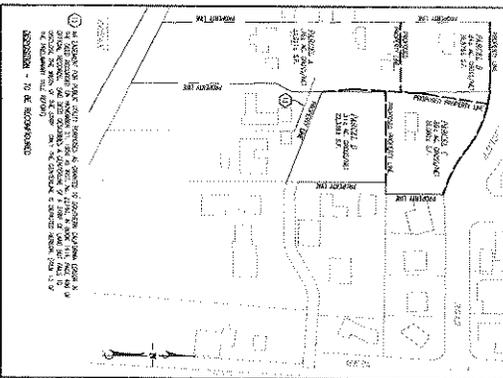
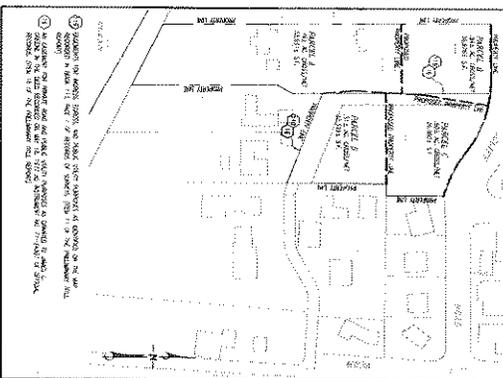
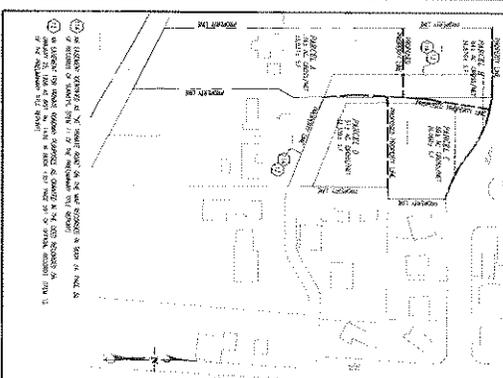
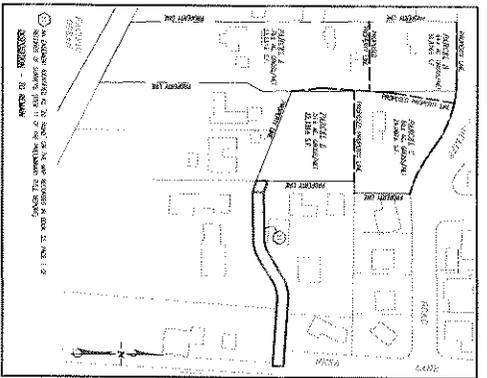
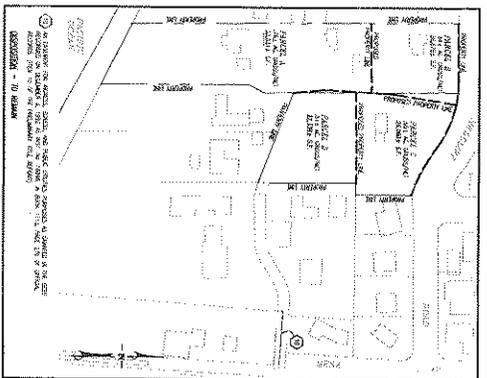
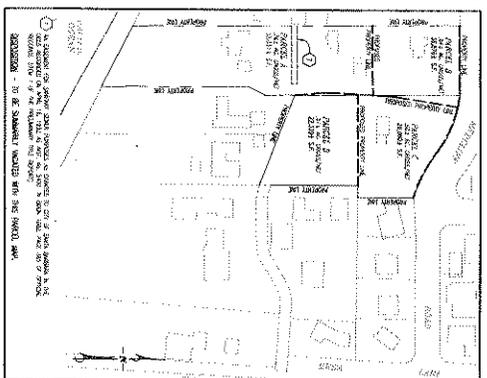
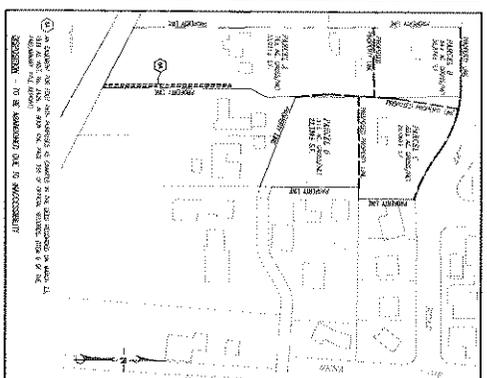
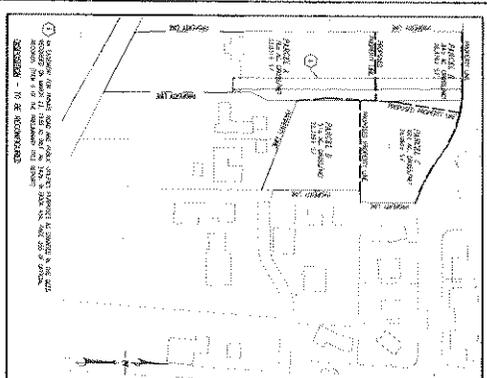


