



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** April 3, 2014  
**AGENDA DATE:** April 10, 2014  
**PROJECT ADDRESS:** 296 Schulte Lane (MST2013-00406)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470, extension 4552  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Allison De Busk, Project Planner *ALD*

### I. PROJECT DESCRIPTION

The project consists of relocating a previously approved grading envelope on a vacant 2.2 acre lot located at 296 Schulte Lane. The subject lot (Lot 4 of the subdivision) was created as part of the five-lot subdivision of 3688 Foothill Road (Exhibit G), which was approved by the Planning Commission on May 7, 1992 (Resolution No. 015-92; Exhibit F).

The Applicant is proposing to relocate the grading envelope directly north of the approved envelope in order to construct a new single-family residence while maintaining the orchard (currently consisting of avocado, citrus and cherimoya trees) located within the approved grading envelope (refer to Exhibits B and C). The proposed grading envelope would consist of the main envelope and a small accessory envelope; overall, the proposed grading envelope would have an average slope of approximately 29%. The overall size of the grading envelope would remain at approximately 15,246 square feet.

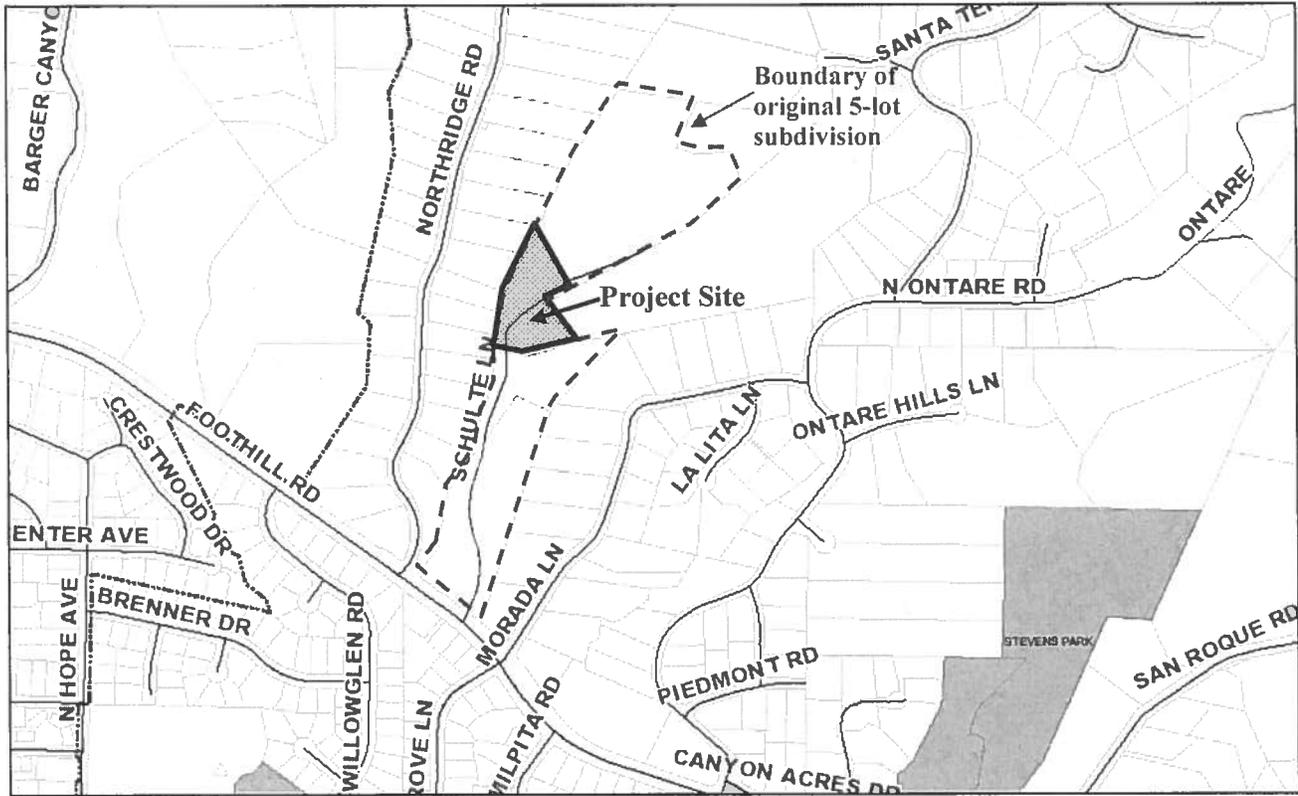
Although the project plans include the proposed development of the site with a single-family residence, pool, storage building and associated landscape and hardscape, the Planning Commission is only taking action on the proposed relocation of the grading envelope. The conceptual house design has been provided for information only and to assist with environmental review. The Single Family Design Board (SFDB) is the decision-making body for the residence itself.

### II. REQUIRED APPLICATIONS

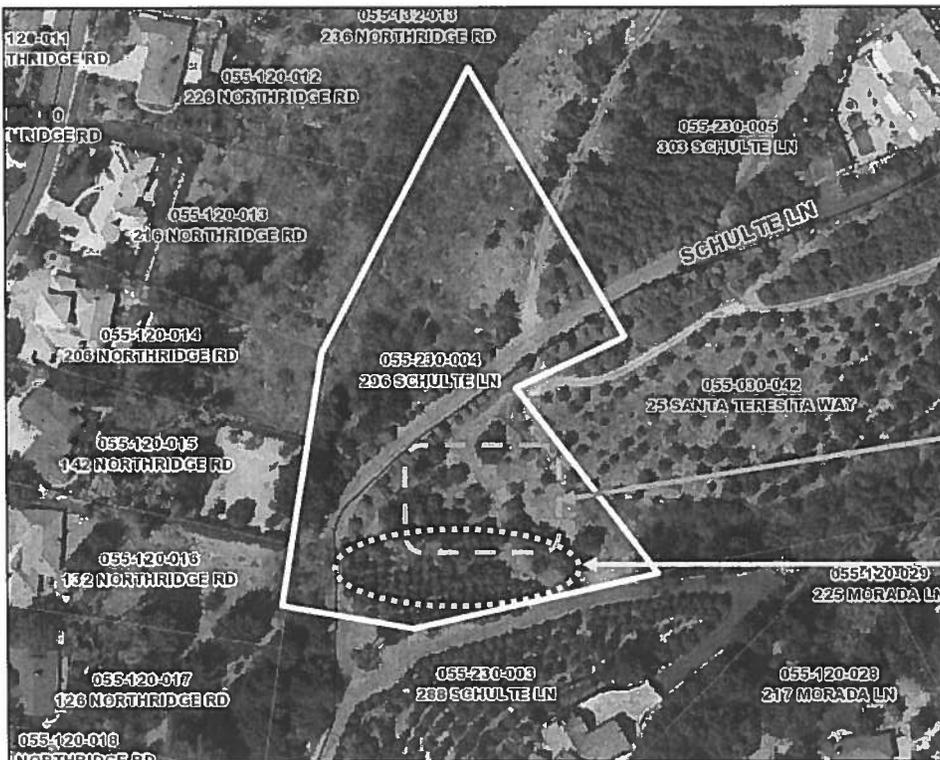
The discretionary action required for this project is an Amendment to the conditions of approval and previously approved grading envelope for Lot 4 of the subdivision of 3688 Foothill Road, approved by Planning Commission Resolution 015-92.

### III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map – 296 Schulte Lane



Approximate location of Proposed Grading Envelope

Approximate location of Approved Grading Envelope and existing orchard

**APPLICATION DEEMED COMPLETE:** March 13, 2014  
**DATE ACTION REQUIRED PER MAP ACT:** May 7, 2014

#### **IV. BACKGROUND**

The subdivision of the 18.86-acre site located at 3688 Foothill Road has the following review history:

September 1990 – Development Review Committee concept review of a four-lot subdivision.

June 1991 – Proposal for a four-lot subdivision submitted. Staff directed Applicant to avoid grading on slopes of 30% or more.

August 1991 – Architectural Board of Review (ABR) reviewed a proposal for a four-lot subdivision and expressed concerns related to slope, scarring and the driveway configuration.

September 1991 – ABR reviewed a revised proposal for a four-lot subdivision that avoided all development in the 30+ percent slopes. ABR gave positive comments about grading, orchard preservation, landscaping and driveway configuration.

October 1991 – Revised proposal for a five-lot subdivision submitted.

January 1992 – Environmental Review Committee (ERC) reviewed the Initial Study. Concerns were expressed by the public and ERC members regarding drainage, removal of agriculture (avocado and citrus orchard), traffic and sight distance, access, radon, visual impacts, and geologic concerns (e.g. soils, caissons, retaining walls, slope stability).

February 1992 – Initial Study was updated to address ERC and public comments. Applicant submitted additional information and technical reports, proposed grading envelopes<sup>1</sup> for each lot and restricted the size of home that could be constructed on each lot. ERC directed staff to prepare the Negative Declaration (ND). ERC also requested that a memo be sent to the Planning Commission expressing concern with the cumulative effects of foothill development.

March 19, 1992 – The Planning Commission reviewed the proposed five-lot subdivision and expressed concerns regarding fire impacts, emergency access, CC&Rs, public improvements, alternative subdivision design and development rights.

April 1992 – Planning Commission held another hearing on the subdivision proposal. Project was continued.

May 1992 – Continued Planning Commission review of the subdivision. Planning Commission adopted the ND and approved the five-lot subdivision and modifications for the shared driveway's slope to exceed 16%, to allow the lots to have no public street frontage, and to allow parking within the interior setback on Lot 3.

---

<sup>1</sup> Please note that although the term “grading envelope” was used, the intent (based on staff’s review of the plans, Minutes and associated information) was more akin to our current use of the term “building envelope.”

January 1993 – Subdivision work (grading and construction of roads and utilities) was completed.

April 1993 – City Council approved Final Map.

1996, 2004 & 2010 – Lots 5, 3 and 2, respectively, were developed with single-family residences.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Robert Pester, AB Design Studio		
<b>Property Owner:</b>	Stone 2000 Family Trust		
<b>Site Information</b>			
<b>Parcel Number:</b>	055-230-004	<b>Lot Area:</b>	2.2 acres
<b>General Plan:</b>	Low Density Residential (max. 1 dwelling unit/acre)	<b>Zoning:</b>	A-1 One Family Residential
<b>Existing Use:</b>	vacant/orchard	<b>Topography:</b>	29% slope (average)
<b>Adjacent Land Uses</b>			
	North – Single-Family Residential South - Single-Family Residential		East - Single-Family Residential West - Single-Family Residential

**B. PROJECT STATISTICS**

Grading Envelope	Existing	Proposed	
		Main	Accessory
Area	0.35-acre	0.34-acre	0.01-acre
Slope	15.56%	29.68%	18.88%

**VI. POLICY AND ZONING CONSISTENCY ANALYSIS**

**A. ZONING ORDINANCE CONSISTENCY**

Please note that this is for informational purposes only and is based on the conceptual house design submitted.

Standard	Requirement/ Allowance	Proposed
<b>Setbacks</b>		
-Front	35 feet	>90 feet
-Interior	15 feet	15 feet
<b>Building Height</b>	30 feet	25 feet
<b>Living Space*</b>	5,000 s.f. max.	3,253 s.f.

<b>Parking*</b>	2 covered + 2 guest	2 covered (garage) + 2 guest (uncovered)
<b>Open Yard</b>	1,250 s.f.	> 1,250 s.f.

\* Governed by Planning Commission Resolution No. 015-92

Conditions of the Planning Commission’s approval of the subdivision included limitations on house size and additional parking requirements.

The proposed conceptual development would comply with the requirements of the Zoning Ordinance, as well as with the additional development requirements identified in the conditions of approval for the subdivision.

**B. GENERAL PLAN CONSISTENCY**

Applicable General Plan policies are provided as Exhibit J. Staff finds that the project would be consistent with the General Plan, as discussed below.