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WWW.SIDGOLDSTIEN.COM

**TENTATIVE MAP AND MERGER
FOR A FOUR-LOT SUBDIVISION
OF RESIDENTIAL LOTS**

THIS TENTATIVE MAP AND MERGER IS BEING SUBMITTED TO THE CITY OF SANTA BARBARA FOR REVIEW AND APPROVAL. THE PROJECT IS LOCATED AT THE INTERSECTION OF [Address] AND [Address]. THE PROJECT CONSISTS OF [Project Description]. THE PROJECT IS BEING SUBMITTED FOR REVIEW AND APPROVAL ON [Date]. THE PROJECT IS BEING SUBMITTED FOR REVIEW AND APPROVAL BY [Name].





SEE SHEET 1 FOR INFORMATION RELATIVE TO ADJACENT LOTS
SEE SHEET 1 FOR EASEMENTS AND EASEMENT GRANTOR RECORD
SEE SHEET 2 FOR RESUBDIVISION CONVEYANCE PLAN

- NOTES:**
1. THE CONVEYANCE REPRESENTS THE ENTIRE INTEREST IN THE LAND SHOWN ON THIS PLAN AND IS SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD.
 2. THE BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD SURVEY OF THE LAND SHOWN ON THIS PLAN AND ARE SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD.
 3. THE CONVEYANCE IS SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD.
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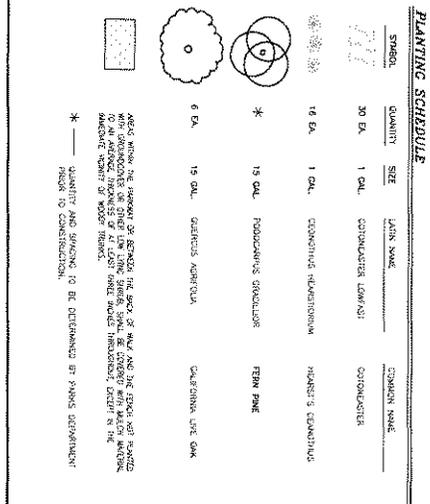
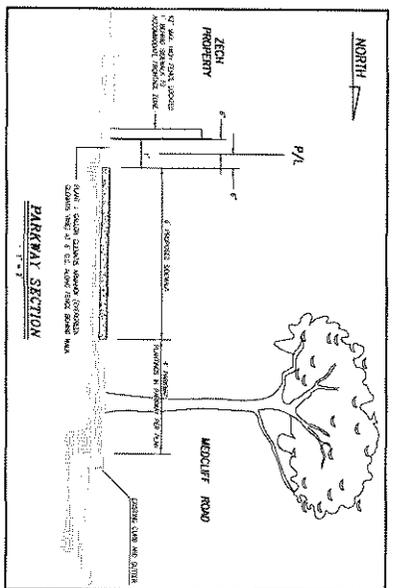
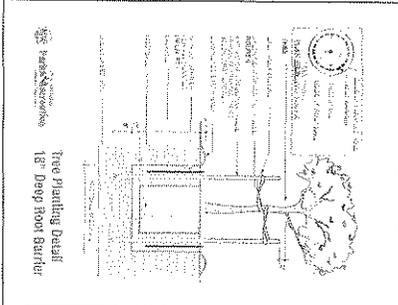
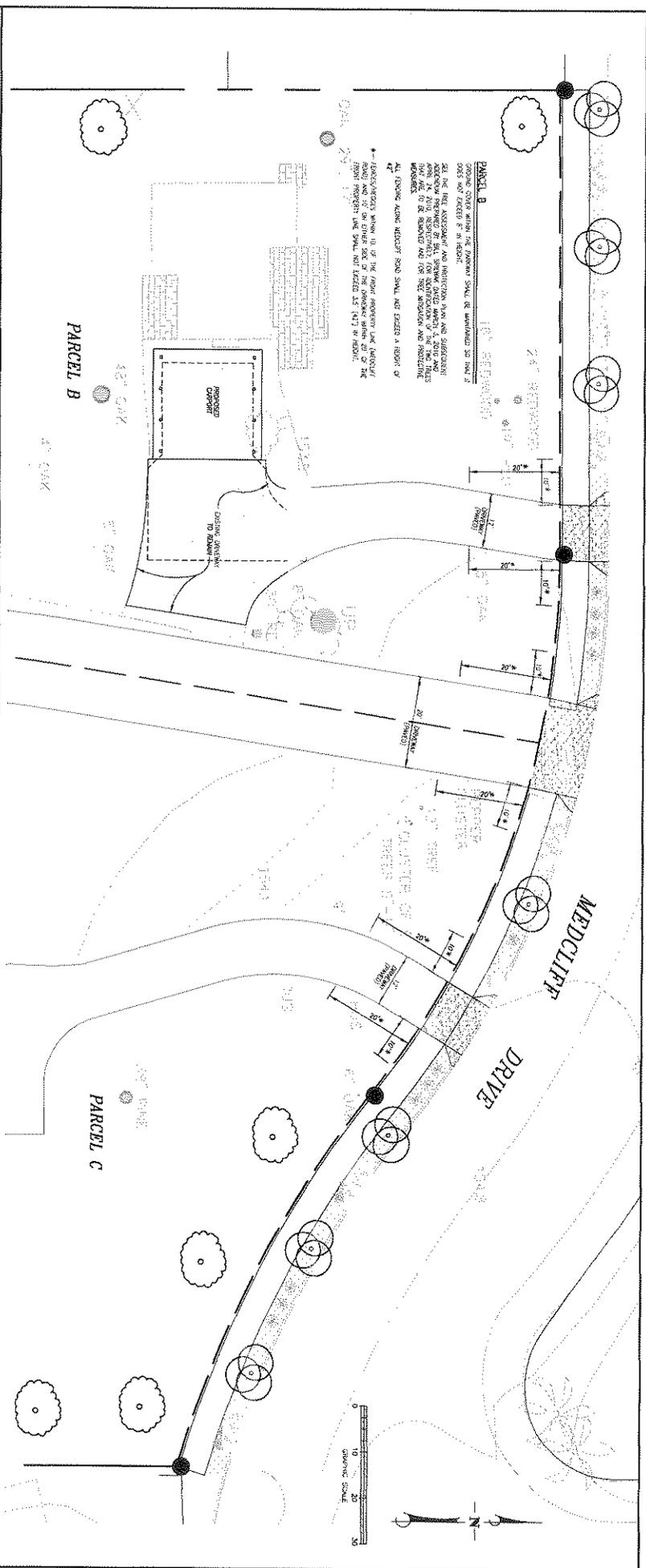


EXISTING EASEMENTS
for
TENTATIVE
MAP AND MERCER

SID GOLDSTIEN-CIVIL ENGINEER, INC.
PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT

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CITY OF SANTA BARBARA
APN 041-430-025 (PORTION)
APN 041-330-025



SID GOLDSTEIN - CIVIL ENGINEER, INC.