**1. LAND USE ELEMENT**

The project site is located in the Foothill Neighborhood of the City. The Foothill neighborhood is characterized by single family homes in an area of steep slopes. The General Plan designates most of the area as Low Density Residential, 1 dwelling unit/acre, which is consistent with the A-zoning designation and with the steeper hillsides and major open space areas in this neighborhood.

The General Plan identified approximately 29 vacant lots within this area, of which the project site is one. The project is consistent with the Land Use Element Policy LG14 to “maintain and protect the character and quality of life of single family zoned neighborhoods as a low density community” because it will continue to allow for the development of a single family residence on an existing large lot and has received positive comments from the City’s design review board related to neighborhood character.

**2. ENVIRONMENTAL RESOURCES ELEMENT**

The General Plan contains policies that encourage the retention of trees, support for regional agriculture and protection of visual resources, and discourage development on hillsides that significantly modify the natural topography and vegetation. The project proposes to maintain the existing organic orchard on the property, which is consistent with these policies. Although the proposed grading envelope would have a slope of almost 30%, the location is not on a ridgeline and the house has been designed to minimize changes to the natural topography of the site. The site is not considered to be a significant view corridor and the development would not be visible from any major public vantage points. Therefore, staff finds that the project would be consistent with the Environmental Resources Element of the General Plan.

**VII. ENVIRONMENTAL REVIEW**

A Negative Declaration (ND) was prepared for a five-lot subdivision that created the subject parcel (Exhibit H). This ND was adopted by the Planning Commission on May 7, 1992 when they approved the subdivision and associated modification requests. Each lot in the subdivision

included a designated grading envelope within which all residential and related improvements were to be located. These grading envelopes were added to the project in response to concerns raised by the Environmental Review Committee about potential visual impacts associated with the project.

An Addendum to the ND has been prepared for the proposed relocation of Lot 4's grading envelope (Exhibit I). In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164, an addendum to a previously adopted negative declaration may be prepared if only minor changes in the project are proposed and no new significant environmental effects or increased severity of previously identified impacts would result.

As outlined in the Addendum, the revision to the grading envelope location on the subject property would not result in new or additional environmental impacts. The Addendum, together with the ND, constitutes adequate environmental documentation for the project, in compliance with CEQA.

#### **VIII. DESIGN REVIEW**

This project was reviewed by the SFDB on two separate occasions (meeting minutes are attached as Exhibits D and E). At the first review on December 16, 2013, the SFDB asked for more information including the prior approved grading envelope, topography, proposed grading, site sections and landscaping. At the second review on January 13, 2014, the SFDB stated that the proposed building location and architectural style were complimentary with the profile of the slope; they appreciated the preservation of the orchard.

#### **IX. ISSUES / CONCLUSION**

As noted in the Background section above, grading envelopes were added to the proposed lots primarily to address potential visual impacts. Avoiding grading on slopes greater than 30% was also an important component of the subdivision's approval through the Planning and Design Review processes.

Staff was initially concerned that the relocated grading envelope would have an average slope of almost 30%, compared to the approved grading envelope's average slope of less than 16%. However, further research indicated the approved grading envelope contained a tennis court at the time of the subdivision, so the slope of this portion of the site had been altered prior to obtaining information about the original slope. Additionally, the location and design of the proposed development has been reviewed by the City's Single Family Design Board, who determined that development on this portion of the lot could be done in a manner consistent with surrounding development and without causing significant visual impacts. A more complete discussion of potential visual impacts, including visual simulations, is included in the Addendum to the Negative Declaration (Exhibit I).

Staff also considers the retention of the small orchard, which has been on the site for approximately 10 years, to be a benefit to the community from both an economic standpoint, and also visually, as it would help shield the view of the future residence from Schulte Lane.

Overall, the typical concerns with development on slopes nearing 30% are not present on the subject site, as described in Section VI.B of this report. That, in combination with allowing for retention of the orchard, makes the proposed grading envelope acceptable in this case. It

should be noted that staff has not included any conditions of approval that would require the orchard to be maintained in perpetuity. Staff believes that the findings to support the relocation of the grading envelope could be made even if the orchard were not a consideration; however, it is certainly an asset to the site and community, and efforts to retain it should be strongly encouraged.

**X. FINDINGS**

The Planning Commission finds the following:

**A. ENVIRONMENTAL FINDINGS**

The Planning Commission has considered the Addendum dated March 18, 2014 with the Negative Declaration approved by the Planning Commission on May 7, 1992 (SB-150-91) prior to making a decision on the project. Together they are determined to be adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA. The Planning Commission has determined that no subsequent ND is required pursuant to CEQA Guidelines Sections 15162 and 15614 because:

1. Project changes do not require major revisions of the previous ND because there are no new significant environmental effects and there is no increase in the severity of previously identified significant effects, as identified in the Addendum.
2. There have been no substantial changes with respect to the circumstances under which the project is undertaken; therefore, no major revisions of the ND are required to address new significant environmental effects or an increase in the severity of previously identified significant effects, as identified above.
3. There is no new information of substantial importance that shows that the project will have any significant effects not discussed in the ND or that significant effects previously examined will be more severe than shown in the ND. The project proponent has not declined to adopt any identified mitigation measures or alternatives.

**B. GENERAL FINDINGS**

The findings to support approval of the Tentative Map for the subdivision of 3688 Foothill Road, which were made by the Planning Commission on May 7, 1992 in Resolution No. 015-92, can still be made recognizing the relocation of the Lot 4 grading envelope. The grading envelope relocation is consistent with the findings for approval of the original Tentative Map. The project is consistent with the City's Zoning Ordinance and General Plan, as outlined in Section VI of the staff report. The site is physically suitable for the proposed development and the design of the project is consistent with the surrounding neighborhood, will not cause substantial environmental damage and will not cause serious health problems, as discussed in Sections VII and VII of the staff report. The associated conditions of approval, as outlined in Resolution No. 015-92, are hereby amended to reflect relocation of said grading envelope.

Exhibits:

- A. Conditions of Approval
- B. Proposed Grading and Footprint Plan

- C. Applicant's letter, dated November 21, 2013
- D. SFDB Minutes, December 16, 2013
- E. SFDB Minutes, January 13, 2014
- F. Planning Commission Resolution No. 015-92
- G. Approved Tentative Map
- H. Negative Declaration dated December 20, 1991 (Revised February 7, 1992)
- I. Addendum to Negative Declaration dated March 18, 2014
- J. Applicable General Plan Policies

**PLANNING COMMISSION CONDITIONS OF APPROVAL**

296 SCHULTE LANE

(AMENDMENT TO CONDITIONS OF APPROVAL FOR 3688 FOOTHILL ROAD,  
AS OUTLINED IN PLANNING COMMISSION RESOLUTION No. 015-92)

APRIL 10, 2014

- I. 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. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
  2. Record any required documents (see Recorded Conditions Agreement section below) prior to issuance of a building permit.
- B. **Recorded Conditions Agreement.** Prior to issuance of a building permit on the Real Property, the Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 April 10, 2014 is limited to a revision to the previously approved grading envelope on Lot 4 of the 5-lot subdivision of 3688 Foothill Road, which was approved by the Planning Commission on May 7, 1992 (Resolution No. 015-92). The previously approved grading envelope shall be relocated from the area of the existing orchard (formerly the tennis court and surrounding area) to an area immediately north of the previously approved grading envelope. The intent in relocating the grading envelope is to construct a new single-family residence while maintaining the existing orchard, as shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Development Rights Restrictions.** The owner shall limit the location of buildings, structures and habitable space to within the identified grading envelope, as shown on the approved plans. The Owner shall continue to be responsible for (i) maintenance of the entire parcel, and (ii) compliance with orders of the Fire Department. The approved grading envelope shall be shown on the construction plans for the residence on the Real 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 Single Family Design Board (SFDB).
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a

functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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 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.

C. **General Condition.**

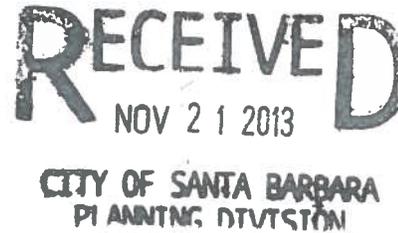
1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 015-92.

D. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.







November 21, 2013

Allison DeBusk  
Planning & Zoning  
City of Santa Barbara  
630 Garden St.  
Santa Barbara, CA 93101

Subject: 1356.00  
296 Schulte Lane  
DART Submittal

Via: Hand Delivered

We are pleased to have the opportunity to deliver to you this DART Submittal for the above referenced project on behalf of our client, Bret Stone, in preparation for Planning Commission review and approval to amend the Shulte subdivision Tract Map with a proposed grading envelope for the subject Lot 4. We look forward to working with the City of Santa Barbara in realizing our client's new single-family residential project on the land at 296 Shulte Lane (APN 055-230-004). The project team has performed a detailed site-specific analysis of the proposed sustainable residential development on this parcel, which supports active commercial agriculture.

The recorded subdivision map for the Shulte subdivision (Final Map No. 20,563), references the Tentative Map that was originally approved by the City of Santa Barbara Planning Commission. The Tentative Map suggests a "proposed grading envelope". The Final Map No. 20,563 does not indicate any grading envelope. Indeed, documents in the attached preliminary title report refer to the Tentative Map "for illustrative purposes only." The "proposed grading envelope", as illustrated in the tentative map is located in an area of the parcel where a substantial quantity of mature fruit trees, (including avocados, grapefruit and cherimoya) were, and are, actively farmed. The original "proposed grading envelope" was also located immediately adjacent to the Shulte Lane private road roundabout, which provides access to two separate private driveways serving the subject parcel, as well as the two adjacent single-family residential properties.

Our client desires to minimize the impact on the commercially farmed orchard that comprises the existing "proposed grading envelope" by siting the single family residence in a natural clearing. This location is superior not only because it will require less removal of trees, but it will also benefit from increased sunlight to support this zero net energy design. Further, the design contemplates capture of grey water and stormwater for gravity fed irrigation.

In a pre-application meeting on November 14, 2013, planning staff explained that the environmental review at the time of the subdivision included the "proposed grading envelope" to minimize visual impacts, which may no

longer be relevant today with the mature trees obstructing view of the proposed single family residence from the Shulte Lane roundabout. The neighboring property owners do not want a structure crowding the roundabout and their respective private driveways. The suggested path forward was to request a map amendment by the Planning Commission to revise the proposed grading envelope. Therefore, we are seeking Planning Commission approval to amend the Shulte Subdivision Map to relocate the proposed grading envelope to accommodate a proposed single-family residential development.

In sum, relocating the "proposed grading envelope" suggested in the Tentative Map to the current proposed location is justified because it will:

- Minimize development impacts on the active commercial agricultural operation.
- Optimize solar access for the proposed zero net energy single-family residence.
- Improve capture, storage, and passive distribution, of storm water and grey water to be integrated into the agricultural irrigation and thereby reducing the need for water supplied by the City.
- Minimize concerns raised by neighbors regarding the visual impacts from the Schulte Lane roundabout.

Description of the existing property:

- 2.21 acre (96,484 SF) parcel with actively farmed agricultural operation.
- No existing structures. Therefore, no demolition proposed.
- Minimal removal of existing vegetation proposed. No specimen trees removal proposed.
- The sloped site's natural drainage pattern tends generally to the south.
- No existing parking exists.
- The proposed single-family residential project will have two covered and two uncovered off-street parking spaces.
- No decorative landscaping currently exists.
- The proposed project will involve approximately 47 cubic yards of cut and fill (combined) to balance on site.
- The subject parcel, and all surrounding adjacent parcels fall within the A-1 zoning designation.
- The proposed project will have lighting typical of a single-family residence, with special consideration for dark-sky preservation.
- No smoke or odors will be produced by the proposed development.
- No new noise sources will be produced by the proposed development.
- Geotechnical studies were prepared in support of the approved subdivision, and are part of the public record.
- No new geotechnical studies have been prepared, related to the subject site.
- Resource and constraint studies were prepared in support of the approved subdivision, and are part of the public record.
- No new Resource and constraint studies have been prepared, related to the subject site.
- There are no existing or proposed recreational trails proposed traversing the subject parcel.
- Sewer and water are provided by the City of Santa.
- There are no existing structures, therefore no demolition is proposed.
- Estimated grading operation will be 4 weeks.
- Estimated construction operation will be 32 weeks.
- The proposed single-family residential project will be 4-bedroom with 3 full baths and 2 half baths.

There was a pre-application review with Renee Brooke and Allison Debusk, which occurred on November 14, 2013. No hazardous materials exist on site, and none are proposed to be used or stored in the future. No other discretionary review processes have occurred previously. No significant issues or problem areas have been identified.

---

Included for your review are the following documents:

1. (10) hard copies of plans for the proposed single-family residential development.
2. (2) hard copies of the property title report.
3. (1) set of site photos.
4. (1) Compact Disk containing electronic copies of the above reports and documentation.

We look forward to working with you on this exciting environmentally friendly project. Please notice any proposed site visits to this office with sufficient time to coordinate with our client so that he may be present to answer any questions that may arise.

Thank you.

Sincerely,



Clay Aurell, AIA, LEED AP  
Principal Architect

cc: Norbert Dall, Dall & Associates  
Geoff Smick, WRA, Inc.  
Joe Scepan, Joseph Scepan GeoSciences  
Charlie Grant, Civil Engineer  
David Skelly, Geo Soils, Inc.  
Patrick Shires, Cotton, Shires & Associates  
Emprise Trust



**FINAL REVIEW****2. 745 DOLORES DR****E-1 Zone****(3:30)**

Assessor's Parcel Number: 035-103-011  
Application Number: MST2012-00498  
Owner: Kenneth and Laura Haney  
Designer: Russell Banko Design & Construction

(Proposal to construct a 758 square foot, two-story addition, and a 243 square foot, one-story addition, to an existing, 1,674 square foot, one-story, single-family residence and attached two-car garage. The proposal includes an interior remodel, façade alterations, a new upper level deck, replacement of the existing roof material, and new site retaining walls. The proposed total of 2,675 square feet, located on a 9,409 square foot parcel in the Hillside Design District, is 76% of the required floor-to-lot area ratio (FAR). The proposal includes Staff Hearing Officer review for a requested zoning modification.)

**(Final Approval requested. The project was last reviewed on October 15, 2013.)**

Actual time: 3:45 p.m.

Present: Russell Banko, Architect.

Public comment opened at 3:51 p.m. As no one wished to speak, public comment was closed.

A letter of expressed concern from Paula Westbury was received.

**Motion: Final Approval as submitted.**

**Action: Miller/James, 5/1/0. Motion carried. (Sweeney opposed, Pierce absent).**

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****3. 296 SCHULTE LN****A-1 Zone****(3:50)**

Assessor's Parcel Number: 055-230-004  
Application Number: MST2013-00406  
Owner: Stone Family Trust  
Architect: AB Design Studio

(Proposal to construct a 3,378 square foot, two-story, single-family residence, with an attached, 592 square foot, two-car carport, located on a 2.18 acre lot in the Hillside Design District. The proposal includes a new pool, a 299 square foot pool cabana, a 656 square foot basement, a detached 316 square foot storage building, site walls, and a total of four uncovered parking spaces. The proposed development total of 5,241 square feet is 93% of the guideline floor-to-lot area ratio (FAR). The proposal includes Planning Commission review to revise the grading/building footprint.)

**(Comments only; project requires environmental assessment and Planning Commission review.)**

Actual time: 3:56 p.m.

Present: Clay Aurell, Robert Pester, Architects.

Public comment opened at 4:09 p.m.

- 1) Don Swann, neighbor, expressed concerns regarding the large, flat, industrial looking roof and possible reflection from the roof.

A letter of support of the architecture from Michelle Gaitan was received and a letter of expressed concern from Paula Westbury was received.

Public comment closed at 4:12 p.m.

**Motion: Continued four-weeks to the Full Board with comments:**

- 1) Provide more specific identification of the prior development site plan and footprint, including the site topography.
- 2) Provide site topography and sections relating to the proposed new footprint location.
- 3) Study alternative roof forms; "green roofs" are not currently allowed within the High Fire Area.
- 4) Provide a conceptual level landscape plan.
- 5) Provide site sections.

Action: Sweeney/Bernstein, 5/0/1. Motion carried. (Miller abstained, Pierce absent).

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

**4. 2301 CHAPALA ST**

**E-3 Zone**

**(4:25)**

Assessor's Parcel Number: 025-113-013

Application Number: MST2013-00417

Owner: Scott Gerrard Kipp and Hsiu Hua Kipp

Architect: Tony Xiques

(Proposal for a 173 square foot upper-floor addition and a 561 square foot lower-floor addition to an existing, 1,028 square foot, single-family residence, located on a 7,500 square foot lot. The proposed total of 2,432 square feet is 80% of the maximum floor-to-lot area ratio (FAR). The project includes Staff Hearing Officer review for requested zoning modifications. The project will address all violations identified in ENF2012-00886 and ZIR2012-00441.)

**(Comments only; project requires environmental assessment and Staff Hearing Officer review for requested zoning modifications.)**

Actual time: 4:31 p.m.

Present: Tony Xiques, Architect;  
Scott Kipp, Owner.

Public comment opened at 4:40 p.m.

- 1) Colleen Miller, rear neighbor, expressed concerns regarding privacy and obstruction of views.

A letter of expressed concern from Paula Westbury was received.

Public comment closed at 4:43 p.m.

**Motion: Continued indefinitely to Full Board with comments:**

- 1) The Board understands the reasoning for the modification.
- 2) Study the geometry of the addition, specifically the canted corners.
- 3) Study the window fenestrations to be more reminiscent of the original addition (and vertical break-ups).
- 4) Study the height of the second floor addition to consider neighbors concerns.
- 5) Study the roof shape.

Action: Sweeney/Woolery, 6/0/0. Motion carried. (Pierce absent).

**SFDB-CONCEPT REVIEW (CONT.)****1. 296 SCHULTE LN****A-1 Zone**

**(3:20)** Assessor's Parcel Number: 055-230-004  
 Application Number: MST2013-00406  
 Owner: Stone Family Trust  
 Architect: AB Design Studio

(Proposal to construct a 3,275 square foot, two-story, single-family residence, with an attached, 528 square foot, two-car carport, located on a 2.18 acre lot in the Hillside Design District. The proposal includes an attached, 620 square foot, accessory structure, a detached, 285 square foot, storage building, site walls, and a total of four uncovered parking spaces. The proposed development total of 4,708 square feet is 84% of the guideline floor-to-lot area ratio (FAR). The proposal includes Planning Commission review to revise the grading/building footprint.)

**(Second concept review. Comments only; project requires environmental assessment and Planning Commission review.)**

Actual time: 3:16 p.m.

Present: Clay Aurell, Robert Pester, Architects;  
 Brett Stone, Owner.

Public comment opened at 3:33 p.m.

- 1) Don Swann, neighbor at 216 Northridge Rd., (submitted letter), expressed concerns regarding the flat roof, solar panels, and possible inaccurate grading shown on the plans. He asked what the height of the planted trees would be for shielding the solar panels.

Letters of support for the design from Don Galloway, neighbor at 303 Schulte Lane, George and Elaine Kitagaw, neighbors at 288 Schulte Lane, and Amy Tracewell, neighbor at 14 Morada Lane, were acknowledged. A letter from Don and Terry Swann, neighbors at 216 Northridge Rd., expressed concerns regarding neighborhood compatibility and solar panels. A letter of expressed concerns from Paula Westbury regarding was received.

Public comment closed at 3:36 p.m.

**Motion: Continued indefinitely to the Planning Commission to return to Full Board with comments:**

- 1) Communicate closely with the neighbors on Northridge Road.
- 2) The Board finds the new building location and style of the architecture complimentary with the profile of the slope. The majority of the Board appreciated the preservation of the existing mature orchard.
- 3) Study the proximity (in terms of location) and the selected species of the proposed trees along the private driveway on the west elevation.

Action: Pierce/Zimmerman, 5/0/0. Motion carried. (Miller stepped down, James absent).





City of Santa Barbara  
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-92  
3688 FOOTHILL ROAD  
MAY 7, 1992  
(REVISED JANUARY 12, 1993)

**SUBJECT:**

Application of Garcia Architects, Agent for Rudolf Schulte, Affecting the Property at 3688 Foothill Road, APN's 55-030-54 and 55-122-29, One Family Residence Zone with a Minimum Lot Area of One Acre (A-1), General Plan Designation - Residential One Unit Per Acre.

Environmental Determination: Negative Declaration,  
SB-150-91.

A proposal by Garcia Architects, agent for Rudolf Schulte, for a five lot subdivision of 18.86 acres. Existing development on the site includes a one family dwelling unit, tennis court and citrus and avocado orchards. Improvements to the existing entrance will consist of a 42 inch maximum retaining wall along the easterly curb return of Foothill Road which will allow for the widening of the driveway mouth. The existing drainage system at the entrance will be modified as is deemed appropriate by CALTRANS and the City Public Works Department. In lieu of providing standard subdivision improvements to the property frontage, the property owner will provided \$20,000 for design and construction in order to accomplish as many of the following in order of priority:

1. A continuous four (4) foot minimum shoulder will be provided on the northerly side of Foothill Road between Morada Lane and Ontare Road.
2. Two (2) handicap ramps will be provided at the Grove Lane/Foothill Road intersection.
3. The steep cut slope along the northerly side of Foothill, west of Morada Lane, will be corrected so as to reduce the existing erosion control problem.
4. An appropriate erosion control landscaping will be provided on the above mentioned slope.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 2

Discretionary applications for the project are:

1. Tentative Subdivision Map for a five lot subdivision (SBMC §27.07);
2. Modification to allow a 20 percent slope private driveway instead of the maximum allowable slope of 16 percent (SBMC §28.90.045);
3. Modification to allow three lots to have no required public street frontage instead of the 100 feet required (SBMC §28.15.080); and
4. Modification to allow parking spaces to be located within the 15 foot interior yard setback on Lot 3 (SBMC §28.90.001.8).

**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 five people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Reports with Attachments, April 16 and May 7, 1992
2. Site Plan
3. Letter from Northridge Estates Homeowners Association dated January 27, 1992 listing their concerns about the proposed project and signed by 91 members.
4. Letters dated March 16, 1992 in support of the project were received from:  
Mr. & Mrs. Walter Thompson  
Mr. & Mrs. Fred Glenwinkel  
Mr. & Mrs. Siegfried Stuewe
5. Letter from Kenneth Clements of K-C Geotechnical Associates dated April 30, 1992 addressing the embankment slope along Foothill Road.
6. Memorandum dated May 7, 1992 from the Environmental Review Committee expressing their concern about development in the Foothill area.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 3

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

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

For environmental purposes:

- A. That with the project amendments, there will be no significant environmental impacts as a result of this project; and
- B. Pursuant to Section §15070 of the California Environmental Quality Act Guidelines, the Planning Commission adopt the Negative Declaration SB-150-91.

For the modifications:

- A. The modifications to allow parking spaces to be located within the 15 foot interior yard setback on Lot 3, and a Lots 3, 4, and 5 to be created without any public street frontage are consistent with the purpose and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the site, these improvements being the development of this property in a manner which will reduce the impacts associated with the buildout of the subdivision.
- B. The modification to allow a 20 percent slope private driveway instead of the maximum allowable slope of 16 percent, will be consistent with the purpose and intent of the Zoning Ordinance which, in this case, pertains to being consistent with the Uniform Fire Code, given that the City Fire Department has accepted the increase slope and additional high fire hazard requirements are included in the subdivision.