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PRELIMINARY LANDSCAPE PLAN
for PARKWAY at FRONTAGE of
2501 and 2511 MEDCLIFF ROAD

CITY OF SANTA BARBARA

A.P.N. 041-130-024 (CORRECTION)
PROJECT NO. 2-2014

SHEET 1 OF 1
08-20-14

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MAY 21 2010CITY OF SANTA BARBARA
PLANNING DIVISION

May 20, 2010

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: Project Description for Subdivision of APN's 041-330-024 and 041-330-025

Dear Planning Commission Members,

This firm represents Albert F. Zech, Trustee of the Albert F. Zech Trustu/d/t dated June 29, 1993, with regard to processing a *Tentative Subdivision Map, Coastal Development Permit, Performance Standard Permit, Public Street Frontage Waiver and Modifications* on two legal parcels under its ownership. The two legal parcels are identified as APN's 041-330-025 and a portion of A.P.N. 041-330-024. The properties are located in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. Aside from relocating the existing utilities underground, constructing a carport on Parcel B, constructing new individual driveways for Parcels B and C, realigning and widening the existing private driveway, this project does not propose to further develop the properties from their current condition.

The parcel identified as a portion of APN 041-330-024 is a 1.1 Ac. parcel located at 2501 Medcliff Road that is currently developed with one single-family residence and attached carport. APN 041-330-025 is a 1.6 Ac. parcel located at 2505 Medcliff Road that is currently developed with three single-family residences, one detached carport and one detached garage. No demolition, addition or alteration is proposed for any of the existing structures. They are to remain on the site, as they currently exist.

The proposed four new parcels to be created by the *Tentative Subdivision Map* from two existing parcels will comply with the existing E-3, SD-3 Zoning and residential General Plan designation. Each proposed parcel will contain considerably more land than the

minimum 7,500 S.F. of land area required by the E-3 zoning. The configuration of the four new parcels will be such that Parcel A will be 50,491 S.F. in size, have one 2,170 S.F. residence, one 627 S.F. residence, one 402 S.F. detached garage, and one 419 S.F. detached carport. Parcel B will be 20,374 S.F. in size and have one 892 S.F. residence. A two-car carport required by zoning will be constructed on Parcel B over the area where the existing driveway on that parcel exists. Parcel C will be 24,457 S.F. in size and have one 712 S.F. residence with a 259 S.F. attached carport. Parcel D will be 22,662 S.F. in size with no structures located on it. Proposed Parcel D will be developed sometime in the future as the current owner does not plan to develop it.

Six (6) residences currently share the existing paved private driveway. Four (4) residences located onsite and one (1) residence each on the two (2) parcels immediately to the East. This project proposes to reduce the use of the shared driveway by constructing individual driveways off of Medcliff Road to be used by the existing residences located on proposed Parcels B and C which front on Medcliff. Thus, five (5) residences not six (6) will ultimately use the existing private driveway, the two (2) residences on proposed Parcel A, the future residence on proposed Parcel D and the two (2) existing residences located on the neighboring parcels. The five (5) residences to ultimately use the driveway will be located on four (4) separate parcels consistent with Santa Barbara Municipal Code Sec. 28.04.255 for private driveways. The existing shared driveway does not meet current Fire Department width and turn-around standards and this project proposes to improve the existing shared private driveway so that it will meet those standards.

Access and utility easements will be created over the private driveway for the benefit of the Parcels that are served by it. A maintenance agreement between the Parcels will ensure the long-term maintenance of the driveway and easement(s). Site grading is expected to be minimal (234 C.Y.) and is limited to over-excavation and compaction needed to widen the private driveway. There will be an overall increase in pavement of approximately 4,000 s.f.. Minimal grading on proposed Parcel D will be necessary when it is developed to ensure runoff is directed into the rain garden/infiltration bed designed near its north property line. All cut and fill quantities should balance on site and removal of only two trees is needed in order to realign the driveway. The two trees slated for removal are 15" and 18" diameter oaks that are in poor health as stated in a report by a licensed Arborist. Six (6) new 15-gallon oak trees will be planted to mitigate removal of the two trees, which is in agreement with recommendations in the Arborist's report.

All utility services exist to the residences but are scattered throughout the site as they were constructed over time in no particular order. If left in their current location, situations will exist where utility services cross one parcel to serve another. This project proposes to organize the utilities by rerouting utility distribution lines underground within the easement to be created over the private driveway. This will ensure each parcel's utility services are located at each parcel's frontage along Medcliff Road or along the private driveway. A new private water main is proposed; the new water main will extend from the existing water main in Medcliff Road and go south along the private driveway to a new fire hydrant to be installed at a location acceptable to the Fire Department.