For the waiver:

- A. The proposed private road (Schulte Lane) will provide adequate access to the subject property.
- B. The proposed private road (Schulte Lane) 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.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 4

- C. There is adequate provision for maintenance of the proposed private road. The project has been conditioned (Condition A.5) with the requirement for an agreement stating that the owner will maintain said private road and that said agreement will be recorded prior to the recordation of the final map.
- D. The waiver is in the best interest of the City and will improve the quality and reduce the impacts of the proposed development by reducing the amount of grading and pavement associated with the development.

For the subdivision:

- A. Specific findings for denial have been reviewed per SBMC §27.07.100.C, and it has been determined that none of these findings apply.
- B. The project and the provisions for its design and improvement are consistent with the City of Santa Barbara Zoning Ordinance and General Plan.

For the Fish and Game Fee Exemption:

- A. An initial study has been conducted by this lead agency, which has evaluated the potential for this project to cause an adverse effect, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability."  
(Section §711.2 Fish and Game Code).
- B. There is no evidence that the proposed project would have any potential for adverse effects on wildlife resources.

II. Said approval is subject to the following conditions:

- A. Prior to the issuance of any building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and each lot created by this subdivision, and shall be recorded by the Owner with the Final Map on an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be



reviewed as to form and content by the City Attorney  
and Community Development Director:

1. Owner shall submit to the Environmental Analyst a monitoring program for the project's mitigation measures, as stated in the Negative Declaration dated February 7, 1992. Mitigation monitors responsible for permit compliance monitoring must be hired. The project's mitigation monitors shall include, but not be limited to, a Project Environmental Coordinator (PEC). The Environmental Analyst shall have the authority to resolve any disputes which may arise between the PEC and the General Contractor. The PEC will be responsible for monitoring daily activities, enforcement of permit compliance conditions, presentation of mitigation monitor briefing sessions, maintaining contact with the Owner, the Environmental Analyst, and the public, as well as issuing Environmental Quality Control Reports. Such reports must be submitted to the Owner and the Environmental Analyst. The mitigation monitoring program shall include, but not be limited to:
  - a. A list of the project's mitigation measures.
  - b. An indication of the frequency of the monitoring of these mitigation measures.
  - c. A schedule of the monitoring of the mitigation measures.
  - d. A list of reporting procedures.
  - e. A list of the mitigation monitors to be hired.
2. 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.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 6

3. A minimum of two (2) guest parking spaces are required on each of the new lots.
4. Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. No floodlights shall be allowed. Lighting shall be directed toward the ground. All lighting, other than lighting within residential units, shall be energy-efficient lighting of a type other than incandescent, except as determined to be impractical by the Community Development Director.
5. An agreement must be provided for adequate maintenance of the private road and facilities, in accordance with SBMC §22.60.300 (F). This agreement is subject to the review and approval of the Public Works Director and City Attorney.
6. Development of the Real Property, approved by the Planning Commission on May 7, 1992 is limited to five (5) lots with associated grading envelopes and the improvements shown on the Tentative Subdivision Map.
7. Owner shall comply with the Landscape Plan as approved by the Planning Commission on May 7, 1992, subject to the review and approval of the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the Planning Commission and the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
8. The property owner is hereby made aware that the property is located on Rincon Shale which has been determined to have the potential for radon gas concentrations. The City Building Department should be contacted, prior to building permit, with regard to the latest standards and guidelines related to radon gas.



9. The maximum square footage for residential living space proposed for each of the lots is as follows (these figures do not include garages or accessory structures):

Lot 2:	5,000 square feet.
Lot 3:	5,000 square feet.
Lot 4:	5,000 square feet.
Lot 5:	6,000 square feet.

10. The proposed private road (Schulte Lane) shall be constructed and installed in compliance with the City Subdivision Design and Improvement Standards, which are approved by resolution of the City Council.
11. The proposed private road (Schulte Lane) shall be constructed to the standards approved by the Public Works Director, and adequate improvement security to guarantee such construction shall be given to the City's Public Works Department.
12. Any future development shall be subject to the review and approval of the Architectural Board of Review. If any structures proceed through the development process prior to the Neighborhood Preservation Ordinance going into effect, the following techniques shall apply to the development:
- The structure shall blend into its surroundings;
  - Building height shall be in proportion to the style and size of the house and the lot;
  - Design retaining walls to blend into their surroundings; and
  - Use architectural features to break up unacceptable masses.
13. There shall be no further subdivision of the Real Property.
14. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 8

15. Prior to the final ABR approval, the applicant shall obtain written comments from Browning-Ferris Industries regarding the trash storage design and access, using a form provided by the Transportation and Parking Division.
  16. The applicant shall obtain written comments from the U.S. Postal Service regarding the location and design of the mailboxes, using a form provided by the Transportation and Parking Division.
  17. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Community Development Director.
  18. Two (2) guest parking spaces shall be provided on each lot in addition to the two (2) covered parking spaces required by the zoning ordinance. Size and location of these spaces to be determined by the Transportation Engineer.
  19. The residence on Lot 3 shall be designed to step down the hillside toward the southwest.
- B. The owner shall submit to the Public Works Department, a Final Map prepared by a licensed Land Surveyor or Registered Engineer.
- C. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Final Map:
1. Improvement plans for construction of improvements on Foothill Road. As determined by the Public Works Department, the improvements shall include, but not be limited to, handicap ramp, asphalt concrete pavement on aggregate base, and adequate positive drainage. The improvement plans shall be prepared by a registered Civil Engineer, and reviewed and signed by the City Engineer.



2. Improvement plans for construction of improvements on Schulte Lane (Private), from Foothill Road up to and including the cul-de-sac. As determined by the Public Works Department, the improvements shall include, but not be limited to, a three (3) foot wide roadside pedestrian path and drainage control (A.C. dike and drainage outlets) along one side of the road, asphalt concrete pavement on aggregate base to create a paved way which has a width of 20 feet to the entrance of Lot 2, and a width of 16 feet to the cul-de-sac, a 70-foot diameter cul-de-sac, and adequate positive drainage. The improvement plans shall be prepared by a registered Civil Engineer, and reviewed and signed by the City Engineer.
3. Executed Agreement for Public Land Development Improvements and improvement security for construction of improvements.
4. Plans shall show the existing landscaping on the sides of the driveway entrance off Foothill Road, and shall indicate that it will be cut and maintained no higher than 3½ feet above road grade.
5. Dedicate of offer to make a dedication for:
  - a. Easements for water, sewer, and other utilities.
  - b. Easements as shown on the approved Tentative Subdivision Map, including access for pedestrians and equestrians, subject to the approval by the Public Works Department and/or Division of Land Use Controls.
6. An adequate reciprocal access easement which has been recorded which provides ingress to all divisions of 3688 Foothill Road.
7. At the intersection of the private road and Foothill Road, provide a City standard concrete drainage cross gutter.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 10

- D. The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. The Developer shall meet with the City Police Department Crime Analyst to determine how lighting, locking mechanisms, egress and fencing can be designed and installed so as to reduce the potential number of calls for police service from occupants of the Real Property. The recommendations of this meeting shall be incorporated into the plans that the ABR reviews.
  2. All grading, construction, and alterations shall be reviewed and approved by the ABR.
  3. The residence on Lot 5 shall be designed to step down the hillside toward the southwest.
- E. The Owner shall complete the following prior to the issuance of building permits:
1. A construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department, Building Division, Planning Division, the Mitigation Monitoring Team, the Property Owner and Contractor. The following shall be finalized and specified in written form and submitted with the application for a building permits:
    - a. A mitigation monitoring program subject to review and approval by the Environmental Analyst, which includes, but is not limited to, all project amendments contained in the Initial Study dated February 7, 1992.
    - b. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
    - c. The route of construction-related traffic established to minimize trips through surrounding residential neighborhoods.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 11

- d. Construction prohibited on Saturday, Sunday, Holidays, and between the hours of 7:00 p.m. and 7:00 a.m.
- e. Regular water sprinkling schedule during site grading and the transportation of fill materials, using reclaimed water whenever the Public Works Director determines that it is reasonably available.
- f. The contractor shall prepare a traffic and pedestrian detour plan subject to the review and approval of the Transportation and Parking Manager. The contractor shall provide signs and devices necessary to implement the plan, and shall submit any changes to the plan at least seven days in advance.
- g. During clearing, grading, earth moving or excavation:
  - (1) Water trucks or sprinkler systems shall be used in sufficient quantities to prevent dust raised from leaving the site.
  - (2) The entire area of disturbed soil shall be sufficiently wet down to create a crust, after each day's activities cease.
  - (3) The haul routes for materials imported or exported from the site shall be determined in conjunction with Transportation Staff.
- h. After clearing, grading, earth moving or excavation is completed:
  - (1) The entire area of disturbed soil shall be treated to prevent wind pick up of soil. This may be accomplished by:
    - (a) Seeding and watering until grass cover is grown.



- (b) Spreading soil binders.
  - (c) Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pick up by the wind.
  - (d) Other methods approved in advance by the Air Pollution Control District.
- i. During Construction:
- (1) Water trucks or sprinkler systems to be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. As 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.
  - (2) All roadways, driveways, sidewalks, etc., should be paved as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- j. Activation of Increased Dust Control Measures:

The contract or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the Air Pollution Control District. The Environmental Analyst shall review the mitigation program request for proposal and contract.



- k. Trucks hauling grading material are required to be covered.
  2. Water must be allocated, by the Director of Community Development, to each specific lot prior to issuance of any building permit on that lot.
  3. The recommendations from the Preliminary Geotechnical Engineering Report, shall be incorporated into the project design.
  4. An approved NFPA 13D automatic fire sprinkler system shall be required in all habitable structures on Lots 3 and 5, in lieu of a maximum 16 percent driveway grade.
  5. A minimum of two (2) guest parking spaces are required on each of the new lots.
  6. A drainage improvement plan shall be prepared by a registered civil engineer prior to the issuance of any permits for the project. This drainage plan shall include a detailed analysis of the property and the drainage system under Foothill Road. This plan will be subject to the review and approval of the City's Chief Building Official, and must comply with all Federal Floodplain Management Standards.
  7. Residential structures on lots 2, 3, 4, and 5 shall be subject to the review and approval of the City Building Official as they relate to the potential for radon gas concentrations and the adequacy of the proposed venting system.
  8. A Knox Box shall be provided at the private gate entrance prior to obtaining a building permit for the first home which is built on any of the newly created lots.
- F. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Land Use Controls with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:
1. All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: the undersigned have read, understand, and agree to abide by the above conditions.



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 14

Signed:

\_\_\_\_\_  
Property Owner Date

\_\_\_\_\_  
Contractor Date License No.

\_\_\_\_\_  
Architect Date License No.

\_\_\_\_\_  
Engineer Date License No.

2. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
3. Public improvements and private roadway improvements as shown in the improvement plans.
4. A soils report prepared by a licensed soils engineer, and approved by the City Building Official, shall be submitted.
5. A geology report prepared by a licensed engineer or geologist, and approved by the City Building Official, shall be submitted.
6. A drainage and grading plan prepared by a registered civil engineer, and approved by the City Public Works Department, shall be submitted to both the Division of Land Use Controls and Public Works Department.
7. Contractors and construction personnel involved in any form of ground disturbance (i.e., utility placement or maintenance, grading, etc.) shall be alerted to the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst and a professional archaeologist shall be consulted. The Environmental Analyst and archaeologist shall assess the nature of any discoveries and develop appropriate management



Resolution No. 015-92  
3688 Foothill Road  
May 7, 1992  
(Revised January 12, 1993)  
Page 15

recommendations for archaeological resource treatment. If Native American resources are involved, Native American organizations and individuals recognized by the City shall be notified and consulted about any plans for treatment.

This motion was passed and adopted on the 7th day of May, 1992 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3                      NAYS: 2 (Blum & Johnson)                      ABSTAIN: 0  
ABSENT: 2 (Miller & Prieto)

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.

Anita L. Leski  
Anita L. Leski, Secretary

July 28, 1992  
Date

I hereby certify that this Resolution was revised by me on January 12, 1993.

Anita L. Leski  
Anita L. Leski, Secretary

January 12, 1993  
Date

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











City of Santa Barbara  
California

**INITIAL STUDY, SB-150-91**

**3688 FOOTHILL ROAD**

**DECEMBER 20, 1991**

**(REVISED FEBRUARY 7, 1992)**

**BACKGROUND**

The 18.86 acre site is currently developed with one single family home, a tennis court, citrus and avocado orchards. The property is located within the Foothill neighborhood of the General Plan, which designates the area as single-family with a minimum density of one unit per acre. Access to the site is from Foothill Road.

**PROJECT DESCRIPTION**

Assessor's Parcel Number: 55-030-54 and 55-122-29 (one legal lot)

Parcel Size: 18.86 acres

Current Zoning: A-1 One Family Residence.

General Plan Designation: Residential, one unit per acre.

Existing Use: Single family home and orchards.

Proposed Use: Five lot subdivision for residential purposes.

Specific details of the project have been included in a letter from the applicant (Attachment 1).

**APPLICATION**

A proposal by Garcia Architects, agent for Rudolf Schulte for a five lot subdivision of 18.86 acres. Discretionary applications for the project are:

- A) Tentative Subdivision Map for a five lot subdivision (Santa Barbara Municipal Code §27.07).
- B) Modification to allow a 20 percent slope private driveway instead of the maximum allowable slope of 16 percent (SBMC §28.90.045).
- C) Modification to allow three lots to have no required public street frontage (SBMC §28.15.080).
- D) Modification to allow parking spaces to be located within the 15 foot interior yard setback on Lot 3 (SMBC §28.90.001.8).

**\*\* Revision to Initial Study, 2/7/92 \*\***

In order to respond to Environmental Review Committee (ERC) members and public concerns of January 10, 1992, regarding projects impacts, the applicant has submitted supplemental information in written form (Attachment 8) including a revised Tentative Map (Attachment 9). To assist the ERC in their review of this Initial Study, Staff will indicate with a "**\*\* Revision to Initial Study, 2/7/92 \*\***" statement and corresponding indented text, whenever the project's revisions have addressed the respective impacts of the development.

**CONCLUSION/RECOMMENDATION**

An Initial Study has been prepared for the project. Potential impacts associated with this project include the following:

- ▶ Erosion and Grading
- ▶ Drainage
- ▶ Land Use
- ▶ Parking
- ▶ Human Health
- ▶ Cultural Resources
- ▶ Air Quality
- ▶ Water Supply
- ▶ Circulation
- ▶ Fire Protection
- ▶ Visual/Aesthetics

These project impacts have the ability to be mitigated to levels of less than significant, through the incorporation of project amendments. Based on the conclusions reached in the Initial Study, Staff recommends that the Environmental Review Committee review and consider this Initial Study and direct Staff to prepare a Negative Declaration for public review and comment.

**ENVIRONMENTAL CHECKLIST FORM**

To Be Completed by Lead Agency

I. PROJECT NAME: 3688 Foothill Road (Schulte Subdivision)

II. NAME, ADDRESS, TELEPHONE OF APPLICANT:  
 Garcia Architects, Inc.  
 122 East Arrellaga Street  
 Santa Barbara, CA 93101

III. ENVIRONMENTAL IMPACTS:

(Explanation of "yes" and "maybe" answers on attached sheets)

		<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1.	<u>Geology and Soils.</u> Will the proposal result in:			
	a. Unstable earth conditions or changes in geologic substructures?	—	—	<u>X</u>
	b. Disruptions, displacements, compaction or over-covering of the soil?	—	—	<u>X</u>
	c. Change in topography or ground surface relief features?	—	—	<u>X*</u>
	d. The destruction, covering or modification of any unique geologic or physical features?	—	—	<u>X</u>
	e. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X*</u>
	f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	<u>X</u>
	g. Exposure of people or property to geologic hazards such as earthquakes, landslides, ground failure, mudslides or similar hazards?	—	—	<u>X</u>
2.	<u>Air Quality.</u> Will the proposal result in:			
	a. Substantial air emissions or deterioration of local or regional ambient air quality?	—	—	<u>X*</u>
	b. The creation of objectionable odors?	—	—	<u>X</u>
	c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	—	—	<u>X</u>
3.	<u>Water.</u> Will the proposal result in:			
	a. Changes in currents, or the course of direction of water movements, in either marine or fresh water?	—	—	<u>X</u>

<u>ENVIRONMENTAL CHECKLIST FORM (Continued)</u>		<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
b.	Changes in absorption rates, drainage patterns or the rate and amount of surface water runoff?	—	—	<u>X*</u>
c.	Alterations to the course or flow of flood waters?	—	—	<u>X</u>
d.	Change in the amount of surface water in any water body?	—	—	<u>X</u>
e.	Exposure of people or property to water related hazards such as flooding or tsunamis?	—	—	<u>X</u>
f.	Substantial reduction in the amount of water available for public water supplies?	—	—	<u>X*</u>
g.	Discharge into surface waters, or in the alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	—	<u>X</u>
h.	Change in the quantity of ground waters, either through direct additions or withdrawals or through interception of an aquifer by cuts or excavations?	—	—	<u>X</u>
i.	Alteration of the direction or rate of flow of ground waters?	—	—	<u>X</u>
4.	<u>Plant Life.</u> Will the proposal result in:			
a.	Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops and aquatic plants)?	—	—	<u>X</u>
b.	Reduction in numbers or habitat area of any unique, rare or endangered plant species?	—	—	<u>X</u>
c.	Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	<u>X</u>
d.	Reduction in acreage of any agricultural crop?	—	—	<u>X</u>
5.	<u>Animal Life.</u> Will the proposal result in:			
a.	Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	—	—	<u>X</u>
b.	Reduction of numbers or habitat area of any unique, rare or endangered animal species?	—	—	<u>X</u>
c.	Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	—	<u>X</u>
d.	Deterioration to existing fish or wildlife habitat?	—	—	<u>X</u>

ENVIRONMENTAL CHECKLIST FORM (Continued)

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
6. <u>Noise</u> . Will the proposal result in:			
a. Increases in existing noise levels?	—	—	<u>X</u>
b. Exposure of people to severe noise levels?	—	—	<u>X</u>
7. <u>Light and Glare</u> . Will the proposal produce new light and glare?	—	—	<u>X</u>
8. <u>Land Use</u> . Will the proposal result in:			
a. A substantial alteration of the present or planned land use of an area?	—	—	<u>X*</u>
b. Non-conformance with existing zoning and general plan designations?	—	—	<u>X*</u>
9. <u>Natural Resources</u> . Will the proposal result in:			
a. Increases in the rate of use of natural resources?	—	—	<u>X</u>
b. Substantial depletion of any nonrenewable natural resource?	—	—	<u>X</u>
10. <u>Risk of Upset</u> . Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset condition?	—	—	<u>X</u>
b. Possible interference with an emergency response plan or an emergency evacuation plan?	—	—	<u>X</u>
11. <u>Population</u> . Will the proposal alter the location, distribution, density or growth rate of the human population of an area?	—	—	<u>X</u>
12. <u>Housing</u> . Will the proposal affect existing housing, or create a demand for additional housing?	—	—	<u>X</u>
13. <u>Transportation/Circulation</u> . Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	<u>X*</u>
b. Effects on existing parking facilities, or demand for new parking?	—	—	<u>X*</u>
c. Substantial impact upon existing transportation systems?	—	—	<u>X</u>
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	<u>X</u>

		<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
	e. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	<u>X</u>
	f. Alterations to waterborne, rail or air traffic?	—	—	<u>X</u>
14.	<u>Public Service.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
	a. Fire protection?	—	—	<u>X*</u>
	b. Police protection?	—	—	<u>X</u>
	c. Schools?	—	—	<u>X</u>
	d. Parks or other recreational facilities?	—	—	<u>X</u>
	e. Maintenance of public facilities, including roads?	—	—	<u>X</u>
	f. Other governmental services?	—	—	<u>X</u>
15.	<u>Energy.</u> Will the proposal result in:			
	a. Use of substantial amounts of fuel or energy?	—	—	<u>X</u>
	b. Substantial increase in demand upon existing energy sources or require the development of new sources?	—	—	<u>X</u>
16.	<u>Utilities.</u> Will the proposal result in a need for new systems, or substantial alterations to public utilities (i.e. water, sewer, power, storm drainage, telephone)?	—	—	<u>X</u>
17.	<u>Human Health.</u> Will the proposal result in:			
	a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	<u>X</u>
	b. Exposure of people to potential health hazards?	—	—	<u>X*</u>
18.	<u>Visual.</u> Will the proposal obstruct any scenic vista or view open to the public or create an aesthetically offensive site open to public view?	—	—	<u>X*</u>
19.	<u>Recreation.</u> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	<u>X</u>
20.	<u>Cultural Resources.</u>			
	a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	—	—	<u>X*</u>
	b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?	—	—	<u>X</u>

ENVIRONMENTAL CHECKLIST FORM (Continued)

YES      MAYBE      NO

- |      |   |   |   |          |
|------|---|---|---|----------|
| c.   | Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?   | — | — | <u>X</u> |
| d.   | Will the proposal restrict existing religious or sacred uses within the potential impact area?  | — | — | <u>X</u> |
| <br> |   |   |   |          |
| 21.  | <u>Mandatory Findings of Significant Environmental Effect.</u>  |   |   |          |
| a.   | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California's history or prehistory? | — | — | <u>X</u> |
| b.   | Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?   | — | — | <u>X</u> |
| c.   | Does the project have environmental effects which are individually limited but cumulatively considerable?   | — | — | <u>X</u> |
| d.   | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | — | — | <u>X</u> |
| <br> |   |   |   |          |
| 22.  | <u>Alternatives to the Proposed Action.</u> Does the project require the discussion and evaluation of a range of reasonable alternatives which could feasibly attain the basic objectives of the project?   | — | — | <u>X</u> |

**IV. DISCUSSION OF ENVIRONMENTAL EVALUATION AND MITIGATION MEASURES:**

See attached narrative description of the environmental impacts.

"\*" = An explanation is attached although a "no" is indicated.

V. RECOMMENDATION OF THE ENVIRONMENTAL ANALYST:

On the basis of this initial evaluation:

- I find the proposed project will NOT have a significant adverse environmental effect, and a NEGATIVE DECLARATION should be prepared.
- I find that although the proposed project could have a significant adverse environmental effect, there would not be a significant effect in this case if the project amendments described herein are included in the project. A NEGATIVE DECLARATION should be prepared.
- I find that the proposed project MAY have a significant adverse environmental effect, and an ENVIRONMENTAL IMPACT REPORT should be prepared.
- I find that the project MAY have a significant adverse environmental effect and the impact is described in the (insert previous EIR)

Brent Danub  
Staff Signature

JAN. 31, 1992  
Date

DETERMINATION OF THE ENVIRONMENTAL REVIEW COMMITTEE

NEGATIVE DECLARATION  
(Action)

FEB. 7, 1992  
(Date)

## ENVIRONMENTAL IMPACT DISCUSSION

### 1.c & e. Erosion and Grading.

The Master Environmental Assessment (MEA) indicates that the project is in an area of active, high and conditional erosion potential. The applicant has submitted a preliminary geotechnical engineering report (Attachment 2) which indicates that the site has a high potential for creep and/or down-hill movement (landsliding). The report recommends that support for the proposed structures be on drilled, cast-in-place piles, in relatively hard formational materials.