There is currently no fire hydrant located on the property. This project will remove existing overhead utility lines and improve fire protection.

There is no existing onsite storm drain system. Drainage has historically surface drained in a southerly direction. A drainage analysis performed indicates that increased runoff from the site in a 25-year storm event due to this project will be miniscule. Any increase in runoff on proposed Parcels A thru C, which are already developed with residences, will be from the construction/widening of the driveway(s). It is expected that the increase in runoff on these parcels will range from 0.02 cfs to 0.06 cfs. Parcel D will have the largest increase (0.10 cfs), when it is developed sometime in the future, with a single-family residence. To conform to the City's Storm Water Management Plan and to mitigate any added runoff, this project proposes to construct a rain garden (infiltration bed) on each parcel with excess capacity to capture the increased runoff volume on that parcel. The rain garden will be strategically constructed at a location on each parcel to keep the increased runoff from traveling south to the bluff.

This project incorporates and addresses all comments and questions brought up by City staff and the City's Single Family Design Board (SFDB). The comments and questions were provided to the applicant's representatives in multiple letters from the City's Pre-Application Review Team (PRT) and the Development Application Review Team (DART) and in various meetings including two SFDB public hearings held on April 26, 2010 and May 10, 2010.

In summary the project before you includes the following:

Tentative Subdivision Map

The *Tentative Subdivision Map* will divide two existing parcels into four. The subdivision is consistent with current Zoning and General Plan designations. The proposed parcels conform to neighboring uses on the North, East and West that have similar zoning and land use designations.

Performance Standard Permit

The *Performance Standard Permit* will allow an additional dwelling unit on proposed Parcel A (two existing dwellings on one Parcel). The owner has historically used the two dwellings in question and approval of the permit will allow the use to continue as such. Parcel A has enough land area to support the *Performance Standard Permit* as required by SBMC Sec. 28.93.020 E.

Public Street Frontage Waiver

The *Public Street Frontage Waiver* is requested to allow two of the four parcels being created by the subdivision to be interior parcels and to take access from a private driveway. Santa Barbara Municipal Code Sec. 22.60.300 indicates that whenever more than two parcels take access from a private driveway, a waiver is required. Although only two of the four parcels from this subdivision will use the driveway, the two parcels directly to the east that also use the driveway exceed the threshold set by SBMC 22.60.300 therefore the need for the *Waiver* is warranted. Approval of the *Waiver* is supportable because the parcels being

created are consistent with the surrounding neighborhood, long-term provisions for maintenance of the driveway is made via an agreement to be entered into by all parcels using the driveway, and the driveway will provide adequate and improved fire protection access.

Street Frontage Modification

The minimum 60' public street frontage required by Santa Barbara Municipal Code Sec. 28.15.080 is not physically possible for the two interior parcels, Parcels A and D, therefore two *Modifications* are requested. Approval of the *Modifications* is consistent with SBMC Sec. 28.92.110.a.2, by allowing for appropriate improvements on the parcels consistent with improvements in surrounding areas. Excess land area exists on the property to support the subdivision, but due to its configuration, frontage of all parcels on a public street is not physically possible nor desirable. The project ensures adequate access to all parcels and approval of the project will not alter the current character of the neighborhood nor will it introduce negative impacts.

Coastal Development Permit

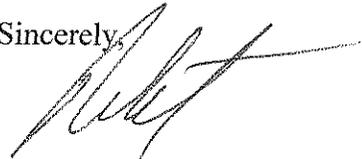
The *Coastal Development Permit* is requested due to the site's inclusion in the coastal zone.

The applicant's desire for this project is not to maximize the property's development potential but rather to preserve the property's aesthetic character while achieving his estate planning goals. That is why the number of proposed parcels is minimal (reconfiguring two existing parcels into four), and why the applicant has proposed that the building setbacks from the private driveway be set at 20' and not 6' as would be allowed by zoning.

Approval of this project conforms to the neighborhood vision set by the General Plan and Local Coastal Plan. The project will not significantly increase traffic, noise or odor, nor will it introduce hazardous materials to the site. Public visual corridors and recreation areas will not be affected and tenants will not be displaced. Approval of this project will simply ensure the existing use is retained while providing an opportunity to improve the existing utilities, provide adequate fire protection access, and remove redundant easements that currently encumber the site.