Except for Lot 2, the proposed parcels are close to and above 30 percent in slope. The following is a breakdown of each lot:

<u>Lot Number</u>	<u>Size of Lot</u>	<u>Percent Slope</u>	<u>Grading Cut CY</u>	<u>Grading Fill CY</u>
1	3.31 acres	37.2 %	0	0
2	1.83 acres	10.1 %	0	3,100
3	2.40 acres	28.0 %	2,600	200
4	2.18 acres	27.1 %	100	600
5	9.15 acres	37.8 %	1,500	2,200 (pad only)
			<u>3,500</u>	<u>1,000 (driveway)</u>
Totals:			7,700 CY	7,100 CY

The Zoning Ordinance prohibits any grading on slopes greater than 30 percent. This provision is intended to prevent excessive grading and limit significant environmental impacts associated with erosion, drainage and grading. The applicant has worked closely with Staff and the Architecture Board of Review, in order to produce a project that avoids all 30 percent sloped areas. The original submittal included both roadways and building sites in areas of over 30 percent slope. The current proposal avoids all development within the 30+ percent sloped areas.

Given the revised plans submitted by the applicant which eliminated development in the steeper sloped areas, and with the incorporation of the recommendations outlined in the geotechnical report (Amendment A.1.c), no significant impacts are expected to occur.

**\*\* Revision to Initial Study, 2/7/92 \*\***

A Letter of Geotechnical Opinions (Attachment 10) has been submitted by the applicant and addresses the following concerns:

- ▶ Revised site layout;
- ▶ Expansive soils;
- ▶ Caissons;
- ▶ Retaining walls;
- ▶ Slope Stability; and
- ▶ Radon.

In summary, the Opinion Letter concludes the Preliminary Geotechnical Engineering Report is appropriate for use in the preliminary design of the five lot subdivision.

Building Department Staff have reviewed this submittal and are also of the opinion that this information is adequate for the proposed subdivision. No significant impacts are expected to occur, and no additional project amendments are necessary.

**2.a Air Quality.**

Short-term air quality impacts could occur as a result of construction traffic associated with the new roadways and residences. With the incorporation and implementation of project amendments to control dust (Amendment A.I.a.4,6,7,8, and 9), no significant impacts are expected to occur.

**3.b Drainage.**

The project will create new impervious surfaces and aggregate runoff with the road improvements, new road and new building sites. In addition, the lower portion of the property is in an area of potential inundation during 100 year floods. Staff has reviewed the Water Surface Profile Study, Northridge Drain, submitted by the applicant (Attachment 3). The study concluded that ponding has the potential to extend to approximately elevation 300.5 feet. Subsequent to the writing of the study, the applicant has deleted one of the lots in the lower section of the property. This enabled the remaining building pad in the lower section to be moved back further from the ponding area. The proposed finished floor elevation for this pad is  $\pm 310$  feet.

The existing Northridge drainage course will be used to contain and direct runoff from the new development. The anticipated drainage system would direct storm runoff from the new structures, down the driveway shoulders of the new roadways, and into the existing drainage course through an appropriate non-erosive dissipation device. The Building Department will require that a drainage improvement plan be prepared by a registered civil engineer prior to the issuance of any permits for the project. This drainage plan shall include a detailed analysis of the property and the drainage system under Foothill Road. This plan will be subject to the review and approval of the City's Chief Building Official, and must comply with all Federal Floodplain Management Standards.

Given the revised plans submitted by the applicant which eliminated development in the lowest portion of the property and with the incorporation of the required drainage plan (Amendment A.I.f.), no significant impact are expected to occur.

**\*\* Revision to Initial Study, 2/7/92 \*\***

A drainage concern raised at the hearing was the increase runoff associated with the proposed development. The applicant has submitted an engineering estimate of the increased runoff (Attachment 11). This estimate concludes that for the one-hundred year event an increase of 1.2 cubic feet per second (CFS) over the existing 430 CFS (an increase of 0.3 percent) would occur on the northerly side of Foothill Road. It is anticipated that the existing drainage system can handle the increased runoff. The percentage increase on the southerly side of Foothill Road would be less given the increase tributary area. No significant impacts are expected to occur, and no additional project amendments are necessary.

**3.f Water Supply.**

The property currently has a one existing single family dwelling. Three of the other proposed lots occupy numbers 205, 206 and 207 on the Single Family Water Allocation List. Currently, water has been allocated up to number 106 on the Single Family Allocation List. Since this proposal is a "dry lot subdivision" no building permits for any of the residential structures will be issued until such time as water becomes available for each of these lots through allocations or the Off-Site Retrofit Program (Amendment A.I.b.). Therefore, no significant impact is expected to occur.

## 8. Land Use.

The Zoning Ordinance includes provisions for increases in minimum lot area when parcels are on slopes over ten percent. This section is commonly referred to as the Slope Density Ordinance. The proposed project is consistent with the Slope Density Ordinance, therefore no significant impacts are expected to occur.

Modifications for the slope of the driveway, frontage and interior yard encroachment will be considered by the Planning Commission, and if found to be consistent with the Zoning Ordinance they may be approved.

The existing commercial agricultural use of the property requires issuance of Conditional Use Permit (CUP) by the Planning Commission. Currently, the City is processing amendments to the Zoning Ordinance and the General Plan which would allow commercial agriculture within the City Limits without a CUP. An environmental impact report (EIR) is being prepared to analyze potential impacts associated with such uses. Specific standards will be developed to resolve potential incompatibilities between residential and agricultural uses. These standards would include, but not be limited to, restrictions on pesticide storage and spraying, habitat protection, erosion control, dust control, traffic and noise. Any adopted standards and administrative procedures would apply to the proposed project.

### **\*\* Revision to Initial Study, 2/7/92 \*\***

Concerns were raised at the previous hearing regarding the amount of orchard area that would potentially be removed for the development. The applicant has calculated the orchard removal to include approximately 4,500 square feet of citrus and 63,000 square feet of avocado orchard (Attachment 12). In addition to this removal, the project calls for landscaping a total of 60,500 square feet of which 37,500 square feet is the proposed removed orchard area and the remainder is existing bare land. The net planting area loss after grading and re-vegetaion would amount to approximately 7,000 square feet.

The City has no thresholds related to loss of agriculture in residentially zoned areas. The amount of orchard lost represents a very small percentage of the entire property, therefore no significant impacts are anticipated.

### **13.a Transportation/Circulation.**

Short-term traffic impacts could occur as a result of construction traffic associated with the new road system and residences. With the implementation of the mitigation measures (Amendment A.l.a.1,2,3, 5,10, and 11), no significant impacts should occur.

#### **\*\* Revision to Initial Study, 2/7/92 \*\***

Concerns were also raised with regard to ingress to the property and sight distance at the point of access. Transportation Staff has concluded (Attachment 13) that the staging area of the driveway is adequate for one standard size car, attempting to turn on to Foothill Road, without any problem of visibility.

Transportation Staff has calculated required sight distance to be 360 feet in either direction. Currently, visibility is approximately 400 feet to the west and 500 feet to the east. In addition, the Zoning Ordinance requires no more than 3½ foot high plantings at driveway entrances. With the incorporation of this requirement as identified on the proposed landscape plan, no significant impacts are expected to occur.

### **13.b Parking.**

Transportation Staff has identified the need for guest parking spaces on each of the proposed lots. The current proposal provides two guest parking spaces on each of these lots, and Staff has determined that with these spaces parking demand will be met on site. Therefore, with the incorporation of the guest parking space requirements (Amendment A.l.e.), no significant impacts are expected to occur.

### **14.a Fire Protection.**

The applicant has requested a modification of the 16 percent maximum slope for driveways. This is a requirement which is typically related to emergency vehicle access to property which is being developed. Fire Department Staff has reviewed this request and has indicated that they can support this if an approved automatic fire sprinkler system is installed in the structure on Lot 5 where the proposed driveway exceeds the 16 percent requirement (Attachment 4). With the inclusion of this requirement (Amendment A.l.d), no significant impacts are expected to occur.

**\*\* Revision to Initial Study, 2/7/92 \*\***

Discussions with City Fire Staff have indicated that existing access to the property is adequate for emergency vehicles. Additionally, Attachment 4 of the original Initial Study outlines Fire Department requirements for the proposed subdivision. These conditions include driveway access and high fire hazard construction requirements. Since these requirements are included within the Uniform Fire Code, no project amendments are necessary, and no significant impacts are expected to occur.

**17.b Human Health.**

As described in the Land Use Section of this Initial Study, there may exist potential incompatibilities with commercial agriculture and residential uses. However, performance standards are currently in the process of being developed, and it is anticipated that projects with commercial agricultural use will be required to comply with these standards. With the compliance of those performance standards, no significant impacts are expected to occur.

**\*\* Revision to Initial Study, 2/7/92 \*\***

Concerns with regard to radon gas were raised at the initial hearing. As part of the Geotechnical Opinion Letter, this issue was addressed (Attachment 10). Discussions with the Assistant Building Official have indicated that to-date no mitigation measures have been adopted or deemed necessary for radon gas concentrations. Although radon gas may present a health risk in highly concentrated amounts, minor design modifications can greatly reduce the potential for this gas to accumulate. It is the opinion of the project engineer that by incorporating ventilation systems, sealing basement and slab joints or installing a vapor extraction system, the gas will be allowed to disperse rather than concentrate.

The Building Official shares these same opinions, but also has indicated that the Building Department doesn't have the ability to require a specific design type. However, the proposed future structures on this site could be subject to the review and approval of the City Building Official as they relate to the potential for radon gas concentrations and the adequacy of the proposed venting system. With the

inclusion of this as a project amendment (Amendment A.I.g), no significant impacts are expected to occur.

**18. Visual/Aesthetics.**

The General Plan Designation for the project site is Residential one unit per acre, and Major Hillside. The MEA identifies the site as an area of visual sensitivity because of its steep slopes. At the initial meeting before the Architectural Board of Review (ABR), the Board expressed concerns relating to slope scarring and driveway configuration. In subsequent meetings the Board has reviewed the revised project which avoids all development in the 30+ percent slopes. These meetings have resulted in positive Board comments regarding grading, orchard preservation, landscaping, and driveway configuration (Attachment 5). Given the revised plans submitted by the applicant which eliminated development in the steeper sloped areas, and the additional required ABR review, no significant impacts are expected to occur.

**\*\* Revision to Initial Study, 2/7/92 \*\***

Concerns were also raised regarding the potential visual impacts associated with the project. The applicant has revised the tentative map to include grading envelopes for the proposed residences, and has also restricted the size of the homes that could be proposed for each lot. The maximum living space proposed for each of the lots is as follows:

- Lot 2: 5,000 square feet.
- Lot 3: 5,000 square feet.
- Lot 4: 5,000 square feet.
- Lot 5: 6,000 square feet.

Covenants, Conditions and Restrictions (CC&R's) were previously discussed at the initial hearing, however, it is Staff's determination that with the implementation of the Neighborhood Preservation Ordinance (NPO) CC&R's are not necessary for this project. Based on the amount of grading estimated for each of the lots the NPO mandates that each of these lots will need additional review. Findings related to the NPO must be met with regard to public welfare, appropriateness of grading, consistency with the neighborhood and size, bulk and scale compatibility, among others.

Given the revised plans submitted by the applicant which outline grading envelopes for the proposed residences and maximum home sizes, and the additional review required by the NPO, no significant impacts are expected to occur.

**20.a Cultural Resources.**

The MEA identifies this property as having the potential for prehistoric resources. A Phase I Study for the 18-plus acres was accepted by the Landmarks Committee on July 10, 1991 (Attachment 6). No potentially significant prehistoric or historic archaeological resources were identified for the property in the Phase I Study. However, there is always a remote possibility of uncovering unanticipated subsurface features or artifacts. If such resources are encountered or suspected, work should be halted immediately, and a professional archaeologist consulted (Amendment A.II.a). With the incorporation of this amendment to the project description, no significant impacts should occur.

**STAFF RECOMMENDATION:**

- A. Staff recommends that the following Amendments be incorporated into the project description:
- I. The Owner shall complete the following prior to the issuance of building permits:
    - a. A construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department, Building Division, Planning Division, the Environmental Analyst, the Mitigation Monitoring Team, the Property Owner and Contractor. The following shall be finalized and specified in written form and submitted with the application for a building permits:
      1. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
      2. The route of construction-related traffic established to minimize trips through surrounding residential neighborhoods.
      3. Construction prohibited on Saturday, Sunday, Holidays, and between the hours of 7:00 p.m. and 7:00 a.m.
      4. Regular water sprinkling schedule during site grading and the transportation of fill materials, using reclaimed water whenever the Public Works Director determines that it is reasonably available.
      5. The contractor shall prepare a traffic and pedestrian detour plan subject to the review and approval of the Transportation and Parking Manager. The contractor shall provide signs and devices necessary to implement the plan, and shall submit any changes to the plan at least seven days in advance.

6. During clearing, grading, earth moving or excavation:
  - a. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent dust raised from leaving the site.
  - b. The entire area of disturbed soil shall be sufficiently wet down to create a crust, after each day's activities cease.
  - c. The haul routes for materials imported or exported from the site shall be determined in conjunction with Transportation Staff.
7. After clearing, grading, earth moving or excavation is completed:
  - a. The entire area of disturbed soil shall be treated to prevent wind pick up of soil. This may be accomplished by:
    - i. Seeding and watering until grass cover is grown.
    - ii. Spreading soil binders.
    - iii. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pick up by the wind.
    - iv. Other methods approved in advance by the Air Pollution Control District.
8. During Construction:
  - a. Water trucks or sprinkler systems to be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. As 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.

- b. All roadways, driveways, sidewalks, etc., should be paved as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

9. Activation of Increased Dust Control Measures:

The contract or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the Air Pollution Control District. The Environmental Analyst shall review the mitigation program request for proposal and contract.

10. Covered trucks hauling grading material are required.

- b. Water must be allocated to each specific lot prior to issuance of any building permit on that lot.
- c. The recommendations from the Preliminary Geotechnical Engineering Report, shall be incorporated into the project design.
- d. An approved NFPA 13D automatic fire sprinkler system shall be required in all habitable structures on Lot 5, in lieu of a maximum 16 percent driveway grade.
- e. A minimum of two (2) guest parking spaces are required on each of the new lots.
- f. A drainage improvement plan shall be prepared by a registered civil engineer prior to the issuance of any permits for the project. This drainage plan shall include a detailed analysis of the property and the drainage system under Foothill Road. This plan will be subject to the review and approval of the City's Chief Building Official, and must comply with all Federal Floodplain Management Standards.
- g. Residential structures on lots 2, 3, 4, and 5 shall be subject to the review and approval of the City Building Official as

they relate to the potential for radon gas concentrations and the adequacy of the proposed venting system.

II. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Land Use Controls with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:

a. Contractors and construction personnel involved in any form of ground disturbance (i.e., utility placement or maintenance, grading, etc.) shall be alerted to the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst and a professional archaeologist shall be consulted. They shall assess the nature of any discoveries and develop appropriate management recommendations for archaeological resource treatment. If Native American resources are involved, Native American organizations and individuals recognized by the City shall be notified and consulted about any plans for treatment.

III. Prior to the issuance of any building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner (with the Final Map on an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property") which shall be reviewed as to form and content by the City Attorney and Community Development Director:

a. The property is located on Rincon Shale which has been determined to have the potential for radon gas concentrations. The City Building Department should be contacted with regard to the the latest standards and guidelines related to radon gas.

b. The maximum square footage for residential living space proposed for each of the lots is as follows (these figures do not include garages or accessory structures):

Lot 2:	5,000 square feet.
Lot 3:	5,000 square feet.
Lot 4:	5,000 square feet.
Lot 5:	6,000 square feet.

- B. Staff recommends that the Environmental Review Committee make the following findings:
1. That with the project amendments, there will be no significant environmental impacts as a result of this project; and
  2. Pursuant to Section §15070 of the California Environmental Quality Act Guidelines, the ERC directs Staff to prepare a Negative Declaration.

Attachments:

1. Applicant's submittal letter, dated October 11, 1991.
  2. Preliminary Geotechnical Engineering Report, prepared by K-C Geotechnical Associates, prepared for Rudolf Schulte, dated December 28, 1990 (attachments in project file).
  3. Water Surface Profile Study, Northridge Drain, prepared by Flowers & Associates, prepared for Rudolf Schulte, dated November 1, 1991. (oversized attachments in project file).
  4. Letter from Fire Department to Garcia Architects, dated October 10, 1991.
  5. Architectural Board of Review minutes dated August 26, September 9, and September 30, 1991.
  6. Phase 1 Cultural Resource Study, prepared by David Stone, prepared for Mr. Rudolf Schulte, dated September 25, 1990.
  7. Location Map.
- \*\* Revision to Initial Study, 2/7/92 \*\***
8. Applicant letter, dated January 29, 1992.
  9. Revised Tentative Map.
  10. Letter of Geotechnical Opinions, prepared by K-C Geotechnical Associates, prepared for Mr. Rudolf Schulte, dated January 24, 1992.
  11. Letter from Flowers & Associates, Inc., dated January 17, 1992.
  12. Letter from Flowers & Associates, Inc., dated January 24, 1992.
  13. Transportation Staff memo, dated January 30, 1992.





**CITY OF SANTA BARBARA**

**ADDENDUM TO NEGATIVE DECLARATION**

**3688 FOOTHILL ROAD  
(SB-150-91)**

**FOR 296 SCHULTE LANE GRADING ENVELOPE AMENDMENT  
(MST2013-00406)**

**MARCH 18, 2014**

This Addendum is prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164, which provides that an addendum to a previously adopted negative declaration may be prepared if only minor technical changes or additions are necessary to make the prior document adequate for the current project.

This Addendum is prepared to address the proposed amendment to the designated Grading Envelope for Lot 4 (currently referred to as 296 Schulte Lane) of the previously approved five-lot subdivision of 3688 Foothill Road.

**PRIOR ENVIRONMENTAL DOCUMENT**

The original Negative Declaration (ND) was prepared for a five-lot subdivision of an 18.86-acre site identified as 3688 Foothill Road. This ND was adopted by the Planning Commission on May 7, 1992 when they approved the subdivision and associated modification requests. Each lot in the subdivision included a designated grading envelope within which all residential and related improvements were to be located.

Potential environmental impact areas that were identified in the ND included geology and soils, air quality, water resources, land use, transportation/circulation, human health, visual/aesthetics, cultural resources and fire protection. The ND concluded that the project would not have a significant effect on the environment if the project amendments described therein were incorporated into the project.

## **REVISED PROJECT DESCRIPTION**

The five-lot subdivision has been recorded, all access roads, utilities and drainage improvements have been installed, and homes have been constructed on all lots except Lot 4. The current proposal is to relocate Lot 4's designated grading envelope in order to construct a new single-family residence. The approved grading envelope is located in the southern portion of the lot, just north of the access road turnaround and between the private driveways that access residential development on Lots 3 and 5. The proposed grading envelope would be located immediately north of the approved grading envelope, between the driveway accessing development on Lot 5 and the subject lot's eastern boundary.

## **ANALYSIS OF ENVIRONMENTAL CIRCUMSTANCES**

There have been no substantial changes in existing environmental conditions since preparation of the ND. However, the subdivision analyzed in the ND has been recorded and access roads and houses have been constructed (with the exception of a residence on Lot 4, the subject parcel), as analyzed in the ND. Additionally, in the designated grading envelope for Lot 4, the previously existing tennis court has been removed, and an orchard has been planted.

## **ANALYSIS OF PROJECT IMPACTS AND MITIGATIONS**

Based on review of the ND and the current proposal, Staff determined that the issue areas that require more thorough analysis are visual/aesthetics and geology/soils.

Visual / Aesthetics Resources: In order to respond to Environmental Review Committee (ERC) members' and public concerns regarding potential visual impacts (raised at the ERC meeting of January 10, 1992), the applicant submitted supplemental information and a revised Tentative Map. The applicant revised the Tentative Map to include grading envelopes for the proposed residences and also restricted the size of the homes that could be developed on each lot. On the subject lot (Lot 4), home size was limited to 5,000 square feet. With these changes, the ERC was able to support the ND on February 7, 1992, and the Planning Commission adopted that ND and approved the project on May 7, 1992.

The proposed relocation of the grading envelope would move the approved grading envelope (15,376 sf) from an area with a calculated average slope of 15.56% up the hill to an area (14,956 sf) with a calculated average slope of 29.68% and a small accessory building envelope (565 sf) with a calculated average slope of 18.88%. The overall average slope of the entire parcel (2.212 acres) is 29.2%. The subject parcel is not visible from any public viewpoints, including the most adjacent public roads (Foothill or Northridge Roads or Morada Lane. However, the site is visible from the private Schulte Lane and from adjacent private residences along Morada Lane and Northridge Lane.

Development of the site in either the approved grading envelope or in the proposed grading envelope would be visible to adjacent residences. If developed in the approved grading envelope, the residence would be very visible from Schulte Lane in the vicinity of the turnaround and would require removal of many trees (including avocado, grapefruit and cherimoya), which comprise an existing commercial orchard. This orchard did not exist when the ND was prepared, but has been in existence on the subject parcel for more than ten years.

The proposed residence would be two stories and approximately 3,275 net square feet, plus an attached 528 net square foot garage, 620 net square feet of attached accessory space and a detached 285 square foot storage building. Visual simulations of the proposed residence in the new location have been prepared by the project architect and are attached (Attachment 1).

The proposed residential development was reviewed by the Single Family Design Board (SFDB) on December 16, 2013 and January 13, 2014, and was found to be acceptable and complimentary with the profile of the slope. The majority of the Board appreciated the preservation of the existing mature orchard. Final design approval from the SFDB will be required if the Planning Commission approves the grading envelope amendment.

Based on the visual simulations and feedback from the SFDB, the relocated grading envelope and proposed new residence would not result in significant impacts to public scenic views and would not significantly degrade the visual character of the site or its surroundings. The home has been designed to be stepped into the hillside in order to minimize grading and apparent height. Therefore, impacts associated with Visual and Aesthetic Resources would remain less than significant.

Geology / Soils: The ND noted that the applicant worked with staff and the design board to produce a project that avoided development on 30% slopes. The proposed revision to the grading envelope location moves the envelope from a more gently sloped area (15%) to a fairly steep sloped area (29%).

The Letter of Geotechnical Opinions prepared by K-C Geotechnical Associates and dated January 24, 1992 noted that 2 to 1 (horizontal to vertical) maximum cut and fill slopes would be used to construct the roadway and building pads. Grading on the subject lot was estimated at 100 cubic yards (cy) of cut and 600 cy of fill. The revised grading envelope proposal anticipates 467 cy of cut and 385 cy of fill, to be balanced on site. The project must comply with the conditions of approval, which require compliance with the recommendations from the Preliminary Geotechnical Engineering Report (K-C Geotechnical Associates, dated December 28, 1990). That Report recommended drilled, cast-in-place piles to support the structures; however, it also noted that site-specific analysis should also be performed. An updated soils report is required as a standard submittal document for any application for a building permit on the subject lot. Given this requirement, the development would be constructed in compliance with the recommendations of this updated soils report. Therefore, impacts associated with Geology and Soils would remain less than significant.