Therefore, your support for this project is respectfully requested. Thank you.

Sincerely,



Robert M. Ruiz, P.E.

CC: 08-09-102
Doug Rossi, Esq.

RECEIVED

Albert F. Zech, Ph.D.

MAY 18 2010

1204 Bel Air Drive

Santa Barbara, California 93105

(805) 682-3305

May 17, 2010

Re: Medcliff Drive lot split application

Dear Santa Barbara City planners and Committees,

I'm writing this letter because I am 104 years old, and I am hoping that you will approve the proposed division of my property on Medcliff Drive before I die. I apologize for not being able to present my thoughts in person, but I am simply not physically able to do so. Just a brief history: during the WWII era I served as a naval commander, and after the war I earned ~~by my~~ doctorate in education at USC, where I retired many years ago as Dean of Men. In the 1950's my wife and I moved to the property on Medcliff Drive and enjoyed many happy and peaceful years together there until her untimely death in the late 1970's. I moved from Medcliff to Vista Del Monte in 2007 after suffering a stroke.

In the 1970's, in part due to my wife's illness and our realization of the uncertainties life sometimes brings, we began a process to divide this same property but never completed it due to my wife's passing. We had no interest then as I have none now to develop or sell the parcels. When it is my turn to pass on I would like to leave my property to my trust beneficiaries. I cannot fulfill this goal, which my wife and I shared in the 70's, without creating problems for my beneficiaries unless the existing large parcels are divided. This is the reality of life, which, even for me, is much too short.

This property, for the nearly 60 years during which I was fortunate to live there and for the tenants who rent homes there, was and continues to be a very quiet and peaceful place. I refer to it as my "Shangri-La." As such, I have instructed my agents and consultants to prepare a plan that respects the existing structures, vegetation and ambience and does not materially detract from that setting. Only four total parcels are proposed from two existing parcels and only one of the four does not contain an existing residence. I recall that the zoning would allow many more parcels but that is not my desire.

My hope, certainly not a last wish, is to see this life-long dream fulfilled so that I can rest easy and feel confident that my beneficiaries will be provided for as my wife and I had intended many years ago. Thank you for your consideration and thoughtful deliberations.

Respectfully,



Albert F. Zech, Ph.D.

US Naval Commander, Retired

EXHIBIT D



SINGLE FAMILY DESIGN BOARD
CASE SUMMARY

2501 MEDCLIFF RD

MST2008-00366

R-4-LOT SUBDIVISION

Page: 1

Project Description:

Proposal to subdivide two existing parcels at 2501 and 2505 Medcliff into four parcels varying in size from 50,491 to 20,374 square feet. Three of the new parcels will contain the four existing single-family residences. The fourth parcel is not proposed to be developed at this time. The proposal includes 235 cubic yards of grading to improve the existing private driveway. A new driveway and a 400 square foot two-car carport is proposed for the front house at 2511 Medcliff, and a new driveway is proposed for the front house at 2501 Medcliff. The project is located in the Hillside Design District and the Coastal Zone. Planning Commission approvals are requested for the subdivision, including a Coastal Development Permit, two street frontage modifications, a street frontage waiver, and a Performance Standard Permit for an additional dwelling unit.

Activities:

5/10/2010

SFDB-Concept Review (Cont.)

(Second review. Comments only; project requires environmental assessment and Planning Commission review of a subdivision, modifications, waiver, a Coastal Development Permit, and a Performance Standard Permit.)

Actual time: 4:31

Present: Robert Ruiz and Sid Goldstein, Agents.

Kelly Brodison, Assistant Planner explained that because concrete sidewalks currently exist on both sides of the street as part of the Pedestrian Master Plan, staff will present the Boards previous request for organic rather than concrete sidewalks to the Planning commission. Ms. Brodison responded to questions from the Board.

Public comment was opened at 4:41 p.m.

A letter in opposition from Paula Westbury was acknowledged.

As no one wished to speak, public comment was closed.

Motion: Continued to the Planning Commission and return to Full Board with the following comments:

1) There is concern that the project does not comply with the following SFDB Design Guidelines Section 3.3 Subdivision Grading Plans, subsection A. Site Design (pg 44):

a. "Consistency with Single Family Residential Design Guidelines (SFRDG) 1 (Environmental Setting

Activities:

- and Landscaping), 2 (Site Planning and Structure Placement), and 33 (Neighborhood Compatibility)." There is concern about compatibility with size, character, and landscaping of the neighborhood.
- b. "Layout of lots and suitability of the development for future building pads and building envelopes." The Planning Commission is requested to study the building envelopes of the lots for the purpose of establishing the finding of compatibility with the existing neighborhood. Layout of lots and building envelopes should generate compatibility with the neighborhood.
- c. "Compatibility of design with surrounding neighborhoods in terms of lot sizes and building heights, building sizes, and building massing." The subdivision should enhance the neighborhood rather than be detrimental to it. There is concern that proposed lot sizes are larger than those of the surrounding neighborhood which could lead to larger houses that may not be compatible with the neighborhood.
- d. "Pedestrian connectivity to adjacent neighborhoods and community uses." With regard to a sidewalk, the rural character of the street leading to the Douglas Family Preserve should be handled with sensitivity.
- 2) Study an alternative cleaner street tree without the messy fruit. If Cotoneaster is required, use the 'Lowfast' variety instead of the Cotoneaster apiculatus.
- 3) Provide an alternative to the invasive Primrose.
- 4) Relocate the filtration beds locations outside of Oak tree drip lines.
- Action: Mahan/Bernstein, 6/0/1. Motion carried. (Zink abstained.)

4/26/2010

SFDB-Concept Review (New) - PH

(Comments only; project requires environmental assessment and Planning Commission review of a subdivision, modifications, waiver, a Coastal Development Permit, and a Performance Standard Permit.)

Actual time: 4:21

Present: Robert Reed and Sid Goldstein, Goldstein Engineering.

Public comment was opened at 4:26 p.m.

A letter from in opposition from Paula Westbury was acknowledged.

As no one wished to speak, public comment was closed.

Motion: Continued two weeks to the Full Board with the following comments:

- 1) Provide a landscape plan particularly addressing street and parkway trees, and the hedge along Medcliff Road.
- 2) Lower the existing 6 foot fence and hedge to 42 inches along Medcliff Road.
- 3) Provide Oak tree replacement and mitigation plans. Show trees to be removed and their replacements.
- 4) Study the carport design and character of 2511 Medcliff Road making it appear to be of more substantial building materials.
- 5) Study an alternative solution to the back out driveway.
- 6) The tandem parking at 2501 Medcliff Road is not supportable. Provide a solution that does not require backing out to the street.
- 7) Study an alternative to the sidewalk that is more organic in keeping with the proximity to the Douglas Preserve.
- 8) Redesign the development envelope of parcel D to provide a greater setback to the private drive and to exclude non buildable areas from the envelope.

Activities:

9) Study having a private street, instead of a driveway and increasing the building setbacks from it.
Action: Mahan/Mosel, 7/0/0. Motion carried.

4/26/2010 **SFDB-Mailed Notice Prepared**

4/14/2010 **SFDB-Posting Sign Issued**

Affidavit submitted.

4/1/2010 **SFDB-Resubmittal Received**

First Design Review submittal.

5/10/2010 **SFDB-Concept Review (Cont.)**

(Second review. Comments only; project requires environmental assessment and Planning Commission review of a subdivision, modifications, waiver, a Coastal Development Permit, and a Performance Standard Permit.)

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b. "Layout of lots and suitability of the development for future building pads and building envelopes." The Planning Commission is requested to study the building envelopes of the lots for the purpose of establishing the finding of compatibility with the existing neighborhood. Layout of lots and building envelopes should generate compatibility with the neighborhood.

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Activities:

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3) Provide an alternative to the invasive Primrose.

4) Relocate the filtration beds locations outside of Oak tree drip lines.

Action: Mahan/Bernstein, 6/0/1. Motion carried. (Zink abstained.)

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9) Study having a private street, instead of a driveway and increasing the building setbacks from it.

Action: Mahan/Mosel, 7/0/0. Motion carried.

4/26/2010

SFDB-Mailed Notice Prepared