Land Use: When the project was initially reviewed, concerns were raised regarding the amount of orchard area that would be removed for the development. Approximately 4,500 square feet of citrus and 63,000 square feet of avocado orchards were identified for removal as part of the development. By relocating the grading envelope, approximately 15,000 square feet of orchard area could be maintained (note that this area was not included in the initial calculations cited above because this orchard area was planted many years after the subdivision was approved). Impacts associated with land use would remain less than significant. Retention of this 10-year old orchard is also consistent with City policies related to urban agriculture.

## CONCLUSION

As discussed above, staff has concluded that the project would not have significant impacts on any environmental resources, most applicably, visual/aesthetics or geology/soils resources.

## CEQA FINDING

Based on the above review of the revised project, in accordance with State CEQA Guidelines Sections 15162 and 15164, no subsequent ND or Environmental Impact Report is required for the project revisions because:

- (1) Project changes do not require major revisions of the previous ND because there are no new significant environmental effects and there is no increase in the severity of previously identified significant effects, as identified above.
- (2) There have been no substantial changes with respect to the circumstances under which the project is undertaken; therefore, no major revisions of the ND are required to address new significant environmental effects or an increase in the severity of previously identified significant effects, as identified above.
- (3) There is no new information of substantial importance that shows that the project will have any significant effects not discussed in the previous ND or that significant effects previously examined will be more severe than shown in the previous ND. Nothing in the changes to the project resulting from the current request appear to necessitate new or revised mitigation measures or indicate that the previously identified measures will not fully mitigate potential impacts. The project proponent has not declined to adopt any identified mitigation measures.

This Addendum identifies the changes to previously identified project impacts, based on the revised grading envelope location on Lot 4. With application of previously required conditions of approval, all project impacts would continue to be less than significant. This Addendum, together with the Final ND dated December 20, 1991 and Revised February 7, 1992 constitute adequate environmental documentation in compliance with CEQA for the revised project.

Prepared by: Allison De Busk Date: 3-18-14  
Allison De Busk, Project Planner

Reviewed by: Renee Brooke Date: 3/18/14  
Renee Brooke, Senior Planner

### Attachment

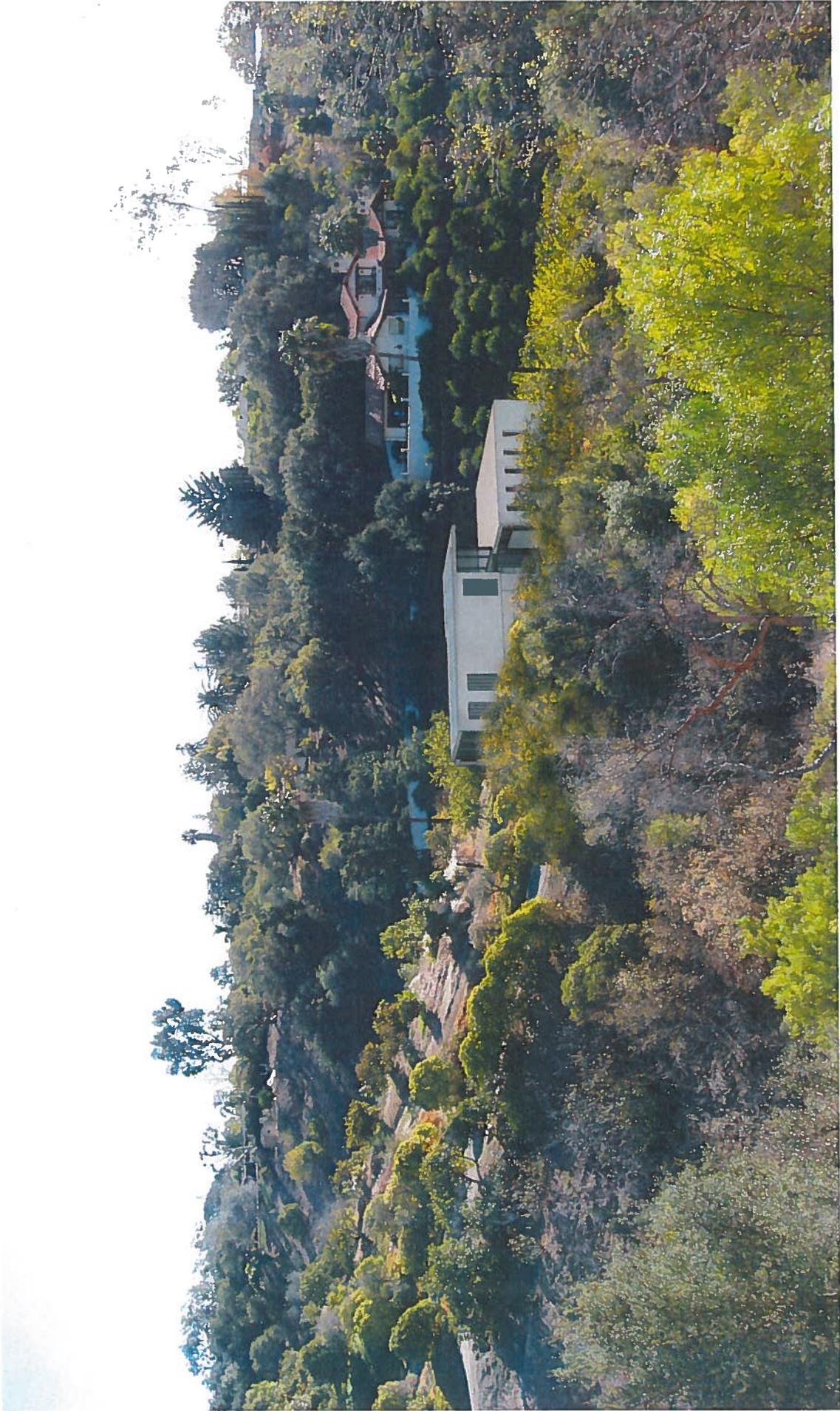
1. Visual Simulations received March 13, 2014

## LIST OF SOURCES USED IN PREPARATION OF THIS ADDENDUM

The following sources used in the preparation of this Initial Study are located at the Community Development Department, Planning Division, 630 Garden Street, Santa Barbara and are available for review upon request.

1. Negative Declaration dated December 20, 1991 and Revised February 7, 1992
2. Planning Commission Resolution No. 015-92 adopted May 7, 1992 (revised January 12, 1993)
3. Applicant Letter prepared by Clay Aurell, AB Design Studio, Inc. and dated November 21, 2013
4. Project Plans prepared by AB Design Studio, Inc. and received March 13, 2014





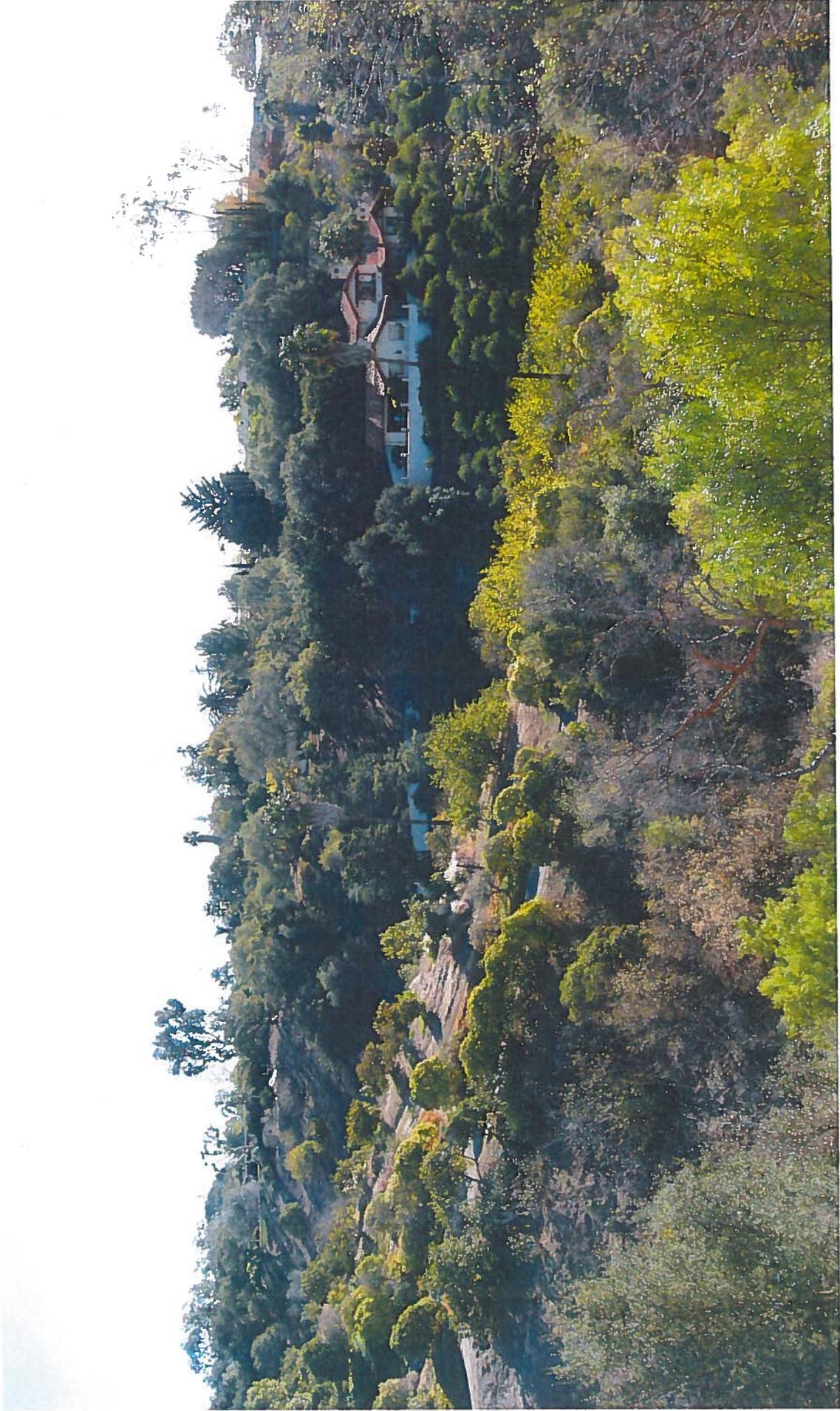
SIMULATION VIEW FROM NEIGHBOR'S HOUSE ON RIDGE

**RECEIVED**  
MAR 13 2014

CITY OF SANTA BARBARA  
PLANNING DIVISION



SIMULATION VIEW FROM SCHULTE LANE ROUNDABOUT



ORIGINAL VIEW FROM NEIGHBOR'S HOUSE ON RIDGE



ORIGINAL VIEW FROM SCHULTE LANE ROUNDABOUT

## Applicable General Plan Policies

### Land Use Element

LG14. Low Density Single Family Zoned Residential Areas. Maintain and protect the character and quality of life of single family zoned neighborhoods as a low density residential community.

### Environmental Resources Element

ER11. **Native and Other Trees and Landscaping.** Protect and maintain native and other urban trees, and landscaped spaces, and promote the use of native or Mediterranean drought-tolerant species in landscaping to save energy and water, incorporate habitat, and provide shade.

ER23. **Regional Agriculture.** Support regional coordination toward expanding local sustainable food sources. Support incentives for maintaining and establishing additional agricultural farms and farm stands within the City, the South Coast, and tri-county areas. Support directing local food to our schools, cafeterias, groceries, convenience stores, and restaurants.

ER24. **Visual Resources Protection.** New development or redevelopment shall preserve or enhance important public views and viewpoints for public enjoyment, where such protection would not preclude reasonable development of a property.

#### Visual Resources (part of Environmental Resources Element):

2.0 Development on hillsides shall not significantly modify the natural topography and vegetation.

3.0 New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.

4.0 Trees enhance the general appearance of the City's landscape and should be preserved and protected.

5.0 Significant open space areas should be protected to preserve the City's visual resources from degradation.

6.0 Ridgeline development which can be viewed from large areas of the community or by significant numbers of residents of the community shall be discouraged.

